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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 10TH DECEMBER 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, J. Clarke, S. M. Evans, D. J. A. Forsythe, E. M. S. Gray, R. E. Lambert, B. McEldowney and J. D. Stanley

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 15th October 2024 (Pages 7 - 24)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. TPO24/170 - Requesting consent to work on a TPO Protected Tree - 256 Stourbridge Road, Catshill, Bromsgrove, B61 9LQ (Pages 25 - 48)
6. 24/00229/FUL - Retention of 13 storage containers (and hardstanding). Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG. Mr. M. Hodgetts (Pages 49 - 66)
7. 24/00307/FUL - Retention of storage compound and hardstanding, including 2.4m palisade fence. Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG. Mr. M. Hodgetts (Pages 67 - 82)
8. 24/00516/S73 - 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 in relation to the approved reserved matters 23/00993/REM (Miller Homes phase) including plots 291 to 293 & plots 342 to 353 only of the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof 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 and must be erected before 22/00090/REM (Bellway) plots 291 to 293 & plots 342 to 33 or subsequent variations thereof are occupied. Noise mitigation measures (glazing, ventilation and garden fences) shall be carried out in accordance with the Environmental Noise Assessment (22336-1-R8) prepared by Noise.co.uk dated 25 October 2024. Bellway Homes Ltd. (Pages 83 - 94)
9. 24/00554/REM - Reserved matters application for details relating to the development of 43 dwellings, associated parking, roads and footpaths, areas of open space, drainage infrastructure, plant, landscaping and associated works. Bordesley Hall, The Holloway, Alvechurch, Worcestershire, B48 7QA. Wain Homes (Pages 95 - 126)
10. 24/00708/FUL - Full planning application for 3no. industrial units, B2/B8 use class with first floor offices, associated parking & service areas. Sapphire Court, Isidore Road, Bromsgrove Technology Park, Bromsgrove, Worcestershire B60 3ET. Mr. J. Downes (Pages 127 - 156)
11. 24/00904/CPL - Single-storey rear extension. 32 Mearse Lane, Barnt Green, Worcestershire, B45 8HL. Mr. B. Kumar (Pages 157 - 164)
12. 24/01005/FUL - Change of use of land from agricultural use to create external seating area and extended car parking area in association with the

commercial uses on the site (retrospective). Backlane Farm, St Kenelms Road, Romsley, Worcestershire, B62 0PG. Mr. M. Hodgetts (Pages 165 - 178)

13. 24/01062/CPE - Lawful Development Certificate sought to confirm development has commenced in accordance with condition 1 of planning permission ref. 21/01754/FUL dated 11th February 2022; Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot and so would be lawful for planning purposes. Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ. Mr. P.,. Whittaker (Pages 179 - 188)
14. 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

2nd December 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 Council's website.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments.

For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council's website.

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

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

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

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Officer and will be invited to

unmute their microphone and address the Committee face-to-face or via Microsoft Teams.

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

Notes:

1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk before 12 noon on Friday 6th December 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 6th December 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 and the Live Streaming stopped.



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- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
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- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

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

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 15TH OCTOBER 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, S. J. Baxter, S. M. Evans, E. M. S. Gray, B. Kumar (substituting for Councillor D. J. A. Forsythe), R. E. Lambert, B. McEldowney, D. J. Nicholl (substituting for Councillor J. Clarke) and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. G. Boyes, Ms. J. Chambers, Ms. E. Darby, Mr. P. Lester and Mrs. P. Ross

41/24

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors J. Clarke and D. J. A. Forsythe, with Councillors D. J. Nicholl and B. Kumar in attendance respectively, as the substitute Members.

42/24

DECLARATIONS OF INTEREST

Councillor A. Bailes declared the following:-

An Other Disclosable Interest in relation to Agenda Item No.6 – 23/00993/REM, Land at Whitford Road, Bromsgrove, in that he had previously represented Whitford Vale Voice during the larger site applications that were granted outline planning permission at appeal. However, he had had no further interest since the appeal but would for transparency be withdrawing from the meeting room during the consideration of this item.

Councillor A. Bailes left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

With regard to Agenda Item No. 7 – 23/01390/FUL, Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire, B48 7EP. Councillor A. Bailes explained that he had 'called in' this application as the Ward Member; under the Council's Calling-In Procedure for Ward Members for Planning Committee. However, he was not predetermined and would consider the application, as a Planning Committee Member, with an open mind.

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With regard to Agenda Item No.8 – 24/00753/S73, Development Site at Weights Lane, Redditch, Worcestershire; in that he would be addressing the Committee for this item as a concerned resident, and on behalf of Bordesley Matters and Alvechurch Parish Council, under the Council's Public Speaking Rules.

Following the conclusion of the public speaking, Councillor A. Bailes left the meeting room.

43/24

MINUTES

The minutes of the Planning Committee meeting held on 3rd September 2024, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 3rd September 2024, be approved as a correct record.

44/24

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

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

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

45/24

TREE PRESERVATION ORDER (12) 2024 - TREES ON LAND AT 98 NEW ROAD, BROMSGROVE, B60 2LB

The Committee considered a report which detailed proposals to consider the confirmation without modification Tree Preservation Order (TPO) (12) 2024, relating to trees on land at 98 New Road, Bromsgrove, B60 2LB.

The Senior Arboricultural Officer provided a detailed presentation and in doing so drew Members' attention to the recommendation, as detailed on page 11 of the main agenda pack.

Members were asked to note that the tree referenced in the objection, as detailed at Appendix 3 to the report, referred to a Sycamore tree. T1 of the provisional order was a Lime tree and not a Sycamore tree.

Members were informed that the provisional order was raised on 17th May 2024, as shown at Appendix 1 to the report; in response to the site being offered for sale. The site was formally a family support centre owned by Worcestershire County Council (WCC). The concern being that once the site was sold, the site might be redeveloped, which could represent a potential risk to the trees on the site being damaged or removed.

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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 to justify consideration for TPO protection.

One objection had been received in respect of the provisional TPO having been raised, as detailed at Appendix 3 to the report.

The officers' comments in relation to the points raised in the objection were detailed on page 12 of the main agenda pack and referred to: -

- Safety Risk Represented by Tree
- Blockage of Light
- Seed and Leaf Fall

Three letters in support of the TPO, one accompanied by a signed petition (with 35 signatures) has also been received, as detailed at Appendix 4 to the report and on page 13 of the main agenda pack.

The Senior Arboricultural Officer concluded that the trees included within the order were visible from a public perspective as shown by the photos within the report. The trees contributed to the character of the area and that in his opinion he felt that any nuisance they may cause was greatly outweighed by the amenity and landscape benefits the trees brought to the area and site.

At the invitation of the Chairman, Mrs. Bernthal, who had submitted an objection to the provisional TPO addressed the Committee. Mrs. Bernthal confirmed that the tree was a Lime tree and not a Sycamore tree, as stated in their letter of objection to the provisional TPO.

Members then considered the TPO.

Members commented that Mrs. Bernthal had stated that they did not want the tree cut down, just suitable maintained and trimmed therefore less risk to their property should the tree come down during adverse weather conditions. Members asked if the tree was in a good condition with no concerns from officers.

In response the Senior Arboricultural Officer explained that the tree was in a good condition, however it could not be 100% guaranteed that the tree could be affected by adverse weather conditions, but in his opinion the probability was low.

In response to Members, the Senior Arboricultural Officer explained that should Members be minded to approve the TPO that anyone purchasing the site would be fully aware of any TPO, as this was included on the Land Registry Land Charge documentation.

The Senior Arboricultural Officer further explained that any trees with TPO's on private land were the responsibility of the property owner. Any

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excessive debris (seed and leaf fall) onto the street could be scheduled into a street cleansing routine.

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 permitted and would be dependent on the tree type and species, with any proposed maintenance / management being agreed with the Council.

The Senior Arboricultural Officer stated that other residents could not request that the trees be pruned or crowned to a smaller acceptable size; only the landowner of the site could apply to the Local Authority for such works to be agreed and carried out. The current landowners WCC were still responsible until the site was sold.

The Senior Arboricultural Officer stated that officers could work with the current landowner in order to consider a level of management of the trees that was justified. The tree was nearly in full maturity, but could still gain another 5 metres in height, and this could be achieved without any safety issues or concerns. With regards to risk to the highway, WCC had a limit of a 5.2 metre canopy height over the highway.

In response to further questions from the Committee with regards to safety, the Senior Arboricultural Officer commented that it was difficult to assess the strength of the trees roots, however, there was no evidence of recent root base damage and no reasons to suggest that the roots had been compromised.

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (12) 2024 relating to trees on land at 98 New Road, Bromsgrove, B60 2LB, be confirmed without modification and made permanent, as detailed at Appendix 1 to the report.

46/24

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

It was noted that Councillor A. Bailes left the meeting room prior to the consideration of this item.

Officers drew Members' attention to page 3 of the Committee Update 3, which detailed comments from the Tree Officer, Waste Management, North Worcestershire Water Management and 'Other Matters' with regards to the Garden Sizes Plan.

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A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 54 to 78 of the main agenda pack, for the 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 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A, Land at Whitford Road, Bromsgrove.

Officers explained that, as detailed in the report, that the application site formed 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 site formed part of the Bromsgrove Town Expansion Site BROM3 allocated for development in the District Plan. It comprised approximately the northern third of part of a larger site (Site A) which was granted outline planning permission by The Planning Inspectorate on 9th February 2021.

Following the granting of outline planning permission and the approval of the Reserved matter of Access by the Planning Inspector, this application sought 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 development was 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.

Page 44 of the main agenda pack sets out the housing mix and tenure.

Officers referred to the hedgerow between the application site and the Bellway Homes site to the south which would be retained as indicated on the submitted plans and section drawings. The section drawings also suggested that retaining walls may be required either side of the hedge adjacent to plot 75. However, at the time of writing the report full details

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were not available and clarification was required on the implications for the hedgerow. It is noted that the masterplan did include the removal of part of the hedgerow. Officers drew Members' attention to page 3 of the Committee Update with regards to the comments received from the Tree Officer and the removal of a section of hedge on the boundary of Timberhonger Lane.

Members were further informed that Housing Strategy had raised no objections and were agreeable to the proposed amendment to the affordable housing type and mix; and with the affordable housing being pepper potted around the site.

They were also supportive of the amended layout which increased private garden areas and vehicle manoeuvring space for the affordable units.

Worcestershire Highways – Bromsgrove were happy with the proposed layout, visibility splays and all turning heads, as referred to on pages 35 and 36 of the main agenda pack.

Worcestershire Regulatory Services – Noise had no objections.

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

There were some differences in the proposal compared with the master plan and parameters plan, for example in the position of the terrace. Dwellings would generally be set further back from the western boundary with the M5 in the current proposal, resulting in a wider area of green space.

The masterplan indicated 2 sections of 4m high acoustic fencing located directly opposite Plan reference dwellings. Whilst performing an important acoustic function there was 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.

Officers referred to the updated Garden Sizes Plan slide and the comments included on page 3 of the Committee Update. The garden sizes had been changed due to the topography of the site.

At the invitation of the Chairman Ms. D. Farrington, the Applicant's Planning Agent addressed the Committee in support of the application.

Members then considered the Reserved Matters application, and the changes made to the indicative masterplan.

Members raised questions with regard to the following:-

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- 4m high acoustic fence and noise mitigation.
- Samples of external materials to be used and if a Condition was included.
- Bin collection points.
- Open spaces.
- Construction Environmental Management Plan (CEMP).
- Parking – deficient in 4 parking spaces.

In response Officers clarified that:-

- Noise mitigation was determined by the Planning Inspectorate and that an indicative 4m high fence would retain noise mitigation.
- A Condition had been included with regard to samples of external materials to be used.
- Bin collections, a suitable Condition would be included for the specific areas of concern (access via a private drive and any conflict with allocated parking spaces)
- Open space would be provided as part of the Bellway Homes scheme. A large open space, green open space and a play area would be provided.
- A CEMP Condition was included as part of the indicative masterplan; and would be agreed prior to any building work commencing.
- The Highway Authority had been consulted with on the amended plans and the amended layout being deficient in 4 parking spaces.

On being put to the vote, it was

RESOLVED that the Reserved Matters application be approved subject to:-

- a) 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 mix and type; and
- b) 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 on page 52 of the main agenda pack (and also referred to in the Committee Update, namely:-

Conditions to include -

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

47/24

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

It was noted that Councillor A. Bailes returned to the meeting room prior to the consideration of this item.

The Application had been brought to the Planning Committee for consideration at the request of Councillor A. Bailes, Ward Councillor.

Officers highlighted that page 4 of the Committee Update detailed the reasons for amending Conditions 4, 5 and 6; and ultimately the Revised Conditions 4, 5 and 6.

A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 90 to 97 of the main agenda pack. The application sought 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 was located within the Green Belt, a protected area. The proposal also included reducing the fencing to 1 metre in height, along the southern boundary with Storage Lane, in order to align with permitted development allowances.

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

Members were further informed that 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

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subject to this planning application was not built in accordance with the approved 2019 permission and as such had no permission or fallback.

The Applicants now intended to use the land and building to establish a herd of 25 Breeding Female Alpacas and a small flock of 200 laying hens and would also produce some hay to sell on. The intentions on site were for the breeding and rearing of alpacas for sale, the sale of alpaca yarn and products and poop.

The Applicants had submitted photographs showing that the building was being used for agricultural purposes. They also sought to explain why the building was 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 were of the view that internally the building had been over engineered, it was clear that it could be used for the purposes put forward under this application and internal work could be carried out without planning permission. Taking all of this into consideration, in this case, on balance the design of the building alone was not reason for refusing the application.

As highlighted in the report, it was for the applicants to share the workload and retain the ability to live on the holding to properly manage and monitor the processes and livestock on the unit. The Council accepted the need to live onsite when looking after alpacas as unlike sheep and cattle, their birthing patterns could be much less predictable, and the crias (baby alpaca) needed very close supervision. However, the Council were required to consider a functional need, potential use of existing dwellings, financial sustainability and siting and size.

Officers drew Members' attention to the 'Financial sustainability,' as detailed on pages 84 and 85 of the main agenda pack.

New buildings in the Green Belt were 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 allowed for buildings for agriculture and forestry.

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

At the invitation of the Chairman, Ms. S. Rafferty, one of the applicants addressed the Committee in support of the application.

Members then considered the application.

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In response to questions from Sub-Committee Members, officers explained that should the alpaca enterprise cease to exist after the three year period, a condition (Condition 2) had been included, as detailed on page 87 of the main agenda pack that,

'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.'

With regard to the functional need and the short fall of hectares available for the alpacas to graze on, resulting in some of the alpacas being grazed away from the main holding; officers explained that they would not actively monitor this. However, animal welfare was covered under the Animal Welfare Act 2006.

On being put to the vote, it was

RESOLVED that Planning Permission be granted, subject to

- a) Conditions 1, 2 and 3, as detailed on pages 87 and 88 of the main agenda pack; and

the following Revised Conditions

- 4) that 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.

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

- 5) that 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 ceased within 10 years from the date of this consent, then unless the local planning authority had otherwise agreed in writing, the caravan and/or building must be removed from the land and the land must, so far as was practicable, be restored to its condition before any development within the application site took place, or to such condition as may had been agreed in writing between the local planning authority and the developer.

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

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- 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 emerged that infiltration drainage was 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 did not result in surface water flooding.

48/24

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 CON

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

Accordingly, the meeting stood adjourned from 19:12 hours to 19:18 hours.

Having reconvened, it was noted that Councillor A. Bailes withdrew to the Public Gallery.

Officers drew Members' attention to pages 4 and 5 of the Committee Update, which detailed one further objection received following the publication of the Planning Committee agenda.

The objection reiterated highway concerns regarding the proposed variation. Worcestershire Highways had provided further information regarding the need for this variation of condition to assist in the determination of the application.

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Officers then presented the report and presentation slides, as detailed on pages 110 to 112 of the main agenda pack.

The application sought 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, had been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and was open to traffic. The junction was 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, had been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and was open to traffic. The junction would include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. (Cross boundary application with Redditch BC 24/00740/S73).

Members were reminded that the application site formed 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.

The application site formed part of the Brockhill allocation. 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 were a continuation of Phase 2. These phases had been or were being built by Persimmon Homes South Midlands Limited.

Officers referred to the information detailed in the Committee Update in that,

At the time of granting consent, there was an expectation that no dwellings beyond the 128 approved in the hybrid would be occupied until the Dagnell End Road improvement scheme was completed. Subject to planning condition, this would be acceptable in terms of the highway network.

However, the Highway Authority S278 Team had subsequently advised the Applicant that approval for starting works to improve the Dagnell End Road / A441 Birmingham Road junction would not be granted prior to March 2025.

There was a requirement for several of the Statutory Undertakers to undertake works in the vicinity of the junction prior to the applicant improving the junction. It was desirable that these utility works were undertaken separately from the junction improvement works. If all necessary utility works were completed by the end of March 2025 and the surrounding local highway network clear of any other significant roadworks, then approval to commence the works to improve the Dagnell End Road / A441 Birmingham Road junction could be granted with the earliest start date being from April 2025.

The start date would also depend on the Applicant completing the necessary S278 Agreement with the Highway Authority, including proposed temporary traffic management measures. Highway Authority was planning to submit Section 50 of the New Roads and Street Works Act 1991 (NRSWA), which would require all utility providers to undertake any necessary works within a 3- month period, prior to March 2025.

As a result, the Applicant could not currently undertake the required improvement works at the Dagnell End Road junction and, as a result, would be in breach of this condition if dwellings beyond the 128 cap were occupied. The Applicant expected to be at the 200th occupation by the time the roadworks were completed. Therefore, a Section 73 was submitted, to amend Condition 35, increasing the trigger for highway improvement works to the 200th occupation in line with development progress in order to continue occupying both market and affordable dwellings. The key issue was the likely impact of development traffic associated with the difference between 128 and 200 dwellings.

Trip Generation

For the Dagnell End Road / A441 Birmingham Road junction, the trip distribution assessment suggests this was likely to result in approximately 20 two-way AM trips and 22 two-way trips. The Highway Authority was content that these flows were a reasonable estimate. These trips would gradually build up as dwellings were constructed out and became occupied. The Highway Authority was of the opinion that the build-up of the 20 two-way AM trips and 22 two-way trips was considered to be within the daily fluctuation of baseline flows, such that the gradual increase would have no noticeable significant detrimental impact on the existing junction that would justify a refusal of the application.

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Officers drew Members' attention to the 'Legal Agreement' and 'Other Matter's, as detailed on pages 106 and 107 of the main agenda pack.

Officers concluded that whilst noting that the variation would add to existing traffic on the local road network, the detailed Transport Note (TN) accompanying the application had been reviewed by the Highway Authority and it had been concluded that the impacts of the development arising from the variation of Condition 35 could not reasonably be described as severe. In accordance with paragraph 115 of the NPPF, the development should not be refused on highways grounds.

At the invitation of the Chairman Mr. A. Bailes addressed the Committee, in objection to the application; as an affected resident and on behalf of Bordesley Matters and Alvechurch Parish Council. Having addressed the Committee Mr. A. Bailes left the meeting room.

Ms. H. Jarvis on behalf of Persimmon Homes South Midlands, addressed the Committee in support of the application and Councillor P. J. Whittaker, Ward Member also addressed the Committee.

Members then considered the application and in doing so commented that this was a difficult decision. The developer needed to build houses as soon as possible to meet their targets, the Council needed new homes built and residents needed the road improvements to take place.

Members were disappointed that Worcestershire County Council Highways had delayed approving the road work improvements until March 2025, and were equally disappointed that there was not an officer from WCC Highways in attendance at tonight's meeting, in order to respond to Members questions and concerns.

However, some Members commented that they were happy with the information detailed in the Committee Update.

Members further agreed that it was a case of balance, the developer could not stop building work for three months.

Members questioned as to why WCC Highways had been unable to progress. Residents wanted the roads enhanced, with new lights, new crossings etc. They had already had nearly three / four years of disruption.

Officers stated that they were not in a position to comment and had previously referred Members to the Committee Update.

Members further questioned that should they be minded to approve the amendment, could they meet with WCC Highways to discuss the possibility of the works commencing earlier in order to deliver something better for residents.

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Officers commented that an around the table discussion could take place, however, this would be down to WCC Highways.

Members questioned if the road usage figures were accurate as some residents were avoiding using the area due to the level of roadworks.

Officers commented that approximately 80 dwellings were currently occupied. The developer was fully aware of the conditions attached to the planning application, and in order to avoid a breach of those conditions and delays to building works, had applied for the amendment before Members tonight.

Officers further clarified that Highways matters were a material consideration for Members to consider, however, Highways had raised no objections to the amendment.

Members further stated that when the hybrid application was granted, WCC Highways had stipulated a condition, as detailed on page 99 of the main agenda pack that stated the restriction that no more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnall End Road / A441 Birmingham Road had been completed. WCC Highways had now increased that number to the 200th dwelling being occupied. This had raised a number of questions and Members reiterated their disappointment that WCC Highways had declined an invite to attend tonight's meeting to answer those questions. WCC Highways had caused the delay and Members felt that they should have attended.

On being put to the vote, it was

RESOLVED that Hybrid Planning Permission be granted, subject to

- a) 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; and
- b) 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.

49/24

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

It was noted that Councillor A. Bailes returned to the meeting room for this application.

As detailed in the report on pages 99 and 117 of the main agenda pack. the application sought 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 was seeking 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 to reorientate Plots 84-85, in order to address gradient constraints on the site.

Officers presented the report and presentation slides, as detailed on pages 120 to 124 of the main agenda pack.

Members were informed that the number of approved dwellings would remain at 128 for the full element of the hybrid. The 44 affordable dwellings (split between shared ownership and affordable homes for rent) would not change as a result of this application being approved.

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

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

The Highway Authority noted that HQI 73 House Type was a 2-bedroom dwelling, whilst the HQI 50 House Type was a 1-bedroom dwelling. The submitted scheme proposals layout drawing showed 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 was still 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.

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Members were further informed that a section 106 agreement (s106) had been 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 would be required in this case to ensure that the obligations still applied.

Technical matters regarding flood risk and drainage were 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 that the proposed condition change under this application would not result in any material change to these matters, subject to relevant conditions under 19/00976/HYB being imposed.

Officers conclude that, the proposed changes were considered to comply with Bromsgrove District Plan policies, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, the application was recommended for approval, subject to conditions. Under section 73 applications, conditions attached to the original consent would be carried across to the new section 73 application where those conditions continued to have effect. The recommendations, as detailed on page 118 of the main agenda pack, reflected this.

Members then considered the application.

Officers responded to questions from the Committee and in doing so explained that following further survey works to address the gradients on site, the 2 bedroom semi-detached dwellings were not suitable. However, the number of dwellings and the number of affordable dwellings would still be retained. Officers reiterated that the variation of the approved plans, which included a reduction in the number of car parking spaces per dwelling, as detailed in the report , was considered acceptable by the Highway Authority.

Officers further commented that a large amount of open space was still being provided under the approved hybrid application.

On being put to the vote, it was

RESOLVED that Hybrid Planning Permission be granted, subject to

- a) 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; and

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- b) delegated powers be granted to the Assistant Director for Planning and Leisure Services to update the conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

The meeting closed at 8.06 p.m.

Chairman

PLANNING COMMITTEE

10th December 2024

Application Reference TPO24/170 Requesting Consent To Work On A TPO Protected Tree

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

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider application reference number TPO24/170 made under Tree Preservation Order legislation to carry out work on the protected Beech tree within the grounds of 256 Stourbridge Road, Catshill, Bromsgrove. The application made requests consent to fell the tree as shown in appendices 1.

2. RECOMMENDATIONS

- 1.2 It is recommended that the application requesting consent to fell the tree is refused for the reasons given in this report.

3. KEY ISSUES

Financial Implications

- 3.1 Refusal of an application to carry out work on a tree preservation order protected tree has potential to leave the council liable for cost incurred for any later damage to caused to property that could be proven to have occurred as a result of the work applied for not having been carried out such as in subsidence related issues.

Legal Implications

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

Service / Operational Implications

Background:

- 3.4 The Beech tree in question was TPO protected in 1987 due to concerns over potential development on the grounds attached to then property and land

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attached to 256 Stourbridge Road. The site was later developed by the construction of two properties on the land which has resulted in the close proximity of the now property 256 Stourbridge Road to the Beech tree.

3.4 Support:

Five representations of support for the level of work applied for have been received as follows and shown in appendices 2.

1. A letter dated 24th September from Mrs Arch, 260 Stourbridge Road
2. Email dated 28th October 2024 from Mr Share, 254 Stourbridge Road
3. Email dated 1st November 2024 from Mr Orgill, 252 Stourbridge Road
4. Email dated 27th October 2024 from Mr & Mrs Gwyn Jones, 6 Brookside Drive.
5. Letter dated 15th October 2024 from Cllr Shirley Webb

3.5 Issues Raised To Justify Work Applied For:

Debris Fall: Broad leaf trees typically develop a volume of minor stature growth habit deadwood within the crown over a number of years. In a health tree this would be expected to be generally low in volume and small in stature. Some deadwood would occasionally be expected to fall to ground especially in strong winds but due to its limited size would not represent an undue risk to safety of garden users.

Leaf Fall: This is a seasonal life cycle nuisance issue that only affects a limited period of the year and can be managed by cleansing of the affected area. Although the removal of this tree would greatly reduce the leaf fall within this garden there are other trees in locality that will continue to cause a degree of this nuisance to the property.

Lack of Light: There is no legal right to light in relation to progressively developing deciduous trees or shrubs. The light issues could be managed by a sympathetic level of crown management.

Drainage: Tree roots are opportunistic in their growth habit in seeking availability of water and will take advantage of any easily accessible water source such as a damaged drainage system. However, they do not generally cause the damage to gain access to drains. As the property in question was built post 1987, I would expect the drainage system to be modern, robust and resistant to root invasion.

Pigeon Droppings: This is a natural nuisance issue that could be made worse by having a tree in the garden, but it could occur from any other tree or fence line

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within the garden or area that offers a perch to birds. These issues can be managed by regular cleansing of the affected areas.

Shallow Roots: Beech trees are known to have a generally shallower root system than other tree species but not exceptionally so. This tree is in good health showing no visual signs of disease. There is no evidence to suggest on site that the root plate of this tree has been recently compromised by any physical damage. Therefore I would deem the likelihood of a root plate failure on this tree to be low.

Insurance: Most insurance companies ask the question “are there any trees in close proximity to the building” as they need to understand all the risk aspects of insuring a particular property.

Increase in Size of Tree and Root Influence: The increase in general size of the tree as it has matured especially the expansion in girth of the main stem have caused some displacement of the paving stone patio circle nearest the tree. This is likely to have been expected due to the proximity of the paving to the tree on installation, however the paved area appeared to remain in a usable condition.

The slight displacement of the paving slabs local to the conservatory has potentially been caused by root activity from the Beech tree that would need to be further investigated to be confirmed and if so, what remedial action could be taken.

No evidence has been provided within this application of any subsidence issues being experienced within the structure of property 256 Stourbridge Road.

Influence on Everyday Life and Mental Wellbeing: Trees do create a level of nuisance issues; however they also provide habitat for many species, manage climate issues such as pollution and climate change. They provide visual amenity value and movement which is particularly valuable in an urban environment. As a result of the above they are proven to create a feeling of wellbeing which can balance against the negative nuisance issue.

3.5 Other Relevant Documentation Provided

Valuation of property for potential sale from Oulsnam estate agents dated 24th April 2024 as shown in appendices (3) the final paragraph of which is relevant in this matter.

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- 3.6 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.7 Climate Change / Carbon/ Biodiversity- The retention of this tree 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) Copy of application including relevant photographs

Appendix (2) Representations of support.

Appendix (3) Representation from Oulsnam estate agent.

6. BACKGROUND PAPERS

None

7. KEY

- 7.1 Conclusion and recommendations:

I estimate this tree to be in excess of one hundred years old and is in good health and condition. It is clearly visible from a number of publicly accessible vantage points, therefore offers a reasonable degree of visual amenity value. This is a mature tree that will offer a high degree of habitat benefit to the area hosting many species of insects and birds. It provided climate and pollution management benefits to this urban area. Some of the issues raised can be partially managed by a sympathetic level of crown management.

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Therefore, the recommendation is to refuse the application reference TPO24/170 to fell this tree

AUTHOR OF REPORT

Name: Gavin Boyes

Email: Gavin.Boyes@bromsgroveandRedditch.gov.uk

Tel: 01527 883094

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Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or
Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Applicant Details

Name/Company

Title

Mr

First name

ROY

Surname

EASTWOOD

Company Name

Address

Address line 1

256 Stourbridge Road

Address line 2

Catshill

Address line 3

Town/City

Bromsgrove

County

Country

United Kingdom

Postcode

B61 9LQ

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

- Yes
 No

Do you know the Tree Preservation Order reference number(s)?

- Yes
 No

Please enter the title or number for each relevant Tree Preservation Order

Please indicate whether the reasons for carrying out the proposed works include any of the following.

If so, your application MUST be accompanied by the necessary evidence to support your proposals ([see guidance notes for further details](#)).

Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall

- Yes
 No

If Yes, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Alleged damage to property - e.g. subsidence or damage to drains or drives.

- Yes
 No

If Yes, you are required to provide for:

- **Subsidence** - A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.
- **Other structural damage** (e.g. drains walls and hard surfaces) - Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Are you wishing to carry out works to tree(s) in a conservation area?

- Yes
 No

Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of works to the question 'Identification of Tree(s) and Description of Works')?

- Yes
 No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application

tree plan, photographs and statement from neighbour and Oulsnam estate agents

Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

90ft high Beech tree in garden, RefT1 on plan. Permission to fell tree and replace with a smaller variety. The reasons are as follows. Tree is in very close proximity and is a danger not only to our house but to surrounding properties if it comes down in adverse weather. It has already caused damage to the paving in the garden and also caused the garden to sink in places and raised in other areas. Also it is affecting the fencing and the roots are forcing the shed backwards. The roots have also started to lift some paving in the garden of number 260. My wife and I cannot use the garden as there is very little sunlight and also because of the amount of pigeon excrement (carries 4 different viruses) it has become a health hazard to my wife as she has a very poor immune system because she suffers from Asthma, Rheumatoid Arthritis and Fibromyalgia. Due to the propensity of excrement we cannot even have washing outside to dry. We have also written proof that the tree devalues the house and could make it only saleable to cash buyers. One of the tree officers who visited the site stated that the roots were already under our house and neighbours houses. The same tree officer also stated that the tree shouldn't be in a garden it should be in parkland. The amount of leaves and debris from the tree causes blockages to gutters, drains. I have also attached a statement from Mrs Angela Arch voicing her concerns regarding the tree. In conclusion the situation is causing us a considerable amount of stress and anxiety.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) – Whole crown reduction to 12m above ground level, to provide sufficient clearance to property.

Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
 - mark and name surrounding roads
 - sketch in buildings, including adjoining properties
 - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
 - marking all trees on the plan, but only numbering those to which you want to carry out work
 - showing the approximate distance between the application tree(s) and buildings
 - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

Tree Ownership

Is the applicant the owner of the tree(s)?

- Yes
 No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
 No

Declaration

I/We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

ROY EASTWOOD

Date

11/10/2024







2024/7/18

APPENDIX (1)

Mrs Angela Arch
260 Stourbridge Road
Catshill
Bromsgrove
B61 9LQ



Gavin Boyes, Senior Tree Officer
c/o Bromsgrove District Council
Parkside
Market Street
Bromsgrove
B61 8DA

24th September 2024

Dear Mr Boyes,

RE: 256 Stourbridge Road, Catshill, Bromsgrove B61 9LQ – Removal of Mature Beech Tree Close to Ground.

In relation to the above, I write to inform you that I am in full support of Mr & Mrs Eastwood and their application to have the Beech tree removed. The tree is not only dangerous, it is causing emotional and physical distress not only to Mr & Mrs Eastwood, myself and my family but also to neighbouring properties and families.

Please see below my concerns regarding the Beech tree:

Debris That Falls From The Tree.

The Beech tree loses lots of branches some of which are of a considerable size. Back in March of this year a huge branch fell from the tree narrowly missing my Grandson's head clipping him on his shoulder. Fortunately at the time my Grandson had his winter coat on which protected him from any injury to his shoulder. When this occurred my Grandson was 2 years and 9 months old. Should that branch have struck his head he would have received awful injuries, no doubt requiring medical attention. I have retained all the branches should you wish to see them.

The tree sheds small splinter like needles that are very sharp. I have had one blown into my eye and scratch my eyeball that was extremely painful. My dog recently had surgery and upon letting him out into the garden to do his duties several of these splinter type things got into his stitches which it caused him great distress on removal and cleansing. I had been sweeping them up constantly on a daily basis but it is physically impossible to keep on top of them. The bristly seed pods that fall from the tree are dangerous. They are very hard, spiky and difficult to walk on. Again, trying to keep on top of clearing them all up is just a physical impossibility.

Lack of light.

The size of the Beech tree does not allow much sunlight into my garden. I get some at the very back, some by my garage in the morning then in the evening I get it on the left side of my garden only. Sunlight is essential for human beings, generating the production of vitamin D, supporting bone health, lowering blood pressure, preventing disease and promoting good mental health. I along with Mr & Mrs Eastwood are being deprived of these vital health benefits because of the Beech tree. Being deprived of such benefits on our own properties is having a negative impact on all of us.

Drainage System.

Severn Trent have said that the tree roots are not yet causing damage to the drainage system. However, it is simply common sense to know that as the roots grow they will cause damage. The saying "Prevention is better than cure" springs to mind with this issue. Not only will it affect my property and Mr & Mrs Eastwood's but several more properties on the Stourbridge Road and many more on Brookside Drive which will prove extremely costly. Having done some research, it would appear that the council may be liable for any costs incurred by the tree root damage to the drainage system as they have not heeded the concerns raised about it by the owners of the land on which the tree is growing and have refused the application to have tree taken down as per their request.

Pigeon Droppings.

The amount of pigeon droppings in my and Mr & Mrs Eastwood's gardens is beyond extreme. I must physically spend 3 hours about 3 – 4 times a week scraping it off my garden. I have to remove it due to caring for my Grandson, my dog and having visitors which includes my Mom who has multiple health conditions. Such large amounts of pigeon droppings in a relatively small area can cause severe health issues. These include; Histoplasmosis, Psittacosis, E.coli, Salmonella and Cryptococcosis. These illnesses can be severe and even result in death in some instances. The people who are most at risk of contracting such diseases are children, people with weakened immune systems and the elderly. With me caring for my Grandson who is now only 3 and having my Mom visit this is of grave concern to me. Pigeon droppings release tiny particle into the air as it falls and lands. These particles are also released while I am scraping it up which is in fact, potentially putting myself at risk of contracting a disease. If I do not remove the droppings then it has a huge impact on me, my family and my dog. I can not have my Grandson playing in the garden when the garden is covered in it. He will tread in it, if he stumbles and puts his hands down he will be in direct physical contact with it, when he goes on his scooter or bike the wheels get covered in it, when he plays with his football the ball gets covered in it. I can look after my Grandson up to 5 days a week depending on his parents working shifts and this can entail a ridiculous amount of time scraping up pigeon droppings. My Mom, who was of the belief that she could have a little bit of life back by spending time doing what she loves pottering around gardening in my garden that is level as apposed to her tiered garden that she now struggles with is not happening now as the amount of pigeon droppings could seriously affect her. My Mom suffers from Asthma, Bronchiectasis, Heart Failure, IgG Deficiency and stage 3B chronic kidney disease. No one suffering any these illnesses should be exposed to extreme amounts of pigeon

droppings as it could be fatal. My dog is suffering too, I'm constantly having to clean his paws due to the droppings. He has had several droppings land on him which is a nightmare to get out of his fur. The only way to do it is by bathing him and as he is a small Shih Tzu he should not be bathed too often as it affects the oils in their skin and can cause very sore skin irritations on the dog. Being a widow and living on my own means it is very important to me to have my family around and that my dog is happy. Due to the pigeon droppings this is just not the case. Defra and England's General Licence state that pigeons can be removed to preserve public safety.

Dead Pigeons Falling From The Tree.

In the last 4 months I have had 3 dead pigeons in my garden. I can only assume they have fallen out of the tree. As my property backs onto Battlefield Brook it is inevitable that there will be rats in the vicinity. Having dead pigeons about clearly will not help this as a dead pigeon is obviously a good food source for rats. We all try hard to keep the rats at bay by not putting out any forms of food. Having to pick up and dispose of dead pigeons is not a pleasant experience especially as they are flea ridden birds.

Mr & Mrs Eastwood.

I have got to know Mr & Mrs Eastwood fairly well over the past 5 months and it genuinely saddens me to see how distraught and upset they are over the impact the Beech tree is having on their lives. Their garden is not fit for purpose and unsafe for them as the tree roots have raised the garden so much that it is unsafe for them to walk on. They are fully aware that such a Beech tree has shallow roots and they worry that should the tree fall that they will be liable for the damage. Mr Eastwood and I have spoken to the legal departments of our home insurance and have been advised (not confirmed) that as the council are aware of the issues raised regarding the tree and of Mr & Mrs Eastwood's request to have the tree removed then any liability to damage caused by the tree to property will potentially lie with the council. The pigeon dropping in their garden covers everything, they can not even hang washing out to dry as nor can I. Mrs Eastwood suffers from asthma and arthritis. She should not be around pigeon droppings or have uneven land in her garden as both are unsafe for her and are both issues caused by the tree. The couple have not been able to spend time in their own garden for several years due to all the problems the tree is causing. To get out for some fresh air and sunlight they have to walk to and sit in the Meadows Park. How upsetting is that. These people have worked hard in their lives, they are both now retired and can not even enjoy sitting in their own garden. In 2024 the older members of our community should not be made to live in such circumstances. Mr & Mrs Eastwood have told me that their property is potentially no longer mortgageable due to the tree as its roots have damaged the garden so badly and the roots are too close to the house. Looking to the future this could have a massive impact on them. What if one of them is taken ill or has to go into care?? The property can not then be sold. What if as they get older they can no longer maintain that property and need to downsize?? They will not be able to. They will become prisoners in that property. Therefore, they have no prospect of making life easier for themselves in later life all because of a tree. It seems ironic that they have paid out thousands of pounds over the years to maintain the tree.

Impact On Everyday Life And Mental Health.

The Beech tree has a massive impact on everyday life. If my daughter wants to pop round with my Grandson she has to give me a few hours notice so I have time to clear up the pigeon droppings. I constantly worry when my Grandson is in the garden in case another large branch is to fall and hit him or my dog or me. If want family / friends to come over in the good weather we have to time it so we have that small window of sunlight in the garden otherwise we are just sat in the dark. My Mom and I are very close but we are not able to spend as much time together as she is not able to potter about in my garden as she wanted. This obviously affects my Dad too as he sees how much it upsets my Mom and I and I am conscious that Dad is not getting the rest he needs as I am not with my Mom so much doing what she loves. I believe that the tree roots are now beginning to uplift some of the slabs in the rear of my garden now making it a trip hazard just like next door. The constant sweeping up of the needle like things and seed pods is a physical nightmare and has started to impact on my work time. I am just constantly doing it. This is to the point where sometimes I can not go out because I know if I do not sweep it up then the entire garden will be covered and I then risk my dog stepping on something that will get stuck in his paws. This is not living a life; it is having life dictated to you by a tree.

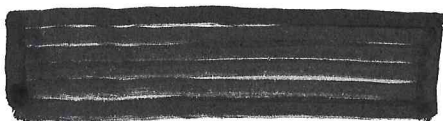
Conclusion.

I am not against the tree at all but when a tree's existence is being put before the lives of human adults, children and domestic animals I think it unfair. Should the tree be taken down, I would not be averse to planting a tree sapling maybe in the Meadow or somewhere else suitable where a tree belongs and it can grow and flourish. This beech tree does not belong in a residential garden. The letter of refusal for the removal of the Beech tree states, "for reasons of public and visual amenity". In all seriousness 99% of people will not even notice the tree has gone. However, to us living under the tree, we will notice, and it will improve our quality of life by 100%.

I hope that you take on board all the points I have raised and take them seriously. Lives are being impacted by this Beech tree and not for the better.

Should you wish to discuss any of the concerns that I have raised please do not hesitate to get in touch with me.

Kind Regards,

A large black rectangular redaction box covering the signature area.

Angela Arch

Gavin Boyes - Arboricultural Team

From: Donaldshare [REDACTED]
Sent: 28 October 2024 15:58
To: tarek.ball@bromsgroveandredditch.gov.uk
Subject: Reference TPO24/170

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If you've already clicked on any links, contact the ICT helpdesk on 01527881766 or ext. 1766, failure to do so breaches the Information Security Policy.

Sent from my iPad. Dear Mr Ball

With reference to application reference TPO24/170 we are writing to confirm that we are in full support of Mr & Mrs Eastwood's application to remove the Beech tree at 256 as we believe that it is a hazard to our property and surrounding properties.

We are worried that if the tree was to come down in adverse weather conditions it could damage our house. We appear to already be experiencing damage to our garden wall from the roots of the tree and this is obviously of concern as the roots could in fact affect our property. As you stated, in a previous visit to Mr & Mrs Eastwood they spread in all directions at a distance in relation to the height of the tree. We also have problems with the amount of leaves that fall from the tree as they completely block our gutters and down pipes.

We believe that it would be in the best interest for all persons living close to the tree, that the Beech be removed. This would dispel any worries and further damage occurring

Mr Donald Share
254 Stourbridge road
Catshill
Bromsgrove
B61 9LQ

Gavin Boyes - Arboricultural Team

From: [REDACTED]
Sent: 01 November 2024 15:12
To: tarek.ball@bromsgroveandredditch.gov.uk
Subject: Application Reference TPO24/170

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With regard to the application to fell the Beech Tree in the rear garden of 256 Stourbridge Road Catshill, I totally support this application for the following reasons:

1. This tree is totally unsuitable to be in a small residential garden.
2. I am concerned that as this tree is on the bank of Battlefield Brook it will become unstable and not only do damage to 256 but could also damage 254 and my house 252 Stourbridge Road. With the effect of climate change, the level of the brook has approached the top of the bank a number of times this year, thus eroding the soil on the bank. There has already been one instance locally of a mature tree on the edge of his brook coming down, narrowly missing people.
3. The tree is home to numerous pigeons whose excrement is a health risk, particularly to small children.
4. During autumn the shedding of its leaves covers numerous gardens, including my own. As an 81 year old widower living alone, this is a task I should not have to do a number of times over a short time to ensure my front drive is safe and I do not slip and fall down and injuring myself.

I would fully support a replacement tree being installed in a more suitable location

Regards

Keith Orgill

 Outlook

Tree Felling 256 Stourbridge Road Catshill Worcestershire

From Gwyn Jones [REDACTED]

Date Sun 27/10/2024 11:59

To tarek.ball@bromsgroveandredditch.gov.uk <tarek.ball@bromsgroveandredditch.gov.uk>

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If you've already clicked on any links, contact the ICT helpdesk on 01527881766 or ext. 1766, failure to do so breaches the Information Security Policy.

Dear Mr Ball

I have just received a letter from a Ruth Bamford regarding a tree felling at the above address. I live on the other side of the brook directly opposite Mr & Mrs Eastwood and have many discussions about the size of this beech tree. The amount of Pidgeon dropping we get on our property is becoming a health hazard as i have to clean this mess up at least once a week. We sometimes look after my daughter's dog which is a spaniel which has his nose to the ground all the time i would hate for this animal to pick up any diseases carried by these Pidgeon's. I originally erected a small patio area where my wife and i could sit in the summer as we are both retired this become Impossible due to being bombarded by pigeon mess not very pleasant as you can well imagine. Every autumn as the leaves start falling i have to pick up literary bin falls of these leaves every week or you can carry them into the car and house on your shoes. Concerning the leaves that fill my gutters and down pipes i have tried different methods of stopping the leaves going into the down pipes but the leaves back up at this point. I am now 73 years of age and don't want be climbing up a ladder every week or two to clear these blockages. I think Mr & Mrs Eastwood have suffered enough with this tree and so have we and our direct neighbours and thing this tree is far to big to be in a small garden and support them 100% in having this tree felled asap. This letter should be added as supporting evidence to the file **Planning Application TPO24/170**

Regards

Mr & Mrs Gwyn Jones

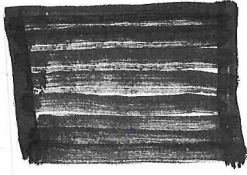
6 Brookside Drive

Catshill

Bromsgrove

B619LD

Councillor Shirley Webb



15th October 2024

Ref Mr & Mrs Eastwood Ref PP13458640

Dear Gavin

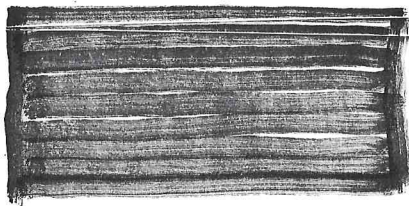
Following our email conversation regarding the Beech Tree in Mr and Mrs Eastwoods property at 256 Stourbridge Road, Catshill. I understand you have made a site visit as has Tarek in the last year or so.

Mr & Mrs Eastwood approached me as the application to remove the tree was refused. This tree is now taking over their small garden and we believe presents a risk of serious harm, due to its size and position, to the occupants of the surrounding properties, any members of the public entering the boundaries of said properties and members of the public passing the area in question, whether on foot or in a vehicle on the Stourbridge Road.

Mr and Mrs Eastwood are suffering with their mental health and wellbeing due to not being able to sit in their own garden, the tree roots are lifting their patio and the shed due to the size. This tree was TPO'd due to a neighbour not wanting the house to be built in the first place. The build went ahead and the tree has outgrown the size of the garden. The worry the damage this tree would cause is a big strain to them both. Mr and Mrs Eastwood would like to enjoy their retirement in their own garden and would welcome the opportunity to plant another tree in the village in a more suitable area.

I have visited them both on a few occasions and can see the stress this is causing them both, I would be happy to answer any questions you may have.

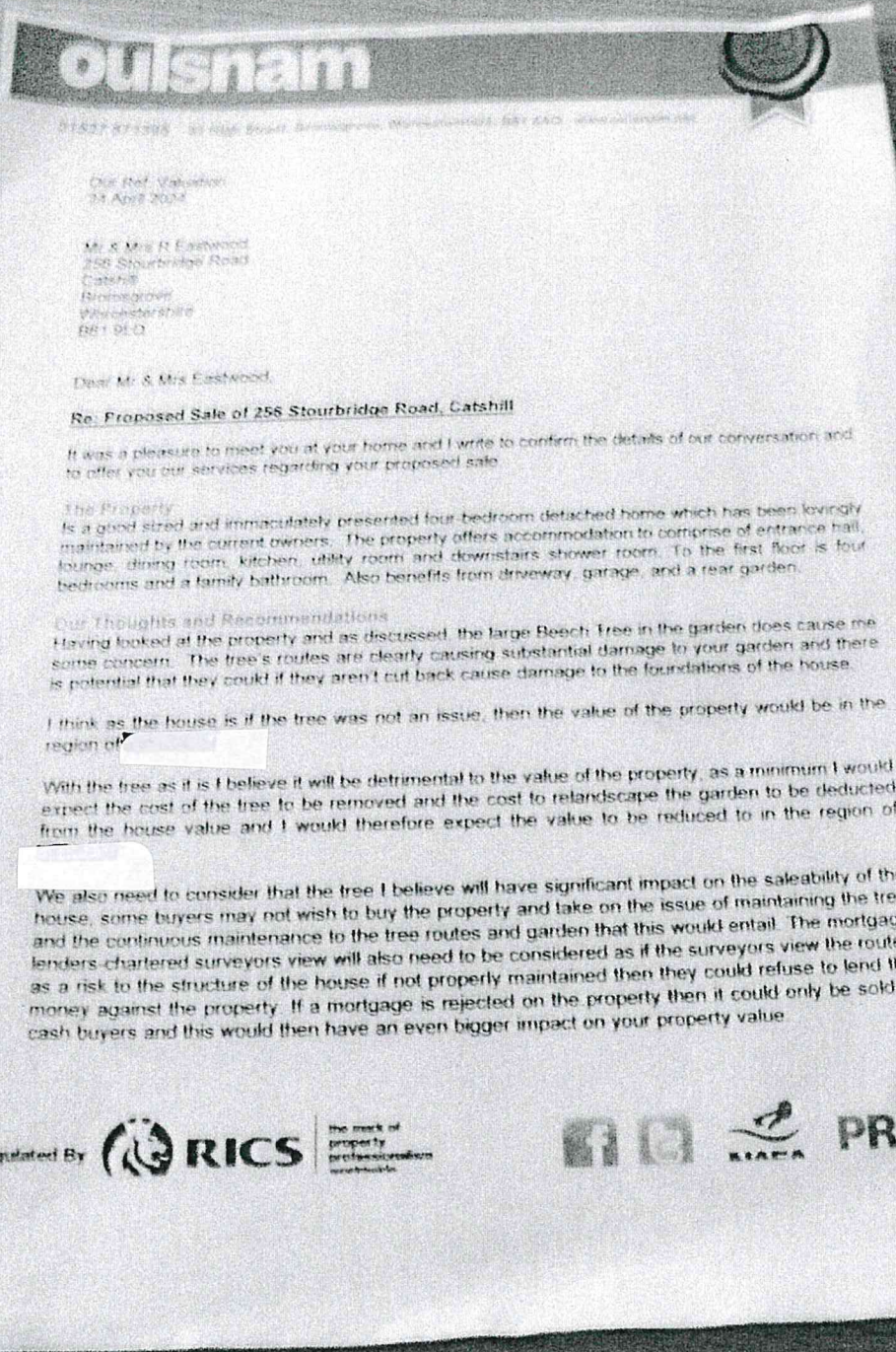
With many thanks and kind regards



Cllr Shirley Webb



APPENDIX (3)



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Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Hodgetts	Retention of 13 storage containers (and hardstanding) Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG	29.05.2024	24/00229/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Highways

St Kenelms Road has footways, no street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of bus stops which are located approx. 290m from the proposal.

It is noted parking has not been highlighted on the site plan for the occupants of the containers when visiting the site. A site visit confirmed parking space is available fronting the containers; however, it is still recommended the applicant highlights the area for parking available.

It is also noted a double gate has been installed between containers 1 and 13.

Due to the type of development proposed (storage only), vehicles are used to bring and take materials from the containers which is accepted in this instance. Pedestrian or highway safety is not compromised, and it is noted there will be no additional staff employed on site associated with this proposal.

This applicants Statement has confirmed this is a B8 retrospective development and that the containers are being rented out to local businesses for storage purposes only, a site visit confirmed this to be the case.

The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated by the proposed development will not have a severe impact on the highway or upon pedestrian safety.

Worcestershire County Council PROW Officer

No objection.

North Worcestershire Water Management

The gravel hardcore would be classed as permeable. It is assumed that the runoff from the containers will be allowed to permeate into the ground and therefore the storage contains should not have resulted in an increase in runoff leaving the site. I have therefore no adverse comments to make.

24/00229/FUL

WRS - Contaminated Land

No adverse comments to make.

WRS - Noise

No further comments in relation to the updated plans.

WRS - Air Quality

WRS have no adverse comments regarding Air Quality (Operational) regarding the updated plans.

Romsley Parish Council

No objection

Publicity

10 letters sent 09.07.2024 (expired 02.08.2024)

Site Notice posted 04.10.2024 (expired 28.10.2024)

Press Notice published 19.04.2024 (expired 06.05.2024)

1 comment of objection as follows:

- Concerns expressed over a lack of fairness and consistency in decision taking. Planning application 09/0282 as an example related to an established business wanting to expand but on this occasion the individual proposal deserved to receive a refusal to safeguard the countryside from encroachment etc. Planning applications 24/00307/FUL & 24/00229/FUL also represents an established business having already expanded (hence the retrospective applications) but claiming diversification to enable encroachment of the countryside

Councillor Nock

The application supports farm diversification. The site already has a café, farm stores and commercial units operating successfully. The site benefits the vitality at the area. The containers are not considered to be visually intrusive.

The visual impact of the containers is small as they are located on hardstanding within the farm and commercial site. They are not located on green land, near a public highway or public footpath. They are screened by mature hedgerows. In these circumstances there is limited harm to the openness of the Green Belt and planning permission should be granted.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP13 New Employment Development

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

Bromsgrove High Quality Design SPD

National Planning Policy Framework (2023)

Relevant Planning History

24/01005/FUL	Change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (retrospective)	Pending consideration	
24/00307/FUL	Retention of storage compound and hardstanding, including 2.4m palisade fence	Pending consideration	
24/00228/CPE	Provision of four storage containers on the land for the purposes of storage	Withdrawn	09.08.2024
23/01394/FUL	Retention of cafe, toilets, store extension and two air-conditioning units and associated car park	Granted	09.07.2024
23/01375/FUL	Retention of boundary fence	Refused	28.05.2024

Assessment of Proposal

The retrospective proposal relates to the retention of 13 storage containers. The containers are all equally sized at 30sqm (12m long by 2.5m wide by 2.9m high). The containers are located to the north of Backlane Farm with an L configuration on gravel hardstanding. The containers are accessed from the car park serving Romsley Country Store to the south-west. The general means of access through the site is not clearly defined.

The businesses that utilise the containers are: The Grass Guru (based in Halesowen), Op Marketing (Romsley), Eastleigh Landscapes (Romsley). Op Marketing currently rent three storage containers, two containers are rented to businesses based in Halesowen, two containers are rented to local individuals, three containers are rented to Hagley Stoves & Fireplaces (based at Backlane Farm).

The containers can only be accessed during the hours when the Romsley Country Store is open which are weekdays 8am - 6pm, Saturdays 8am - 5pm, Sundays 9.30am - 4pm. Outside these times, the gates into the site are locked. The containers are permanently sited and amount to buildings on the basis of size, permanence and weight in accordance with *Skerritts of Nottingham v Secretary of State for the Environment, Transport and the Regions (2000)*.

Site Description

The site is located in the Green Belt. There is a Public Right of Way RM-522 located along the northern boundary of the site and the containers are separated from the footpath by a boundary hedge and metal gate. There is an agricultural storage building to the west of the site and an unauthorised vehicle storage compound (the subject of

pending application 24/00307/FUL) is located to the east of the site accessed via a metal gate and surrounded by a palisade fence. Backlane Farm comprises a number of uses, a dwelling house and commercial uses including Romsley Country Store, a stove showroom, florist and the Rickyard Cafe. These are accessed from St Kenlems Road and are all located to the south-west of the containers.

Background

Members should note that a previous Certificate of Lawfulness application for four storage containers (Ref: 24/00228/CPE) was withdrawn on 9 August 2024. It was considered that the evidence presented was insufficiently precise and unambiguous to demonstrate that the containers would be lawful and meet the requirements of Section 191 of the Town and Country Planning Act 1990. Thereby, the retrospective application was amended in Sept 2024 to include four additional containers and therefore a total of 13 storage containers are now under consideration.

Principle - Green Belt

Definitional Harm

The site is located in the Green Belt. The proposal for the retention of the 13 storage containers would not fall under any of the exceptions of appropriate development as outlined in policy BDP4 of the Bromsgrove District Plan (BDP) or within paragraphs 153 - 155 of the National Planning Policy Framework (the Framework). The containers are rented out on a commercial basis. Thereby, the proposal amounts to inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. The definitional harm by virtue of inappropriate development carries substantial weight.

Conflict with Green Belt Purposes

There is harm caused by virtue of encroachment into Green Belt as a result of the unauthorised development. The safeguarding of the countryside from encroachment is one of the fundamental purposes of designating land as Green Belt (paragraph 143 of the Framework). It is evident from historic imagery (dating to 2013) that the land was an undeveloped field apart from limited storage ancillary to agriculture. The area has been transformed with gravel hardstanding to accommodate the containers (and, further to the east, the vehicle compound which is the subject of application 24/00307/FUL). The harm by virtue of encroachment carries substantial weight.

Impact upon openness

The correct approach is to consider that openness has three elements: spatial, visual and activity. The containers each have a floorspace of 30sqm and a volume of 87cuM. The combined floorspace and volume amounts to 390sqm and 1131cuM respectively. This is a significant amount of development and spatial impact which also results in significantly increased activity to and from the 13 separate containers. When the NPPF refers to 'preserve' that means that there can be no harm or adverse effect of any level to openness (as per *R. (on the application of Boot) v Elmbridge BC [2017] EWHC 12 (Admin)*).

Intentional unauthorised development

Written Ministerial Statement - HLWS404 'Green Belt Protection and Intentional Unauthorised Development' states that intentional unauthorised development is a material consideration in planning decision making, to ensure stronger protection for Green Belts. It is unclear how, given the scale of the development, that the applicant would not have applied for planning permission and therefore the alleged breaches of planning control fall into the 'intentional unauthorised' category. The intentional unauthorised development carried moderate weight.

Green Belt balance

As outlined above, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The requirement for Very Special Circumstances ('VSC') as set out at paras 152 and 153 of the Framework is an all encompassing test with all the harms and any of the benefits need to be weighed into the balance. In this weighing exercise, the benefits must clearly outweigh the harms. The following matters have been put forward by the applicant:

- Provision of affordable storage facilities. The ability to store stock locally is essential for the ongoing operation of the businesses using the containers and therefore they support the ongoing success of local employers.
- A condition could be applied to limit the total number of containers on the site to 13 maximum and to limit the use of the containers to only individuals or businesses within a four mile radius of the site. A condition could also be applied to have the containers painted dark green
- Alternative sites with long established container storage would be Halesowen Storage (3.6 miles away), Cradley Heath Self Storage (5 miles away), Stourton Storage (8.3 miles away) or Kingswinford Containers (8.7 miles away). There is no evidence that any closer locations have been granted planning permission for B8 storage use
- Policy support within the Bromsgrove District Plan BDP15 Rural Renaissance criteria (a) development that contributes to diverse and sustainable rural enterprises within the District" and "(g) rural diversification schemes' whilst recognising that within the Green Belt inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances".
- Policy BDP13 (e) supports sustainable economic development in rural areas through proportionate extensions to existing business or conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt
- The site of the containers would otherwise be used for agricultural storage of machinery, produce and materials
- They are located on an area of hardstanding that was laid more than 10 years ago
- The site of the containers is well screened from the public footpath to the north
- The site sits within the village of Romsley and the northern boundary of the site does not extend into the Green Belt beyond the general limits of the northern edge of the village
- The majority of the containers have been in position for five years or longer and have generated no adverse comment or feedback from local residents
- Loss of farm subsidy payments
- Requirement for tenants to travel much greater distances to find alternative space with planning permission

Officer Response

In terms of the Green Belt balance, it should be noted that the site is not located within the village envelope of Romsley but within the open Green Belt. The storage of agricultural machinery and equipment would be considered ancillary to agriculture and therefore not amount to development (*Millington v Secretary of State for the Environment, Transport and the Regions [1999]*) and therefore any fallback in relation to the impact of this would carry limited weight.

Whilst it should be acknowledged that there are limited economic benefits arising from the storage containers and potential enhancements to the viability of the farm business, it is important to draw a distinction between a personal and public benefit. The leaseholders of the containers derive benefit from the storage facilities but this would reasonably be regarded as a personal benefit with limited weight given in the Green Belt balance. The main points put forward relate to economic considerations but these are not unique or very special circumstances and thereby carry limited weight. The sustainability argument is offset by the fact that some of the tenants are travelling from Halesowen to utilise the storage containers and therefore any perceived sustainability benefits would be at best neutral in the planning balance.

The matter raised in terms of visual impact is noted but the location of the proposal would not address the harm by reason of inappropriateness and would carry limited weight. The suggested condition to limit the number of containers would not address the harm arising in terms of the openness of the Green Belt and carries no weight in favour of the proposal. Policies BDP13 and BDP15 need to be read collectively so that the criteria cited are considered in the appropriate context. In the case of policy BDP13, criterion (e) refers to 'sustainable economic development in rural areas through proportionate extensions to existing business or conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt. The retrospective proposal does not relate to an extension or conversion.

In relation to policy BDP15, criterion (a) states that development which contributes to diverse and sustainable rural enterprises within the District would be encouraged. The policy criteria should be read collectively and criteria (b) to (l) appropriately define what should be considered a sustainable rural enterprise including agricultural dwellings and the conversion of rural buildings. It does not include new standalone buildings or containers for employment/storage purposes.

In summary, the retrospective proposal would fail to 'preserve' the openness of the Green Belt and would have an adverse impact upon openness (*as per R. (on the application of Boot) v Elmbridge BC [2017] EWHC 12 (Admin)*). The substantial harm outlined above is not outweighed by the matters put forward by the applicant.

Design

It is not considered that the containers, as placed in this location, integrate with the adjoining agricultural building or the wider setting of the site, thereby conflicting with policy 19 of the BDP and section 6.2 of the Bromsgrove High Quality Design SPD. However, it is noted that there is limited visibility of the containers from public vantage points including the footpath to the north which mitigates their impact. This conclusion is separate from the assessment of the impact on the Green Belt.

Highways

No objections have been raised by Worcestershire Highways. Pedestrian or highway safety is not considered to be compromised, and no additional staff would be employed on site. The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated will not have a severe impact on the highway or pedestrian safety.

Sustainability/Suitability of Location

In respect of sustainability, it is considered that the location of the containers would be inherently unsustainable requiring travel by private vehicle to enable their use for storage purposes. It is accepted that the nature of the storage use would militate against the use of any alternative means of transport to enable access.

However, this does not address the issue of whether the development is in an appropriate location, with particular regard to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan (BDP). The policy sets out that the development of the District would follow the following hierarchy: (a) Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt; (b) Expansion Sites around Bromsgrove Town (as identified in BDP 5A); (c) Development Sites in or adjacent to large settlements (as identified in BDP 5B). Similarly, Policy BDP 13 follows this hierarchy in supporting economic development opportunities within Bromsgrove Town and Large Settlements including within the Town Expansion Sites and Other Development Sites identified as suitable for employment use in BDP5A and B. The Policies remain consistent with the NPPF 2023 (the Framework). In the event that the proposal was allowed, this could be used too easily and often in support of other commercial employment schemes in the wider rural area, without any regard to the settlement hierarchy of the BDP which establishes a logical and sustainable approach to development in the District.

Whilst there are some modest economic benefits arising from the retention of the containers, this does not outweigh the harm identified in not guiding new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan (the BDP).

Ecology/Protected Species

The area is not defined as sensitive in terms of habitat and does not comprise a Site of Special Scientific Interest (SSSI) or Special Wildlife Site (SWS). Retrospective applications are exempt from the Biodiversity Net Gain 10% requirement. The application is not accompanied by a Preliminary Ecological Appraisal.

However, given the retrospective nature of the proposal it is not possible to determine whether or not the development (and the adjoining retrospective development under consideration (Ref: 24/00307/FUL and 24/01005/FUL) have had a detrimental impact on protected species.

Other matters

There have been no objections raised by Romsley Parish Council, the WCC PROW Officer, North Worcestershire Water Management, Worcestershire Regulatory Services in relation to Noise, Air Quality or Contaminated Land. The third party representation refers to the issue of consistency in decision taking citing application 09/0282 (at the Hylton

Hound Hotel, Wythall) where the extension of a commercial facility was refused due to encroachment and conflict with Green Belt policy. It is considered that the recommendation on the application under consideration would be consistent with the decision taken in application 09/0282, adjusted to take into account the current policy context of the BDP and the Framework.

The Representation from the Ward Councillor is noted and outlines the diversification requirements and the economic benefits arising from the retrospective proposal. These matters have been fully addressed in the Green Belt appraisal above, the points raised would not be unique to the site or amount to very special circumstances to justify inappropriate development.

In terms of diversification, Members should note that of cafe, toilets, store extension, two air-conditioning units and car park were also constructed without the benefit of planning permission and retrospective consent has been granted (Ref: 24/00307/FUL). Therefore, the site has the opportunity to economically benefit from farm diversification without additional unauthorised development.

Conclusion

In summary, having considered all the information presented, it is concluded that the harm that the retrospective proposal causes to the Green Belt, by virtue of inappropriateness and other harm including harm to the openness and purposes of Green Belt would not be clearly outweighed by the matters put forward by the applicant and any other considerations. Thereby, the very special circumstances required to justify inappropriate development do not exist and permission should be refused.

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

1. The 13 storage containers are substantial in scale and have a significant and detrimental impact upon the openness of the Green Belt. The retrospective proposal conflicts with the purposes of including land in the Green Belt and amounts to inappropriate development. No very special circumstances have been put forward or exist which would outweigh the harm caused. Thereby, the development would be contrary to policies BDP1 and BDP4 of the Bromsgrove District Plan (2017) and the NPPF.
2. The proposal would fail to direct new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan, the Bromsgrove District Plan. Thereby, the site for the retention of the storage containers is not considered to be an appropriate location for commercial development and would be contrary to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan (BDP) and to the principles of sustainable development set out within paragraphs 12 and 15 of the NPPF.

Case Officer: David Kelly Tel: 01527 881666
Email: david.kelly@bromsgroveandredditch.gov.uk

24/00229/FUL

Land at Backlane Farm, St Kenelms Road, Romsley Worcestershire

Retention of 13 storage containers (and hardstanding)

Recommendation: REFUSE

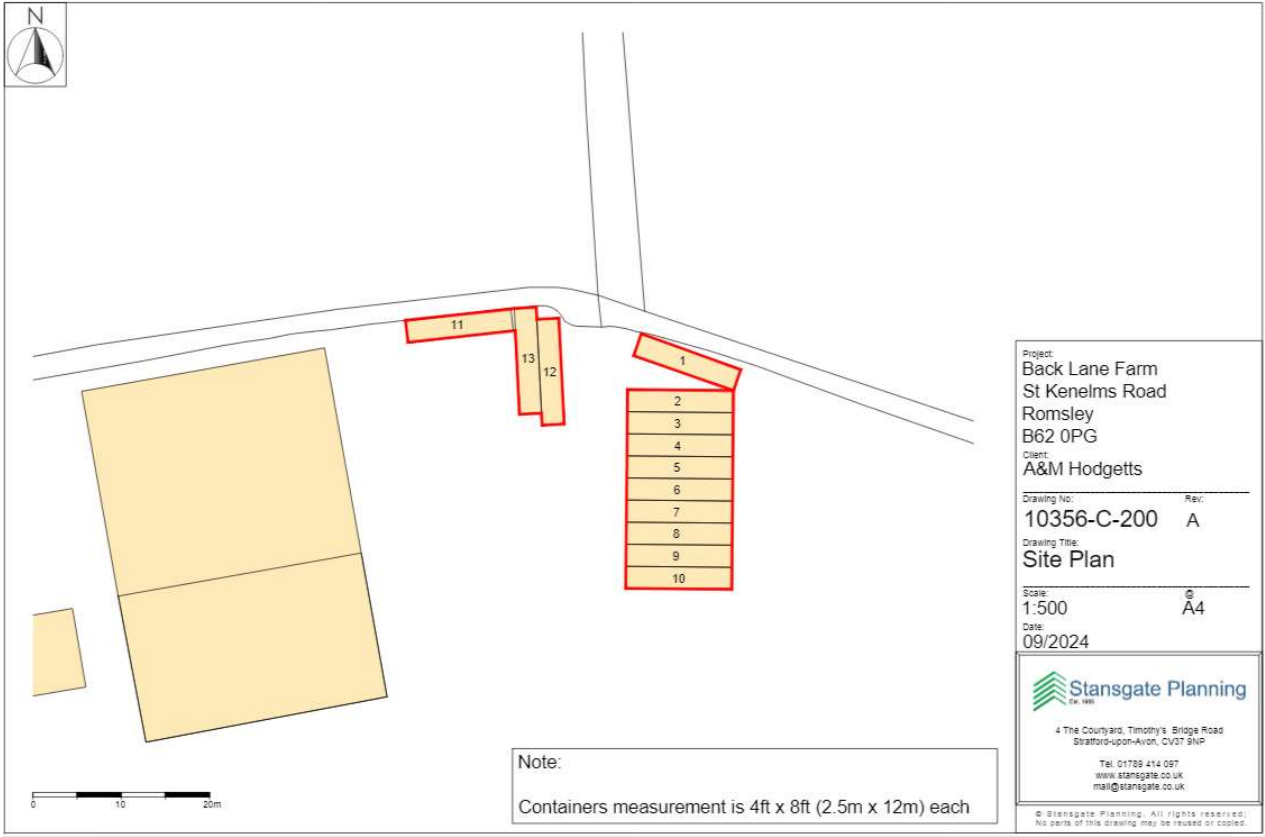
Aerial Image



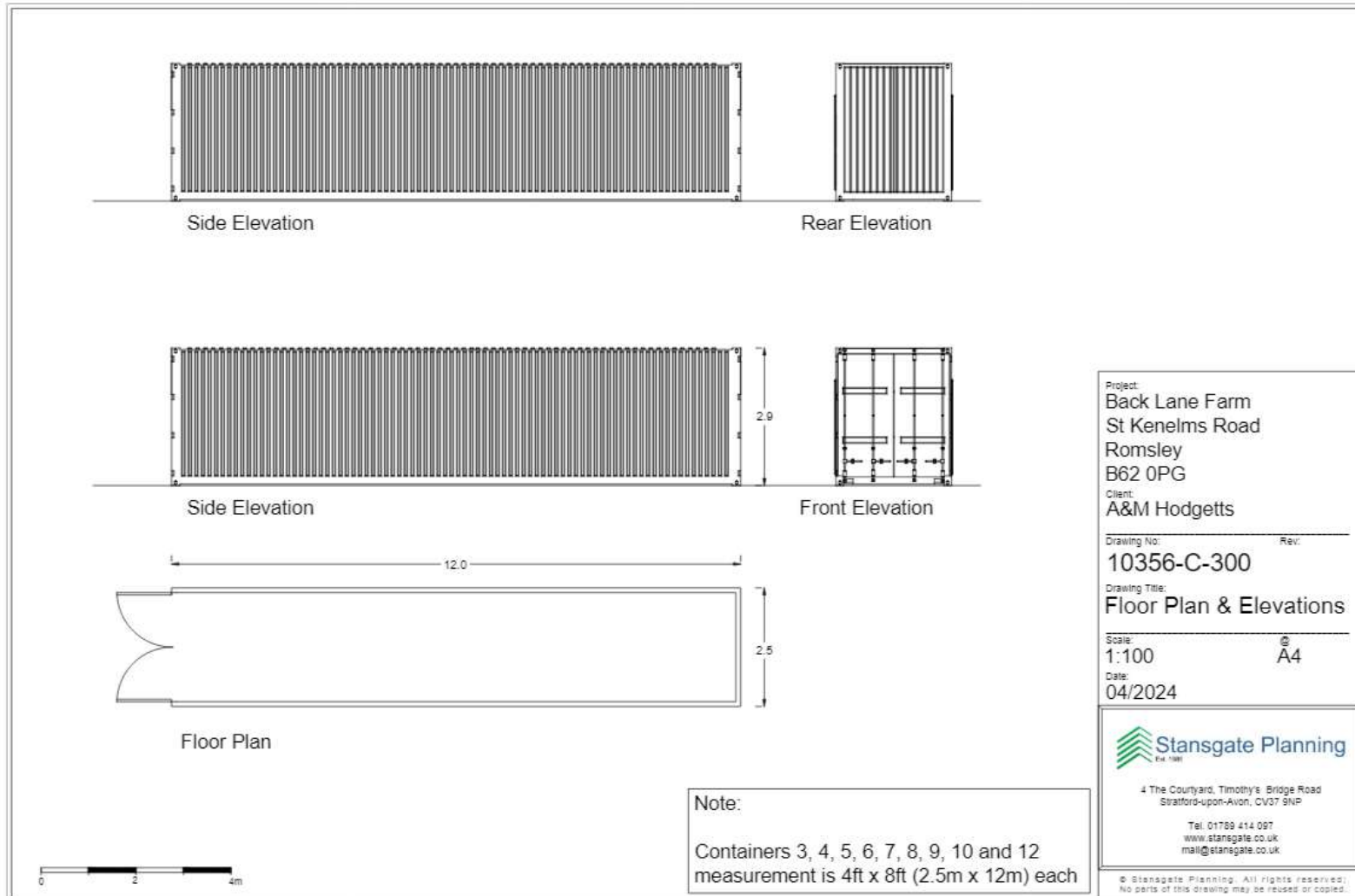
Site Location Plan



Site Plan



Container Floorplans and Elevations



Project:
 Back Lane Farm
 St Kenelms Road
 Romsley
 B62 0PG
 Client:
 A&M Hodgetts

Drawing No: 10356-C-300
 Rev:

Drawing Title:
Floor Plan & Elevations

Scale: 1:100
 Sheet: A4

Date:
 04/2024

Note:
 Containers 3, 4, 5, 6, 7, 8, 9, 10 and 12
 measurement is 4ft x 8ft (2.5m x 12m) each

Stansgate Planning
 Est. 1981

4 The Courtyard, Timothy's Bridge Road
 Stratford-upon-Avon, CV37 9NP

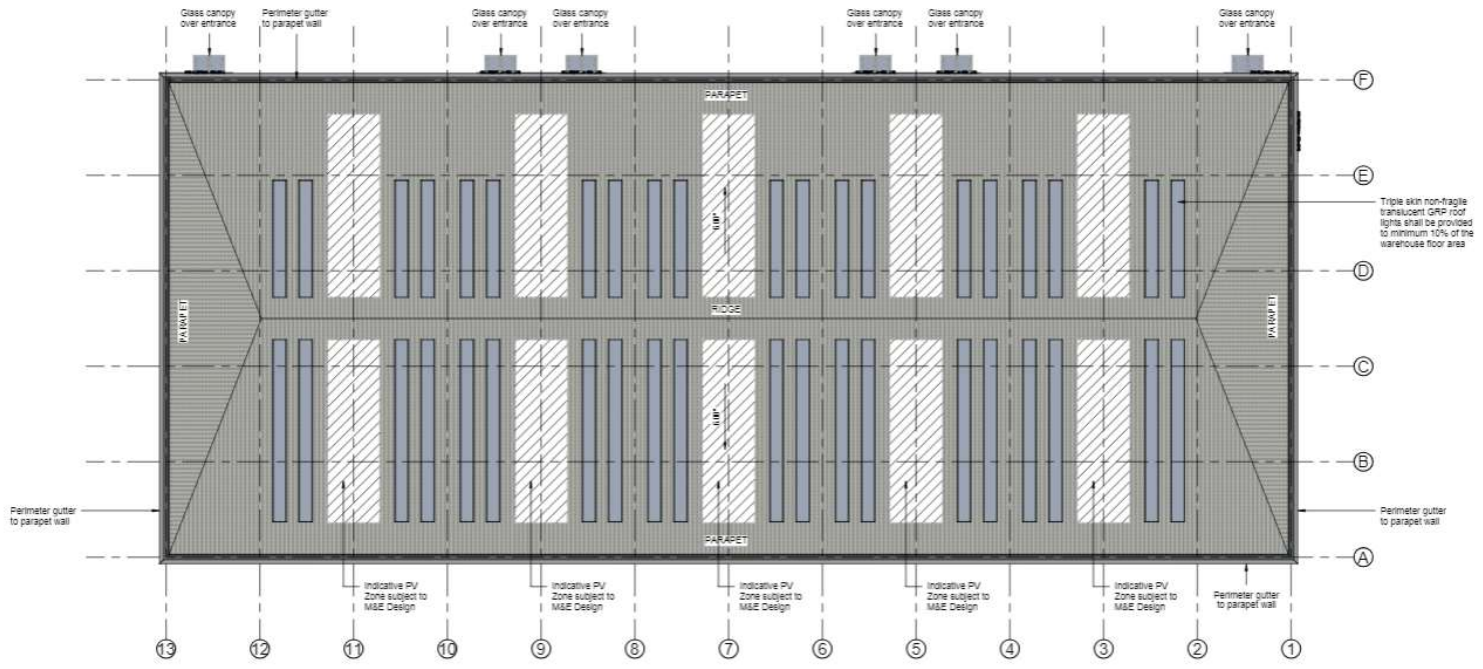
Tel: 01789 414 097
 www.stansgate.co.uk
 mail@stansgate.co.uk

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Site Photos

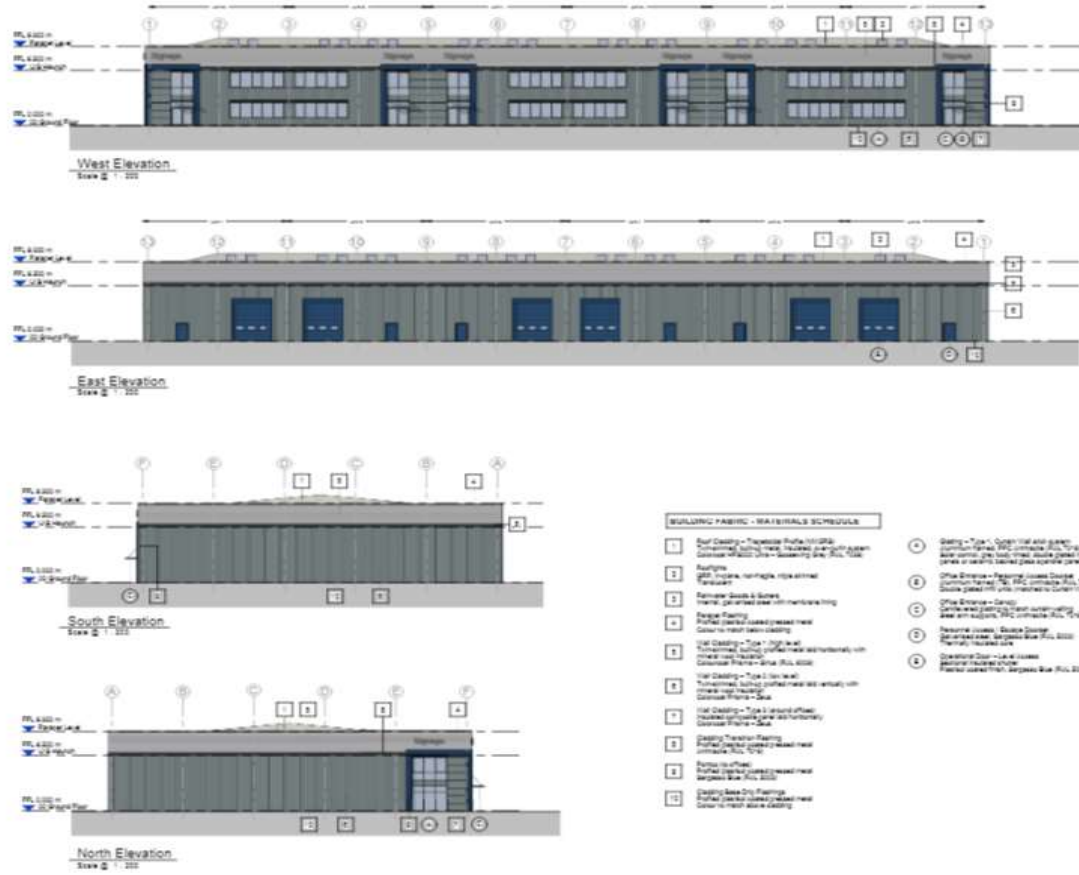


Proposed Roof Plan



Proposed Roof Plan
Scale @ 1 : 200

Proposed Elevations



Site Photographs

Pre-demolition



Post-demolition



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Hodgetts	Retention of storage compound and hardstanding, including 2.4m palisade fence Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG	04.09.2024	24/00307/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Highways

The applicant has confirmed the site is used only for storage of cars only, a site visit confirmed this being the case. The applicant has confirmed via the statement cars are delivered to Manor Way and then these are moved individually by staff to the Romsley site, when these cars are ready to be handed over to customers, staff collect them from Back Lane Farm and take them to Manor Way - this is deemed to be acceptable for this type of use.

Due to the type of development proposed (storage only), pedestrian or highway safety is not compromised by the proposal, and it is noted there will be no additional staff employed on site associated with this proposal as highlighted within the application form.

The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated by the proposed development will not have a severe impact on the highway or pedestrian safety.

The existing shared vehicular access has good visibility in both directions and is deemed to be acceptable.

WRS - Contaminated Land

No objection.

WRS - Noise

No objection.

WRS - Air Quality

No objection.

North Worcestershire Water Management

The application details that the hardstanding laid in Spring 2022 is permeable as it consists of an 8 inch base of brick/crushed brick with an 4 inch layer of road stone on top. The application form details that surface water from the site will be disposed of via SuDS, but there are no further details. Following application 24/00229/FUL it is assumed that

water falling on the storage compound site soaks away naturally via the permeable surface, mimicking the pre-development situation. I would recommend attaching a condition to ensure that the surface will remain permeable as this will ensure that the development will not result in additional runoff leaving the site, which could exacerbate flood risk elsewhere.

The letter submitted for this application details that no repairs or cleaning work is carried out on the cars at Back Lane Farm. I would recommend attaching a condition that ensures that no car repairs, valeting or car washing is undertaken on the site.

The compound is larger than 800m². The Environment Agency on their website <https://www.gov.uk/guidance/pollution-prevention-for-businesses> detail that car parks larger than 800m² (or for 50 or more parking spaces) typically need an oil separator. It is assumed that this requirement is not applicable for sites that do not discharge via a piped drainage system. It will be up to the applicant to ensure that his business operates within the Environmental regulations and does not cause pollution to the water environment.

Worcestershire County Council Countryside Service

No objection.

Romsley Parish Council

No objection

Publicity

10 letters sent 21.11.24 (expired 05.12.24)

Site Notice posted 21.08.24 (expired 14.09.24)

Press Notice posted 19.07.24 (expired 05.08.24)

1 comment of objection as follows:

- Concerns expressed over a lack of fairness and consistency in decision taking. Planning application 09/0282 for an example, an established business wanting to expand but on this occasion the individual proposal deserved to receive a refusal to safeguard the countryside from encroachment etc. Planning applications 24/00307/FUL & 24/00229/FUL also represents an established business having already expanded (hence the retrospective applications) but claiming diversification to enable encroachment of the countryside

Councillor Nock

Requests that this application to be heard before Planning Committee. It would seem sensible that this is heard at the same as 24/00229/FUL which was previously called in.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP5A Bromsgrove Town Expansion Sites

BDP5B Other Development Sites

BDP13 New Employment Development

24/00307/FUL

BDP15 Rural Renaissance
BDP19 High Quality Design

Others

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

Relevant Planning History

24/01005/FUL	Change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (retrospective)	Pending consideration	
24/00229/FUL	Retention of 13 storage containers (and hardstanding)	Pending consideration	
24/00228/CPE	Provision of four storage containers on the land for the purposes of storage	Withdrawn	09.08.2024
23/01394/FUL	Retention of cafe, toilets, store extension and two air-conditioning units and associated car park	Granted	09.07.2024
23/01375/FUL	Retention of boundary fence	Refused	28.05.2024
B/2007/0287	Change of use agricultural building to farm shop (to replace existing farm shop) - as amended by plans received on: 21/05/2007.	Granted	24.05.2007

Assessment of Proposal

The vehicle storage compound is a large area to the north of Backlane Farm extending to approx 2018sqm or 0.2Ha. It is rectangular in shape surrounded by a palisade fence 2.4m in height. There is a metal gate marking the access at the western side of the site which adjoins the storage containers (which are the subject of retrospective application 24/00229/FUL). The hardstanding comprises a hardcore of crushed brick with a layer of road stone above. There are five security cameras around the periphery of the site elevated on metal poles 3.45m in height. There are four Passive Infra-Red (PIR) security lights facing into the site of the same height as the security cameras. The compound is accessed from car park serving Romsley Country Store to the south-west. The general means of access through the site is not clearly defined.

The compound is currently used by Audi for car storage in association with their sales unit in Manor Way, Halesowen, approximately 3 miles from Back Lane Farm. The hardstanding was laid and the fence installed in March/April 2022 and the vehicle storage use began in September 2022. No planning permission was obtained nor was any advice sought from the Council.

The vehicles are parked around the circumference of the site, approx 25 vehicles are parked along the southern and northern boundaries and 9 on the eastern and western boundaries. There were also 10 internal rows of parked vehicles with three vehicles in each row. No car transporters deliver or collect from the compound. Cars are delivered to Manor Way and then moved individually by staff to the Romsley site. When cars are ready to be handed over to customers, staff collect them from compound and take them to Manor Way. There are between 3 - 5 car movements to and from the site in an average day. No repairs or cleaning work is carried out on cars at Back Lane Farm; these activities take place at Manor Way.

The compound can only be accessed during the hours when the Romsley Country Store is open: weekdays 8am - 6pm Saturdays 8am - 5pm, Sundays 9.30am - 4pm Outside these times, the gates into the site are locked.

Site Description

The site is located in the Green Belt. There is a Public Right of Way RM-522 located along the northern boundary of the site and the compound is separated from the footpath by a boundary hedge. Romsley Scout Centre is located to the north east of the site. There are unauthorised storage containers (the subject of application 24/00229FUL) located to the west of the site. Backlane Farm comprises a number of uses, a dwelling house and commercial uses including Romsley Country Store, a stove showroom, florist and the Rickyard Cafe. These are accessed from St Kenlems Road and are all located to the south west of the compound.

Background

The site is the subject of a number of retrospective planning applications to address a number of alleged breaches of planning control. They include the current retrospective proposal for the stationing of 13 storage containers (Ref: 24/00229FUL), the change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (Ref: 24/01005/FUL) which is currently under consideration and the retention of cafe, toilets, store extension and two air-conditioning units and associated car park (Ref: 23/01394/FUL) which was approved on 09.07.2024.

Principle

Green Belt Definitional Harm

The site is located in the Green Belt. The proposal for the retention of the vehicle storage compound would not fall under any of the exceptions of appropriate development as outlined in policy BDP4 of the Bromsgrove District Plan (BDP) or within paragraphs 153 - 155 of the National Planning Policy Framework (the Framework). There is evidently a substantial commercial operation on the site. Thereby, the proposal amounts to inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. The definitional harm by virtue of inappropriate development carries substantial weight.

Conflict with Green Belt Purposes

There is harm caused by virtue of encroachment into Green Belt as a result of the unauthorised development. The safeguarding of the countryside from encroachment is one of the fundamental purposes of designating land as Green Belt (paragraph 143 of the Framework). It is evident from historic imagery (dating to 2013) that the land was an undeveloped field apart from limited storage ancillary to agriculture. The area has been transformed with gravel hardstanding and palisade fencing to accommodate the vehicle compound and the containers (which are the subject of application 24/00229/FUL). The harm to the purposes of the Green Belt by virtue of encroachment carries substantial weight. The proposal would also fail to assist with urban regeneration given the large commercial nature of the development and it would also conflict with that Green Belt purpose.

Impact upon openness

The correct approach is to consider that openness has three elements: spatial, visual and activity. The compound occupies a large area (2018sqm or 0.2Ha) and the parked vehicles, fencing, security cameras and lighting have a significant impact on the openness of the site. The spatial impact also results in significantly increased activity from the parking of up to 100 vehicles. The Planning Practice Guidance states that the degree of activity likely to be generated, such as traffic generation is listed as a matter to be considered when assessing the impact on green belt openness. There is a significant adverse harm which fails to preserve openness as defined in *R. (on the application of Boot) v Elmbridge BC [2017] EWHC 12 (Admin)*.

Intentional unauthorised development

Written Ministerial Statement - HLWS404 'Green Belt Protection and Intentional Unauthorised Development' states that intentional unauthorised development a material consideration in planning decision making, to ensure stronger protection for Green Belts. It is unclear how, given the scale of the development, that the applicant would not have applied for planning permission and therefore the alleged breaches of planning control fall into the 'intentional unauthorised' category.

Green Belt balance

As outlined above, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The requirement for Very Special Circumstances ('VSC') as set out at paras 152 and 153 of the Framework is an all encompassing test with all the harms and any of the benefits need to be weighed into the balance. In this weighing exercise, the benefits must *clearly* outweigh the harms. The following matters have been put forward in support of the application:

- The applicant has considered other sites in the locality with existing commercial storage uses, as potential alternatives to the proposal. There is uncertainty over whether any of these sites has a lawful commercial storage facility in place. The following sites were considered: Hunnington Fishery, Hunnington Station, Portmans/ Thistle Grove Farm, Horsepool Farm, Bayliss, Bibby and a plan has been provided identifying the location of these sites.
- The applicant cites policy BDP13 (e) which supports sustainable economic development in rural areas through proportionate extensions to existing business or

conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt.

- Policy BDP15 Rural Renaissance of the Bromsgrove District Plan has been cited, criteria (a) stating development that contributes to diverse and sustainable rural enterprises within the District" and "(g) rural diversification schemes' whilst recognizing that within the Green Belt inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances".
- The laying out of the hardstanding and the use of the land for commercial storage purposes are forms of development that fall within paragraph 155 of the Framework. Engineering operations and material changes in the use of land are "not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it."
- With regards to the five purposes of Green Belt, the development that has taken place does not encroach into the open countryside, as the site forms part of a mixed agricultural and commercial site and is on land well contained by substantial and long-established boundary planting.
- Audi have confirmed that they were looking for a storage site for a considerable time, with nothing suitable in a reasonable distance becoming available. Within the local area, all land outside the urban area lies within the Green Belt, so there are no preferable sites in non-Green Belt locations to consider.
- It is located within an active working farm and commercial site, in an area of the site which would otherwise be used for agricultural storage of large machinery, produce and materials
- The site sits within the village of Romsley and the northern boundary of the site does not extend into the Green Belt beyond the general limits of the northern edge of the village
- The use does not generate any HGV movements and, within the context of the site and the surrounding locality
- The landowner is not aware of any adverse feedback or concerns from local residents
- If permission were not to be forthcoming on this site, the tenant would have to look for another storage facility, which (given the existing lack of availability) would result in much longer car journeys, making less efficient use of staff time and generating greater CO2 emissions.
- Romsley should not become a dormitory settlement
- Loss of farm subsidy payments following Brexit
- The applicant would be willing to paint the palisade fence dark green and undertake further native hedgerow planting to strengthen the visual screen of the site

Officer Response

In terms of the Green Belt balance, the storage of agricultural machinery and equipment (which was similarly raised in application 24/00229/FUL in relation to the storage containers) would be considered ancillary to agriculture and therefore not amount to development (*Millington v Secretary of State for the Environment, Transport and the Regions [1999]*) and therefore any fallback in relation to the impact of this would carry limited weight. It should also be noted that aerial photography dated 2013 clearly shows open agricultural land in this location aside from a few scattered trailers. The matter of changes to farm subsidies would not be a unique occurrence and thereby would carry limited weight in the Green Belt balance.

In terms of the alternative sites put forward by the application. It is agreed that most of these do not have planning permission or Certificates of Lawfulness for commercial storage uses. These alternative sites have been considered. In terms of Hunnington Fishery, the most recent approval was for the construction by digging to 2.5m depth of 2 No. small duck ponds to the rear of farm buildings in 2003. (B/2003/0732). There would appear to be commercial (caravan storage) on this site which does not have planning permission or a CLEUD.

In terms of Horsepool Farm, there would appear to be commercial (caravan storage) on this site which does not have planning permission or a CLEUD. Planning permission for the storage of 25 non-residential caravans and erection of 8' fence was refused in 1987. (B/14803/1987).

In terms of Hunnington Station, the use of land for caravan storage was allowed on appeal in 1981 (B/7924/1980). This does not include the extent of the area currently used for caravan storage which does not have planning permission or a CLEUD.

In terms of Portmans/Thistle Grove Farm, this is to the south of Romsley some 3km to the south of the application site. Planning permission was granted for the change of use of approximately 2,400sqm to Use Class B1(c) in 2010 under application 10/0549. It is unclear if the site would meet the requirements of the proposal. Similarly, the Bayliss and Bibby sites would not appear suitable to accommodate the need.

In terms of the sequential approach put forward by the applicant, the alternative sites considered are also located in the Green Belt and it is unclear how the proposal for retention of the storage compound in the Green Belt would be justified because alternative sites would also be unacceptable in policy terms. It appears from the submission that Halesowen Audi require additional parking and vehicle storage facilities despite the existence of a substantial area for storing and parking vehicles at the facility on Manor Way. In summary, the sequential approach put forward by the applicant has only considered unavailable and unsuitable sites and this could carry no weight in the Green Belt balancing exercise. It is evident that the Halesowen Audi facility is surrounded by residential development with limited opportunity to extend the parking and storage facilities but the location of the business is a commercial consideration and would not amount to a very special circumstance to justify inappropriate development in the Green Belt.

It has been put forward that the laying out of the hardstanding and the use of the land for commercial storage purposes are forms of development that fall within paragraph 155 of the Framework. Engineering operations and material changes in the use of land are "not inappropriate in the Green Belt but only where they *preserve* the openness of the Green Belt *and do not conflict with the purposes* of including land within it. The proposed retention of the storage compound clearly conflicts with the openness and purposes of the Green Belt through the scale, design and increased activity arising from the compound. It is clearly the same finding as in *R (oao Amanda Boot) v Elmbridge Borough Council [2017]*. It is made clear in *Boot*, that if you have any level of harm to the Green Belt, then you will not be preserving openness and you will not fall into the para 155 exception and any conflict with purposes of including land in the Green Belt breaches the exception of para 155 of the Framework.

The site is located in the Green Belt and not within the village envelope of Romsley and clearly conflicts with the Green Belt purpose to assist in safeguarding the countryside from encroachment. The applicant accepts that the scheme would conflict with the fifth purpose of the Green Belt to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The matter raised in terms of visual impact is noted but the location of the proposal does not address the harm by reason of inappropriateness and would carry limited weight. Policies BDP13 and BDP15 need to be read collectively so that the criteria cited are considered in the appropriate context. In the case of policy BDP13, criterion (e) refers to 'sustainable economic development in rural areas through proportionate extensions to existing business or conversion of rural buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt. The retrospective proposal does not relate to an extension or conversion.

In relation to policy BDP15, criterion (a) states that development which contributes to diverse and sustainable rural enterprises within the District would be encouraged. The policy criteria should be read collectively and criteria (b) to (l) appropriately define what should be considered a sustainable rural enterprise including agricultural dwellings and the conversion of rural buildings. It does not include large new commercial storage compounds.

The point raised that the tenant of the compound, Halesowen Audi would need to find an alternative facility with potentially longer car journeys has not been evidenced and is based on a speculative assumption that an alternative facility would be more distant. This matter is not relevant in the weighing exercise in respect of Green Belt harm.

In summary, the main points put forward relate to economic considerations but these are not unique or very special circumstances and thereby carry limited weight. The sustainability argument for the requirement to locate at Back Lane Farm has not been justified and even if it was justifiable, it would not *clearly* outweigh the harm arising from the substantial facility such that very special circumstances would exist.

Design

It is not considered that the compound, lighting, CCTV and palisade fence would integrate with the adjoining agricultural buildings or the wider setting of the site, thereby conflicting with policy 19 of the BDP and section 6.2 of the Bromsgrove High Quality Design SPD. Whilst it is noted that there is limited visibility of the compound from public highways and the footpath to the north, it would be unexpected to find a large vehicle storage compound and 2.5m high palisade fence in the context of a farmyard. Whilst the boundary hedge to the north provides mitigation, this may not be a permanent feature of the landscape and would seasonally vary. The Bromsgrove High Quality Design SPD advises that boundary treatments must be appropriately designed and visually aggressive boundary treatments adjacent to public space will be resisted. The area close to the compound would be visible from the context of Romsley Country Store and thereby would conflict with the SPD.

Highways

No objections have been raised by Worcestershire Highways. Pedestrian or highway safety is not considered to be compromised, and no additional staff would be employed

on site. The existing shared vehicular access will be used by the proposed development and the number of trips that may be generated will not have a severe impact on the highway or pedestrian safety.

Sustainability/Suitability of Location

In respect of sustainability, it is considered that the location of the compound would be inherently unsustainable and whilst there are limited bus services in the locality, the vehicles are brought and stored at the site, the applicant stating that 2 -3 movements per day would occur. It is accepted that the nature of the use would not reasonably enable the use of any alternative means of transport to enable access.

The matter of whether the development is in an appropriate location requires consideration, with particular regard to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan (BDP). The policy sets out that the development of the District would follow the following hierarchy: (a) Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt; (b) Expansion Sites around Bromsgrove Town (as identified in BDP 5A); (c) Development Sites in or adjacent to large settlements (as identified in BDP 5B). Similarly, policy BDP 13 follows this hierarchy in supporting economic development opportunities within Bromsgrove Town and Large Settlements including within the Town Expansion Sites and Other Development Sites identified as suitable for employment use in BDP5A and B. The policies remain consistent with the NPPF 2023 (the Framework). In the event that the proposal was allowed, this could be used too easily and often in support of other commercial employment schemes in the wider rural area, without any regard to the settlement hierarchy of the BDP which establishes a logical and sustainable approach to development in the District.

Whilst there are some modest economic benefits arising from the retention of the compound, this does not outweigh the harm identified in not guiding new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan (the BDP).

Ecology/Protected Species

The application is not accompanied by a Preliminary Ecological Appraisal. The area is not defined as sensitive in terms of habitat and does not comprise a Site of Special Scientific Interest (SSSI) or Special Wildlife Site (SWS). However, given the retrospective nature of the proposal it is not possible to determine whether or not the development (and the adjoining retrospective developments under consideration (Ref: 24/00229/FUL and 24/01005/FUL) has had a detrimental impact on protected species.

Other matters

There have been no objections raised by Romsley Parish Council, the WCC PROW Officer, North Worcestershire Water Management (NWWM), Worcestershire Regulatory Services in relation to Noise, Air Quality or Contaminated Land. NWWM have recommended conditions in respect of ensuring a permeable surface to the compound and restriction of car washing/valeting activities. The Third Party Representation refers to the issue of consistency in decision taking citing application 09/0282 (at the Hylton Hound Hotel, Wythall) where the extension of a commercial facility was refused due to encroachment and conflict with Green Belt policy. It is considered that the recommendation on the application under consideration would be consistent with the

decision taken in application 09/0282, adjusted to take into account the current policy context of the BDP and the Framework.

Members should note that of cafe, toilets, store extension, two air-conditioning units and car park were also constructed without the benefit of planning permission and retrospective consent has been granted (Ref: 23/01394/FUL). Therefore, the site has the opportunity to economically benefit from farm diversification without additional unauthorised development.

Conclusion

In summary, having considered all the information presented, it is concluded that the harm that the retrospective proposal causes to the Green Belt, by virtue of inappropriateness and other harm including harm to the openness and purposes of Green Belt would not be clearly outweighed by the matters put forward by the applicant and any other considerations. Thereby, the very special circumstances required to justify inappropriate development do not exist and permission should be refused.

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

- 1) The retention of the vehicle storage compound, hardstanding, 2.4m palisade fence and associated development would have a significant and detrimental impact upon the openness of the Green Belt. The retrospective proposal and associated activity conflicts with the purposes of including land in the Green Belt and amounts to inappropriate development. No very special circumstances have been put forward or exist which would outweigh the harm caused. Thereby, the development would be contrary to policies BDP1 and BDP4 of the Bromsgrove District Plan (2017) and the NPPF.
- 2) The proposal would fail to direct new commercial employment development towards sustainable locations in accordance with the settlement hierarchy set out in the adopted development plan, the Bromsgrove District Plan. Thereby, the site of the vehicle storage compound, hardstanding, 2.4m palisade fence and associated development is not considered to be an appropriate location for commercial development and would be contrary to the settlement hierarchy outlined within policy BDP2 of the Bromsgrove District Plan and to the principles of sustainable development set out within paragraphs 12 and 15 of the NPPF.
- 3) It is not considered that the compound, lighting, CCTV and palisade fence would integrate with the adjoining agricultural buildings or the wider setting of the site. Thereby, the proposed retention of the compound would conflict with policy BDP19 of the Bromsgrove District Plan, Section 6.2 of the Bromsgrove High Quality Design SPD and the NPPF.

Case Officer: David Kelly Tel: 01527 881666
Email: david.kelly@bromsgroveandredditch.gov.uk

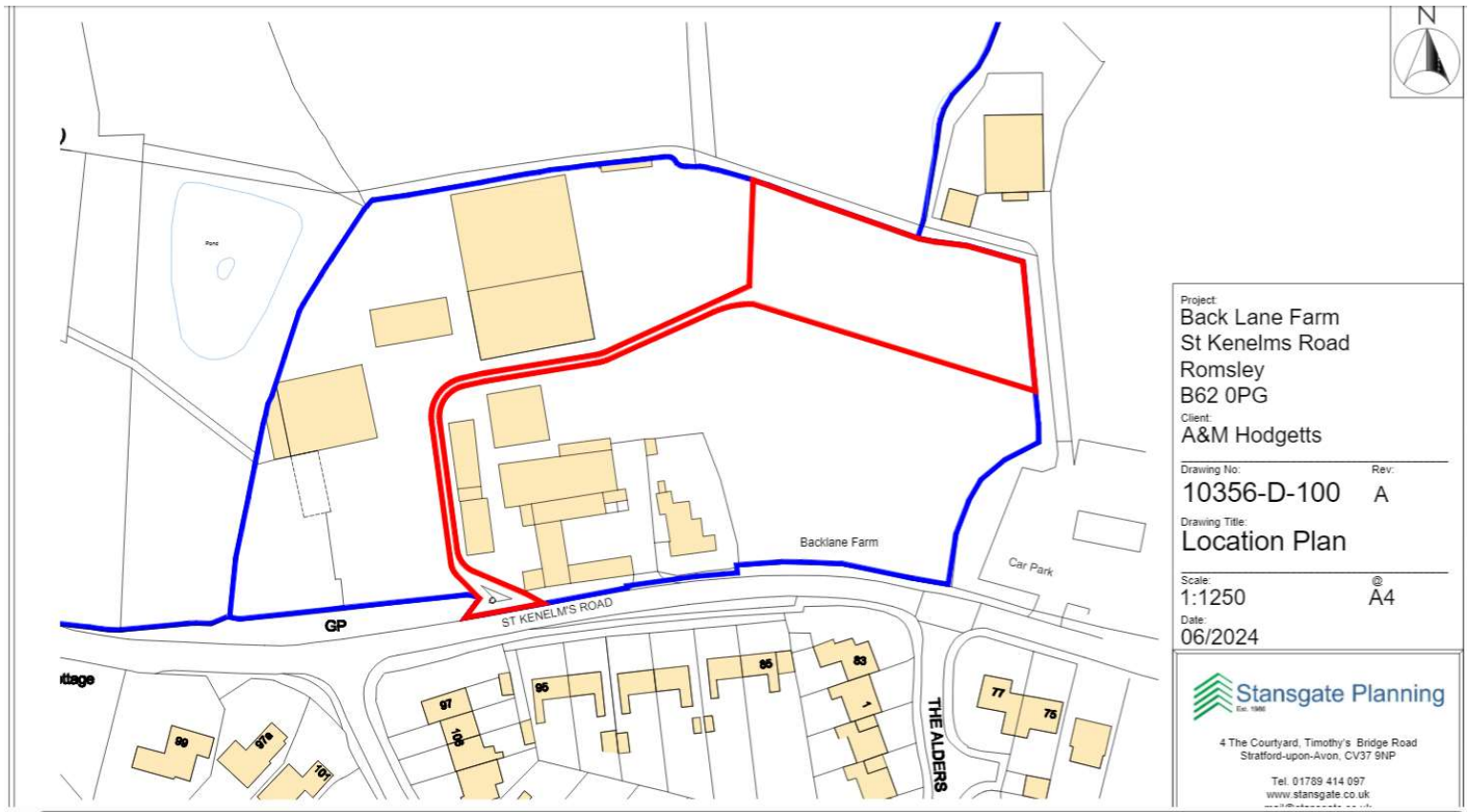
24/00307/FUL

Land at Backlane Farm, St Kenelms Road, Romsley
Worcestershire

Retention of storage compound and hardstanding,
including 2.4m palisade fence

Recommendation: Refuse

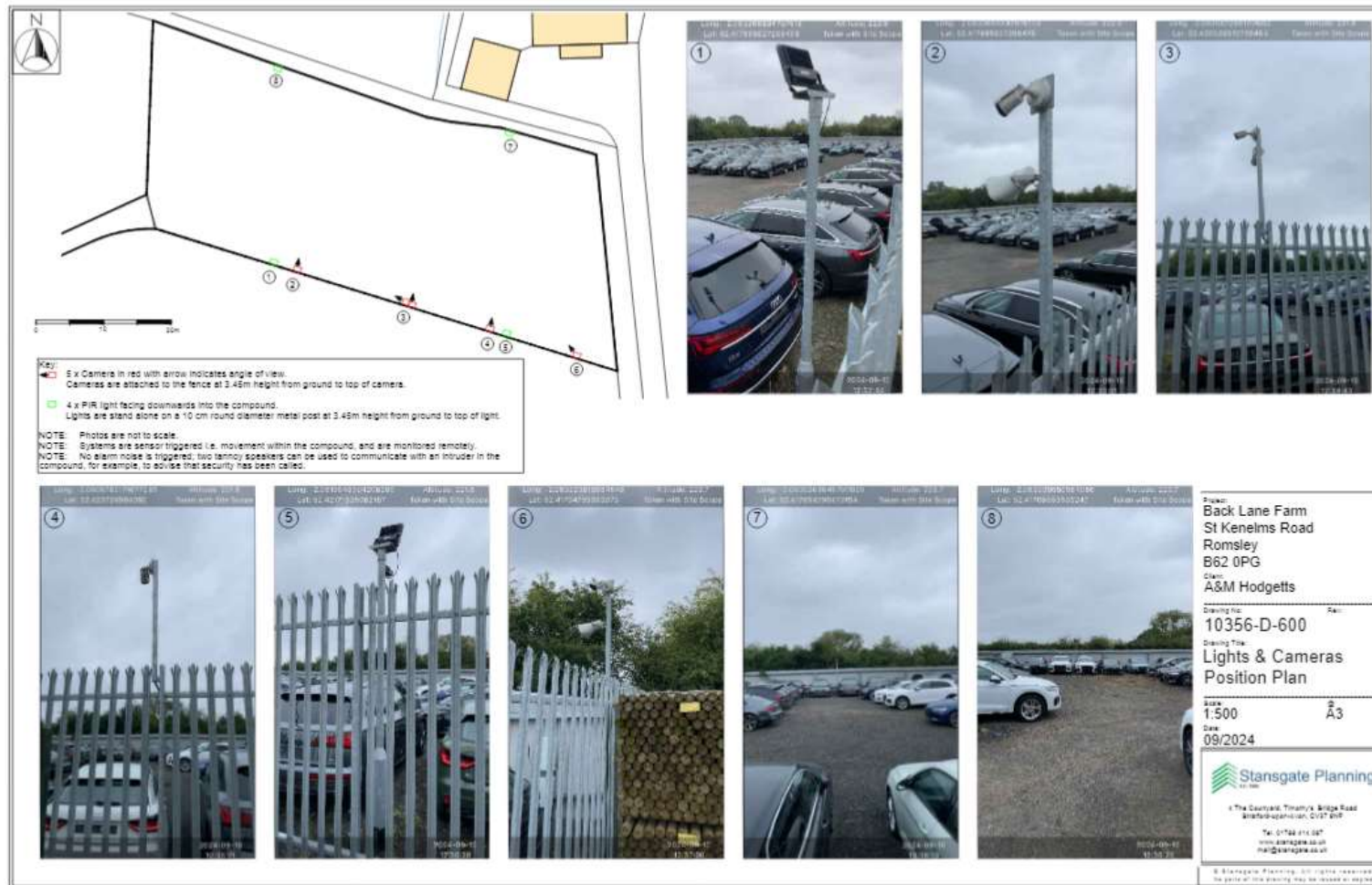
Site Location Plan



Site Plan and Fencing Elevation



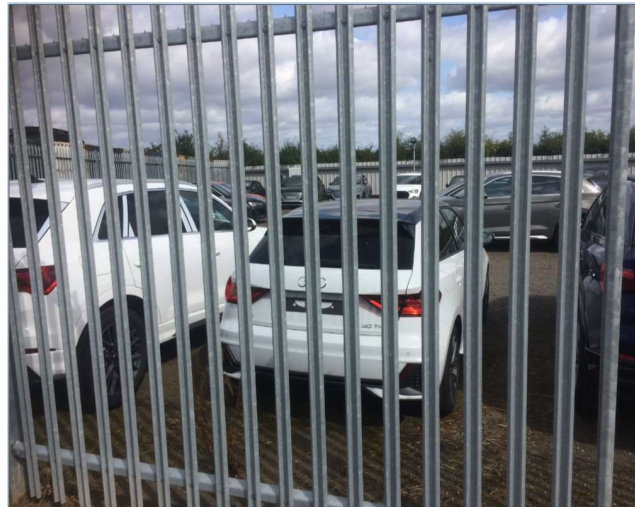
Plan showing Lights and Camera Positions



Site Photos

Clockwise from Top Left:

- Site access looking West
- View of compound perimeter looking West
- Internal views of the compound



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bellway Homes Ltd	<p>Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>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.</p> <p>AMEND TO: 22) No dwelling shall be occupied in relation to the approved reserved matters 23/00993/REM (Miller Homes phase) including plots 291 to 293 & plots 342 to 353 only of the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof 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 and must be erected before 22/00090/REM (Bellway) plots 291 to 293 & plots 342 to 353 or subsequent variations thereof are occupied. Noise mitigation measures (glazing, ventilation and garden fences) shall be carried out in accordance with the Environmental Noise Assessment (22336-1-R8) prepared by Noise.co.uk dated 25 October 2024.</p> <p style="text-align: center;">Land at Whitford Road, Bromsgrove</p>	28.08.2024	24/00516/S73

RECOMMENDATION:

- (a) Subject to the satisfactory final views of Worcestershire Regulatory Services, **MINDED to GRANT** permission to amend condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA reference 16/1132)
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning

and Leisure to determine the application, subject to an amended wording of condition 22 and the other conditions attached to the original planning permission.

Consultations

WRS - Noise

Further information requested regarding the noise reduction specifications of the actual glazing and alternative ventilation products they wish to install for approval. Additionally, details of the extent, construction and surface density of the proposed close boarded fencing between the dwellings on the western side of the Bellway site should also be submitted for approval.

Publicity

Site notice posted 20.06.2024 (expires 14.07.2024)

Press notice published 28.06.2024 (expires 15.07.2024)

2 representations received:

- Conditions imposed should be complied with
- Housing should be protected from unwanted noise disturbance from the motorway.

Councillor Hopkins

Please can the below application be called before the Planning Committee? I am requesting this due to the fact that it is in relation to the Whitford Heights Development and there are parts of the amendment which I feel need to be discussed in detail by the Committee in order to determine whether the amendments will have any significant impacts on residents in the area.

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

Bromsgrove High Quality Design SPD

Relevant Planning History

16/1132

Outline Planning Application for: Site A
(Land off Whitford Road)

Allowed on
appeal
09.02.2021

Provision of up to 490 dwellings, Class A1 retail local shop (up to 400 sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and Site B (Land off Albert Road)
Demolition of Greyhound Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage.

22/00090/REM	<p>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</p>	<p>Granted subject to conditions 08.07.2022</p>
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Other applications delegated to the Assistant Director for Planning and Leisure - currently awaiting Legal Agreements

23/00993/REM	<p>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.</p>
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24/00150/REM	<p>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.</p>
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Background

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 February 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 granted planning permission subject to conditions and a Section 106 Legal Agreement.

Condition 22 applies only to site A: land off Whitford Road. This affects the occupation of all 490 dwellings.

Assessment of Proposal

Condition 22 prevents the occupation of any of the 490 dwellings granted planning permission under the allowed appeal until 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 current application seeks to amend the condition to enable some of the plots within the Bellway Homes phase (identified as 'phase 1' on the attached presentation) of development to be occupied.

The result of the amendment would enable the occupation of 355 of the 370 approved Bellway Homes to be occupied before an acoustic fencing scheme on the north-western part of the site is approved and erected. None of the proposed 120 Miller Homes dwellings together with plots 291-293 and plots 342-353 of the approved Bellway Homes development could be occupied until the acoustic fencing scheme is approved and erected.

A noise assessment report has been submitted in support of the application. In common with the Miller Homes site layout plan considered by Planning Committee at its meeting on 15 October 2024, this also indicates an intention to erect a bund and fence to provide noise screening from the M5 motorway plus an additional length of fencing to increase the mitigation to Bellway plots 291-293 and plots 342-353.

Under the proposed amended wording of condition 22, full details of this acoustic fencing scheme on the north-western part of the site would be submitted for approval and be erected prior to occupation of the Miller Homes dwellings and plots 291-293 and plots 342-353 of the Bellway Homes development.

The proposed amendment includes glazing, ventilation and garden fences to provide noise mitigation measures to all the approved Bellway dwellings. WRS has considered the submitted report and requested further information regarding the noise reduction specifications of the actual glazing and alternative ventilation products to be installed together with details of the extent, construction and surface density of the proposed close boarded fencing between the dwellings on the western side of the Bellway site.

At the time of writing this report full specification of these measures has been requested and is awaited. I will update Members at the meeting.

RECOMMENDATION:

- (a) Subject to the satisfactory final views of Worcestershire Regulatory Services, **MINDED to GRANT** permission to amend condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132)
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure to determine the application, subject to an amended wording of condition 22 and the other conditions attached to the original planning permission.

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

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24/00516/S73

Land At Whitford Road Bromsgrove

Proposal to amend condition 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.

Recommendation: Delegated, minded to grant

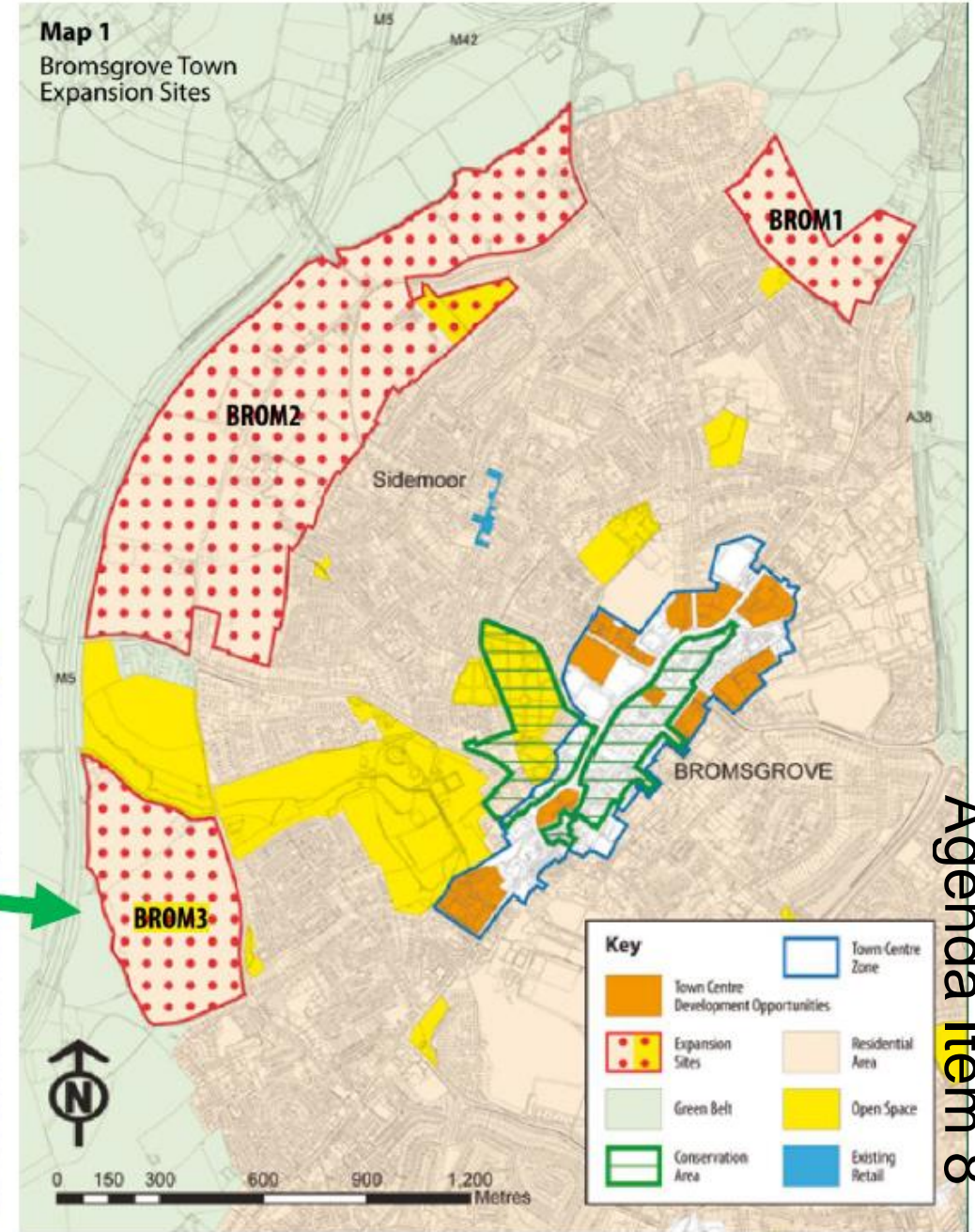
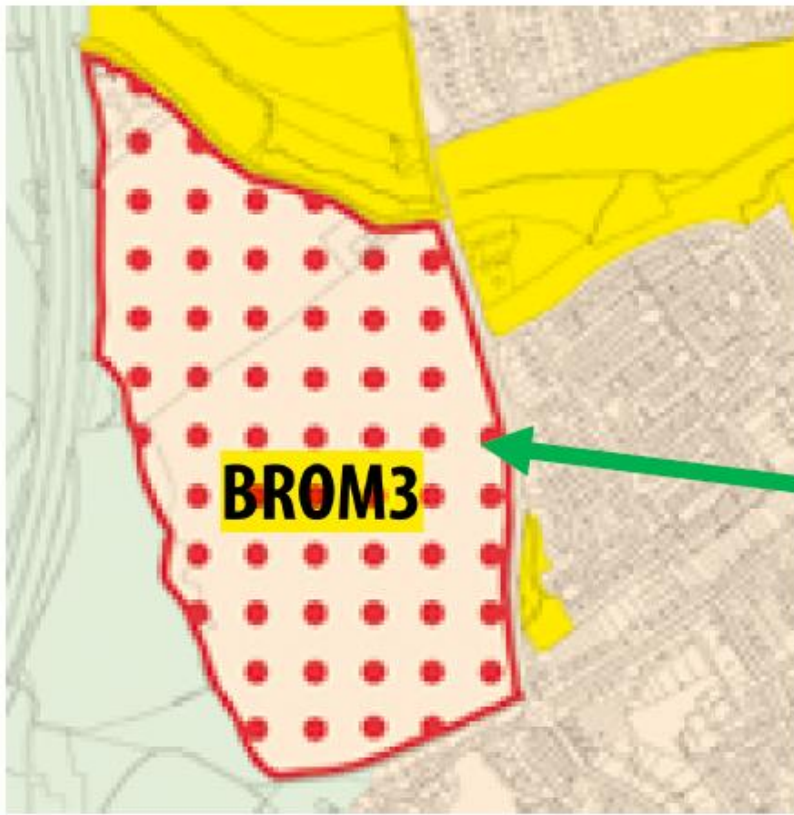
FROM:

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.

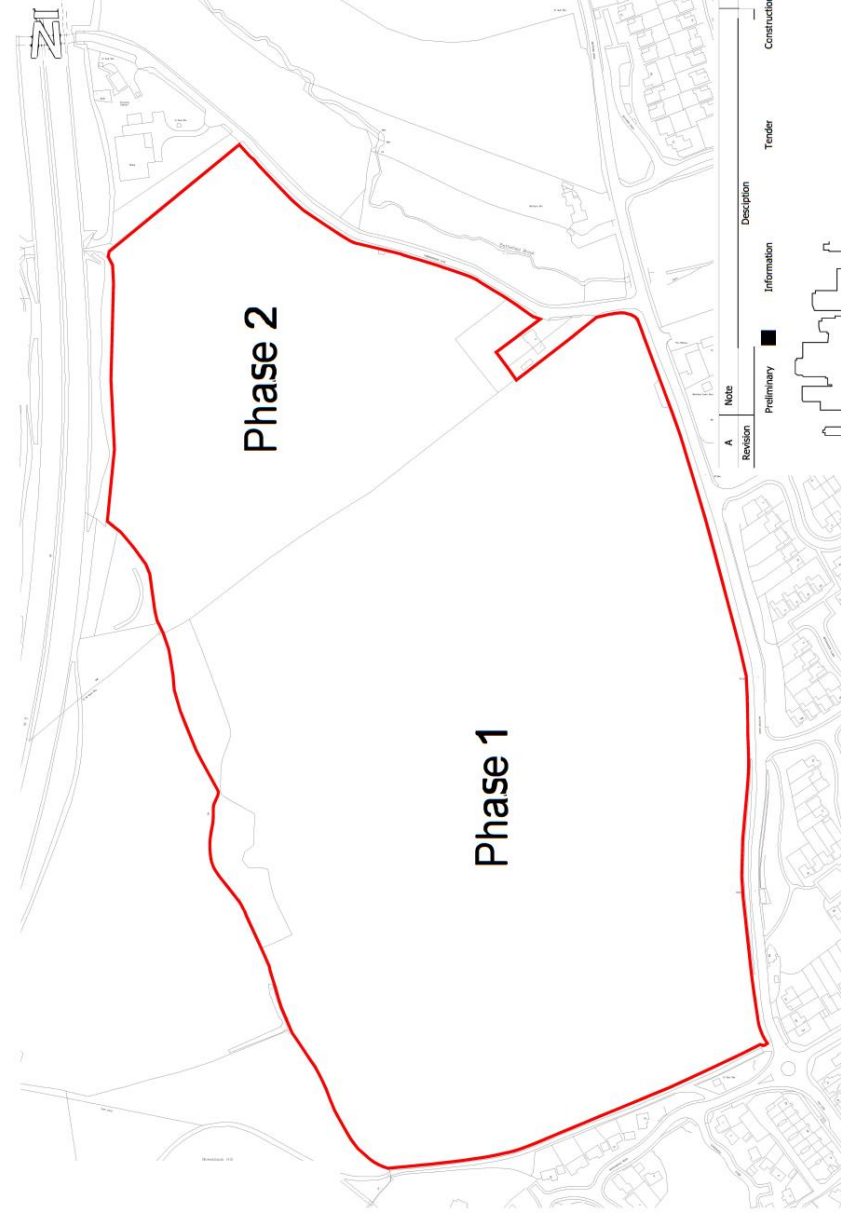
TO:

Page 90 No dwelling shall be occupied in relation to the approved reserved matters 23/00993/REM (Miller Homes phase) including plots 291 to 293 & plots 342 to 353 only of the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof 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 and must be erected before 22/00090/REM (Bellway) plots 291 to 293 & plots 342 to 353 or subsequent variations thereof are occupied. Noise mitigation measures (glazing, ventilation and garden fences) shall be carried out in accordance with the Environmental Noise Assessment (22336-1-R8) prepared by Noise.co.uk dated 25th October 2024.

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



Aerial View & Site A



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Wain Homes	Reserved matters application for details relating to the development of 43 dwellings, associated parking, roads and footpaths, areas of open space, drainage infrastructure, plant, landscaping and associated works. Bordesley Hall, The Holloway, Alvechurch, Worcestershire, B48 7QA		24/00554/REM

RECOMMENDATION: That the Reserved Matters for Layout, Scale, Appearance and Landscaping be **APPROVED** subject to conditions.

Consultations

Worcestershire Highways - Bromsgrove

Object on sustainability grounds.

Sought clarification on internal access road.

Seeking contributions regarding highways matters.

Recommended Conditions

Pedestrian visibility splays – internal vehicular accesses

Cycle parking (Condition 16 of Hybrid Permission)

Conformity with Submitted Details

Residential Travel Plan (Plan Absent or Not Approved) (Condition 16 of Hybrid Permission)

Construction Environmental Management Plan (Condition 18 of Hybrid Permission)

Conservation Officer

The main differences between the applications would appear to be a revision to the proposed layout. This will lead to domestic gardens being located closer to the north-east of the Hall including some ancillary buildings. The omission of houses to the east of the Hall and revised house designs for the new build.

The revised layout removing the development to the east is welcomed as this will help to maintain the views of the south-east elevation which has historically remained open and will therefore allow for the longstanding connection between the landscape and the Hall to continue. However, it would be preferred if the house and garage (Plot 26) that is proposed to be located facing the entrance to the Hall could be relocated as this will detract from the view from the Hall towards the wider landscape, and will detract from the setting of the hall, harming the significance of the non-designated heritage asset as a historic hall with landscaped pleasure grounds.

There is no objection to the gardens to the north-east being positioned marginally closer to the Hall, however the siting of the garage to plot 13 so close to the Hall will detract from views of the south-east elevation of the Hall and will again harm the significance of the building.

In terms of the proposed design of the new houses although there is some variety in respect of height the design is rather repetitive and again like the last scheme typical of the volume house builder, being generic rather than picking up on local character. The choice of grey slate roof tiles is particularly unsuitable in a county where the prevalent roofing material is brown to red clay tiles.

Finally, again the remaining walls of the walled garden do not appear on the proposed plans and no mention could be found regarding future repairs or maintenance in the documents submitted. The kitchen garden walls are considered non designated heritage assets and as we said in earlier comments proposals for their retention, restoration, and future use should be provided.

Although the proposed layout is an improvement on the previous scheme, it is still considered that significance of the non-designated heritage assets will be harmed and the proposals do not comply with Paragraph 203 of the NPPF and Policy section BDP20 of the Bromsgrove District Plan. They also contradict the guidance of Paragraph 4.3.1-3 of BDC's High Quality Design SPD. However, paragraph 208 of the NPPF, as noted above, requires a balanced judgement taking account of the scale of harm and significance of the assets when determining the application.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the 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. Risk to the site from surface water flooding, based on the EA's flood mapping risk, is indicated on the site but this is minimal.

This site has previously been commented on under planning application 21/00684/HYB in June 2021. Then again under planning application 22/01228/REM in December 2022. While some additional details have now been provided, there are still some further details required. This can be submitted to discharge condition 20 of the hybrid permission.

Leisure Services

No comments, await details to be submitted in line with the s106 agreement regarding the open space.

Ecology

No objection

They confirm that Landscape and Ecological Management Plan (LEMP) is in scope for this development and establishes sufficient species enhancement and monitoring. The lighting strategy is considered acceptable and in line with relevant guidance. The development should comply with the working methods and protection measures outlined in the Construction Ecological Management Plan (CEMP).

Arboricultural Officer

The proposed landscaping scheme contains a suitably varied mixed of planting to give seasonal interest and benefits throughout the year while been appropriately positioned to provide landscaping structure to the development. The volume of planting and grade of stock to be used particularly the tree is pleasing to see and will ensure an immediate landscape structure is achieved.

Alvechurch Parish Council

- Despite the detailed discussions with the developer, we are very disappointed with the current plan submitted for approval. APC is very disappointed that the mix of house types present in previous applications with 50% of dwellings being 2 or 3 bedroom starter homes or downsizing opportunities has been abandoned in favour of larger buildings. APCs neighborhood plan specifically highlights that smaller dwellings are required in our parish not larger ones.
- To say that the site layout is prosaic is an understatement. Indeed, it is a missed opportunity.
- Whilst the developer has been exempt from providing affordable homes, which is clearly an economic bonus for them, the result is common place and what is an exceptional site bearing in mind the refurbishment of Bordesley Hall, the location, and the mature trees that provide an attractive setting has deliberately not been exploited.
- In order to achieve a reasonable Biodiversity Net Gain APC would like to see every new dwelling fitted with a swift brick, house martin nest box or bat roosting box from construction onwards.
- The standard pattern book of developers house elevations repeat standard elevational design of window types, porches, tile hanging, etc, provides very little variation, and fails to contribute to the expected quality development that the developer has boasted of.
- The Developer maintains that the elevational treatment is inspired by the existing housing in the main village. This comparison is ridiculous when every house elevation is quite different.
- A typical example is the split semi-detached houses on Street Scene CC, which look not only incongruous, but very badly handled on the sloping road frontage, and this is emphasised by the unfortunate, clumsy, mis-shapen three storey arrangement.
- Furthermore, there is not the slightest gesture between the standard speculative house types and Bordesley Hall which is rendered. Although the house plans are reasonable, the elevations are mediocre, to say the least.
- The juxtapositions of smaller houses with tandem parking is also disappointing, when a little more skill could've been used to avoid the impression of urban development in a semi-rural location and clearly there is the space available to avoid this. Separation of individual driveways would improve the layout with visually separation by the use of planting.
- It is hoped that the gated proposals will be dropped, and the policy of access for Rowley Green residents to be able to walk through the site to walk through the site as previously discussed will be reinstated. Clearly, vehicles could be controlled if that issue is still pursued while still providing permanent pedestrian access.
- Adding a development such as this to an existing settlement, and then separating it clearly fails healthy social planning, and splits the residents occupying the new housing at the outset.
- The Developer should look at the success of Bournville Village with its houses of various sizes, and estate design linked by connecting foot paths and open spaces that have stood the test of time.

Publicity

184 letters sent 10.06.2024 (expired 04.07.2024)
Site notice displayed 10.06.2024 (expired 04.07.2024)
Press notice published 14.06.2024 (expired 01.07.2024)

Re-consultation 30.09.2024 (expired 24.10.2024)

5 objections (including an objection from Rowney Green Residents Association) have been received objecting to the proposal on the following grounds:

Highways

- Unsustainable location
- Lack of public transport
- Highway safety and condition into the site and along The Holloway
- Construction Management Plan

Ecology and Tress

- Biodiversity net gain and lighting
- Impact on trees

Other matters

- Boundary fencing
- Impact on local services including schools, Doctors surgeries and village life
- Garden Wall

Other matters have been raised but these are not material to the determination of the application and have not been reported.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP12 Sustainable Communities
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

ALVNP Alvechurch Neighbourhood Plan
APDS Alvechurch Parish Design Statement
Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance

Relevant Planning History

22/01228/REM	Reserved matters submission for details relating to the development of 46 residential dwellings, including details on layout, design, drainage, engineering details and landscaping.	Approved	09.03.2023
21/00684/HYB	Hybrid application consisting of a full application for the demolition of employment buildings and the conversion of Bordesley Hall into 3 apartments and an outline application (with all matters reserved with the exception of access) for the construction of up to 46 dwellings and all associated works.	Approved	06.10.2022
22/00092/DEM	Prior Notification of proposed demolition of redundant buildings and structures	Prior Approval Required and Granted	09.02.2022
20/00273/CUP RIO	Prior approval for Change of use from offices (Use Class B1(a)) to 54 no. residential apartments (Use Class C3)	Prior Approval Required and Granted	28.04.2020

Assessment of Proposal

The Site and its Surroundings

Bordesley Hall, is a former 18th Century country house. The site formally contained several buildings and features which surround the original structure of Bordesley Hall. The buildings which are now been demolished previously accommodated a number of offices and ancillary office accommodation split over various floors. There were areas of hardstanding, garages, and industrial units as well as associated infrastructure. Access to the site is via The Holloway and Storage Lane, located at the site's northern boundary.

The site is within open countryside (but within the defined Green Belt) and is bounded by arable fields to the south. Alvechurch is located within the edge of Redditch located approximately 2 kilometres to the south.

Proposal

A hybrid application consisting of a full application for the demolition of employment buildings and the conversion of Bordesley Hall into 3 apartments and an outline

application (with all matters reserved with the exception of access) for the construction of up to 46 dwellings and all associated works, was considered at Planning Committee in February 2022. A Reserved Matters application was subsequently approved in March 2023 for 46 dwellings. Due to changes to the scheme this has resulted in the requirement to submit a new Reserved Matters application.

This new Reserved Matters application seeks consent for the remaining 4 Reserved Matters for the erection of 43 dwellings together with associated car parking, landscaping and other infrastructure on the Bordesley Hall site. The developer remains Wain Homes.

The principle of the proposed development has been established through the granting of hybrid permission 21/00684/HYB. Therefore, the issues for consideration by Members are limited to matters of the internal vehicular access, layout, scale, appearance, and landscaping.

The application is for the erection of 43 dwellings, which will include a housing mix of 13 x 3-bed properties, 19 x 4-bed properties and 11 x 5-bed properties. Areas of public open space are to be provided and vehicular access will be from The Holloway (reusing the existing access), as approved at the hybrid stage.

The Reserved Matters to be considered under this application are:

- 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. This includes the internal road configuration.
- 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—
 - screening by fences, walls or other means;
 - the planting of trees, hedges, shrubs or grass;
 - the formation of banks, terraces or other earthworks;
 - the laying out or provision of gardens, courts, squares, water features,
 - sculpture or public art; and
 - the provision of other amenity features

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

Due to vacant building credit established in the hybrid planning consent the affordable housing is at a zero contribution.

Principle

The principle of development has already been established through the grant of hybrid planning permission, which this Reserved Matters application is made pursuant to. For the avoidance of doubt, access has been approved as the hybrid stage and the matters under consideration as part of this application are layout, scale, appearance, and landscaping.

It should be noted that when the hybrid permission was granted, it was based on the assessment that the development proposed would comply with paragraph 154 g) of the NPPF and BDP 4g) of the BDP and as such, does not constitute inappropriate development in the Green Belt.

This was because the proposal involved the demolition of an extensive employment site, which comprises one, two, and three storey buildings as well as areas of parking and hardstanding.

In assessing the impact on openness, it was outlined in the hybrid committee report that *"it is noted that including the indicative footprint of residential development on the site would be reduced in comparison to the existing employment use (5800 sqm to 4100 sqm). The overall volume of the buildings on the site will be reduced from 36,400 cubic metres to 28,000 cubic metres, a reduction of 23% (8,400 cubic metres). Replacement of the existing buildings (which range up to 3 storeys in height) with two storey residential. Overall, there would be a reduction in the replacement-built form spread across a similar footprint to the existing development and there would be no greater impact on the openness of the Green Belt"*.

An important consideration as part of this Reserved Matters application is to ensure that the broad parameters of what would be considered acceptable in terms of the openness of the Green Belt at the hybrid stage are realised at the Reserved Matters stage.

Considering the above it is apparent that footprint of the existing buildings is 5800 sqm and it was identified at hybrid stage that a footprint of 4100 sqm was proposed. However, as part of this Reserved Matters application the footprint of approximately 2885 sqm. Having regard to the above, it is considered that the impact on the openness of the Green Belt will be improved from the broad parameters identified when the hybrid permission was granted, which is one of the key considerations when assessing the acceptability of this application.

Furthermore, and for the avoidance of doubt, this is not an opportunity to consider whether the principle of development is acceptable, but rather to assess that it complies with the hybrid permission and against the remaining Reserved Matters; namely scale, layout, landscaping, and appearance.

Layout, Scale and Appearance

The development land area is approximately 2.3 hectares in size, with the whole site measuring approximately 5.1 hectares. The proposal is for the erection of some 43 dwellings, with the hybrid approval indicating that up to 46 dwellings could be erected. Access to the site would be from The Holloway, as approved by the hybrid permission.

The internal layout of the private road that will serve the development has altered from that indicatively shown at the hybrid stage; however, the layout as proposed is acceptable. Each dwelling would have off-street parking, with a number incorporating parking between houses rather than in front so that vehicles do not dominate the street scene. There are a variety of garages proposed throughout the site. The scheme also incorporates 11 visitor spaces.

Most of the dwellings would be two-storey in scale, with the primary habitable room windows oriented towards the front and rear. However, there are examples of double aspect properties throughout. It is noted that the housing mix is varied and includes 3 bedroom properties as well as what one might consider to be larger family properties, e.g. four and five bedroom properties. Having regard to the built form in the area, and the scale of properties proposed to be erected, it is considered that the application as submitted is appropriate in terms of scale and provides an adequate mix of housing as required by Policy BDP8 Housing Mix and Density of the Local Plan. The development will have a density of 21.3 dwellings per hectare (including apartments approved under the hybrid).

The size, appearance, and architectural detailing of the dwellings are also considered to be acceptable to ensure the new development will integrate into its setting in accordance with BDP19 and associated SPD design guidance.

In submitting the application, the applicant has distinguished between the types of dwellings with 10 differently designed house types. There are subtle differences in architectural details and design between these types of dwellings, though overall, the appearance of the dwellings complements one another while offering variety and interest in the streetscape and will also present a cohesive development, contributing to the sense of place.

A small materials palette is proposed, featuring brickwork, timber boarding for some units, and slate grey or cottage red roof tiles. The same palette is used throughout on all types of dwellings, and this will help to ensure that the development is well integrated. The material information will be subject to final discharge of condition under the hybrid permission.

Overall, the proposed layout, scale and appearance of the development are considered to accord with policy BDP19, Bromsgrove High Quality Design SPD, the ALVNP, and the NPPF.

Landscaping

BDP19 High Quality Design, emphasises the importance of developments being visually attractive because of good design and appropriate landscaping. Therefore, in applying the provisions of the Development Plan, the Council will require that new development proposals make suitable provisions for high quality hard and soft landscape treatment of space around buildings. Landscape proposals will need to ensure that new development is integrated into, positively contributes to, or enhances the local character of the area and adjoining land. Proposals that make no or inadequate landscape provisions should be refused.

The Council's Tree Officer has confirmed that the quantity and proposed size of trees proposed are satisfactory and will ensure an immediate landscape structure is achieved.

The boundary treatments in the form of post and rail timber fencing, masonry walling, and timber fencing are considered satisfactory.

The proposed open space is spread over two areas of the site, which is satisfactory. A condition is not required regarding this matter, as a detailed scheme (including specifications for laying out the open space) should be submitted and agreed upon prior to the commencement of development as set out by the hybrid permission.

Non-Designated Heritage Assets

The proposed development is located adjacent to Bordesley Hall and within the boundary of its former gardens and associated parkland, which now lie predominantly to the southeast. Both the 18th Century Hall and the landscaped park are recorded on the HER, WSM77512 and WSM28813, respectively.

Bordesley Park historically formed an extensive area surrounding the 19th century park which can be traced back possibly as far as the 12th century. The historic development of the park including the granting of the park to the Windsor family for Hewell Grange is detailed in the Heritage Statement. By the 19th century the park was much reduced in size and the tithe map of the 1840s with the house and estate farm sitting in the northwest with extensive parkland to the south-east, including ornamental tree-lines radiating from a central circular tree-line. This arrangement is just about visible in 1904 OS map, although there are also significant field boundaries. The division into various fields is evident in the 1945 aerial photograph but the remnants of the ornamental trees can also be seen.

None of the structures are listed but the Hall and the remains of the former kitchen garden wall can be considered non designated heritage assets for their architectural and historic interest, indicated by the inclusion on the HER. They provide a tangible link to the historic Bordesley park, as well as evidence of the workings of a landed estate along with the remains of the estate farm.

In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 203 of the NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be).

In relation to the impact on the non-designated heritage assets. NDHA's are on the lowest rung of the hierarchy of heritage assets; they do not have statutory protection however, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, as outlined in

Paragraph 203 of the NPPF. The NPPF does not seek to prescribe how that balance should be undertaken or what weight should be given to any matter.

To that end, the balanced judgement under Paragraph 203 needs to consider the benefits against the impact on the non-designed heritage assets identified by the Conservation Officer. This will ensure that this element is retained, and further details regarding repair and future maintenance have been submitted to and approved by the Local Planning Authority, in conjunction with the Council's Conservation Officer.

The benefits of the proposed redevelopment are substantial (and have remained considerable since the approval of the hybrid scheme). The reuse of a previously developed site, the removal of dilapidated buildings that are no longer viable for employment use, and the retention and conversion of Bordesley Hall itself. Furthermore, it is noted that the proposed scheme makes efficient use of land and contributes to the housing supply within the District, for which there is a recognised shortfall and one that has increased since the 2022 consideration at planning committee (from 4.6 years to 3.67 years now). The proposal would also give rise to employment during the construction of the proposed scheme as well as economic and social benefits arising from its contribution to the area from the local spend of its occupiers. The proposal therefore contributes to public benefits that deliver economic, social, or environmental progress as identified within the NPPF. Overall, the objection from the Conservation Officer is not considered sufficient to warrant the refusal of this Reserved Matters application. The proposed development is acceptable when a balanced judgement is made in accordance with paragraph 203 of the NPPF and Policy BDP20.

Highways and Parking

A number of representations have been in relation to site access, sustainability, highway safety and contributions, including from County Highway themselves. These matters were addressed by the previous application in granting the Reserved Matter of access at the time of the application (21/00684/HYB). It is not appropriate to seek to reconsider these as part of the current Reserved Matters application which relates to layout, scale, appearance, and landscaping.

The Highway Authority has been consulted and have sought clarification on several matters including internal access. The applicant has highlighted that highways concerns (existing vehicular access and location) are not applicable to this application since the principles have already been established through the hybrid planning permission and in addition a previous reserved matters approval. The applicant has confirmed the existing highways context is to remain unaltered by this application, only matters of internal layout are being considered. Highways have noted the applicant's justification and have provided a response regarding the vehicular access later within these comments.

It is noted this revised scheme provides a betterment to the previous scheme with regards to the internal layout.

- Car parking and cycle parking has been provided in accordance with WCC car parking standards.
- The private drive is now increased to 4.1m width; therefore, passing bays are not required at 25m intervals.

- Internal visibility splays recommended have now been provided.
- Internal tracking of vehicles has been provided which is deemed to be acceptable.
- Additional pedestrian crossing points have now been added as requested.

This clarification has been provided and in relation to internal highways matters it is considered acceptable.

Impact on Residential Amenity

Overall, it is considered that, given the degree of separation, position, and orientation between the proposed dwellings and neighbouring properties, the proposal would not result in harm to the amenity of the occupants of neighbouring properties or future occupants of the proposed dwellings.

In relation to the construction phase of the development, under condition 18 of the hybrid permission, a Construction Environment Management would be required prior to the commencement of the reserved matters.

Ecology

Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. As well as promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

In line with Policy 16 appropriate mitigation measures must be implemented to ensure protection of the natural environment, with benefits from development to biodiversity captured.

Biodiversity Net Gain (BNG) has become mandatory for major applications submitted as of 12th February 2024. However, Reserved Matters applications such as this are exempt as the outline application was submitted prior to the February 2024 commencement date.

The outline application (the hybrid scheme) was submitted prior to this date and is therefore not subject to mandatory BNG, which would require a minimum 10% biodiversity gain required calculated using the Biodiversity Metric and approval of a biodiversity gain plan.

Conditions 13 Construction Ecological Management Plan (CEMP), Condition 14 Landscape and Ecological Management Plan (LEMP) and Condition 8 Lighting of the hybrid permission ensures that appropriate mitigation measures will be implemented to ensure protection of the natural environment.

These have been reviewed by the Councils appointed Ecological Consultant and no objection are noted and the reports and accompanying plans are considered well-presented and give a clear explanation of likely impacts on ecological features and of proposed mitigation measures.

It is noted that the Parish Council and objectors have raised concerns regarding the proposed lighting. Lighting was conditioned as part of the hybrid permission (condition 8

refers). This condition was imposed to ensure that the site is safeguarded from increased light pollution, protect visual amenity, and maintain the existing value of biodiversity on and adjacent to the site. Following review of this information alongside the supporting ecology information, the proposed lighting is acceptable.

Other Considerations

Concerns have been raised regarding the impact of this development on local infrastructure. A Section 106 legal agreement was completed at hybrid stage which will remain pertinent to the application in terms of contributions. Financial contributions have been secured toward education and primary healthcare to mitigate the impact of the development, community transport service and school transport contributions as well as public open space is to be provided on site.

Inevitably, and as with any construction operation, there may be some inconvenience and potentially some disturbance to residents in the locality. However, such inconvenience or disturbance would be short-lived and for the duration of the works only, and so it would not amount to a sustainable reason for refusing planning permission. A condition is already required that any works to be carried out in accordance with a Construction Management Plan. When operational, the development would not give rise to any amenity issues.

Whilst concern has been expressed about certain aspects of the development, they are either not under consideration as part of this Reserved Matters application or will require additional information through the discharge of conditions process arising from the hybrid application.

Conclusion

The principle of development is accepted following the grant of hybrid planning permission. This Reserved Matters application will lead to a reduction in built footprint and volume when compared with the previous site, to increase the openness of the Green Belt, and has been designed in a manner that reflects its rural location. The layout, scale and appearance of properties are acceptable. Adequate public open space would be provided, and parking provision would be acceptable. Having regard to the above it is considered that the application complies with policies and is recommended for approval.

RECOMMENDATION: That the Reserved Matters for Layout, Scale, Appearance and Landscaping be **APPROVED** subject to conditions.

Conditions

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

Location Plan 100
Site Layout 101 Rev A
Boundary Treatments Plan 103 Rev A
Refuse Strategy Plan 104 Rev A
Parking Plan 105 Rev A

Hard Surface Materials 107 Rev B
House Type Pack 301-320 Rev A (302 Aracia)
FFLS For Planning 0511 P04 (Overall Plan) P03 (Sheets 1-6)
Planting Plan Schedule and Specification PP01CLFA Rev P10
Lighting Plan WLC1064-LC-AC-001 R0

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

- 2) Prior to first occupation of the development a method statement for the works to repair/maintain the kitchen garden wall former Kitchen Garden wall as identified within the Heritage Statement by Pegasus Planning (dated 15/05/2024) shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement prior to the first occupation of the development and shall thereafter be retained as such.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this non designated heritage asset and to comply with Policy BDP20 of the Bromsgrove District Plan.

- 3) The development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway / edge of carriageway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

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

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Bordesley Hall, The Holloway, Alvechurch, Birmingham,
Worcestershire B48 7QA

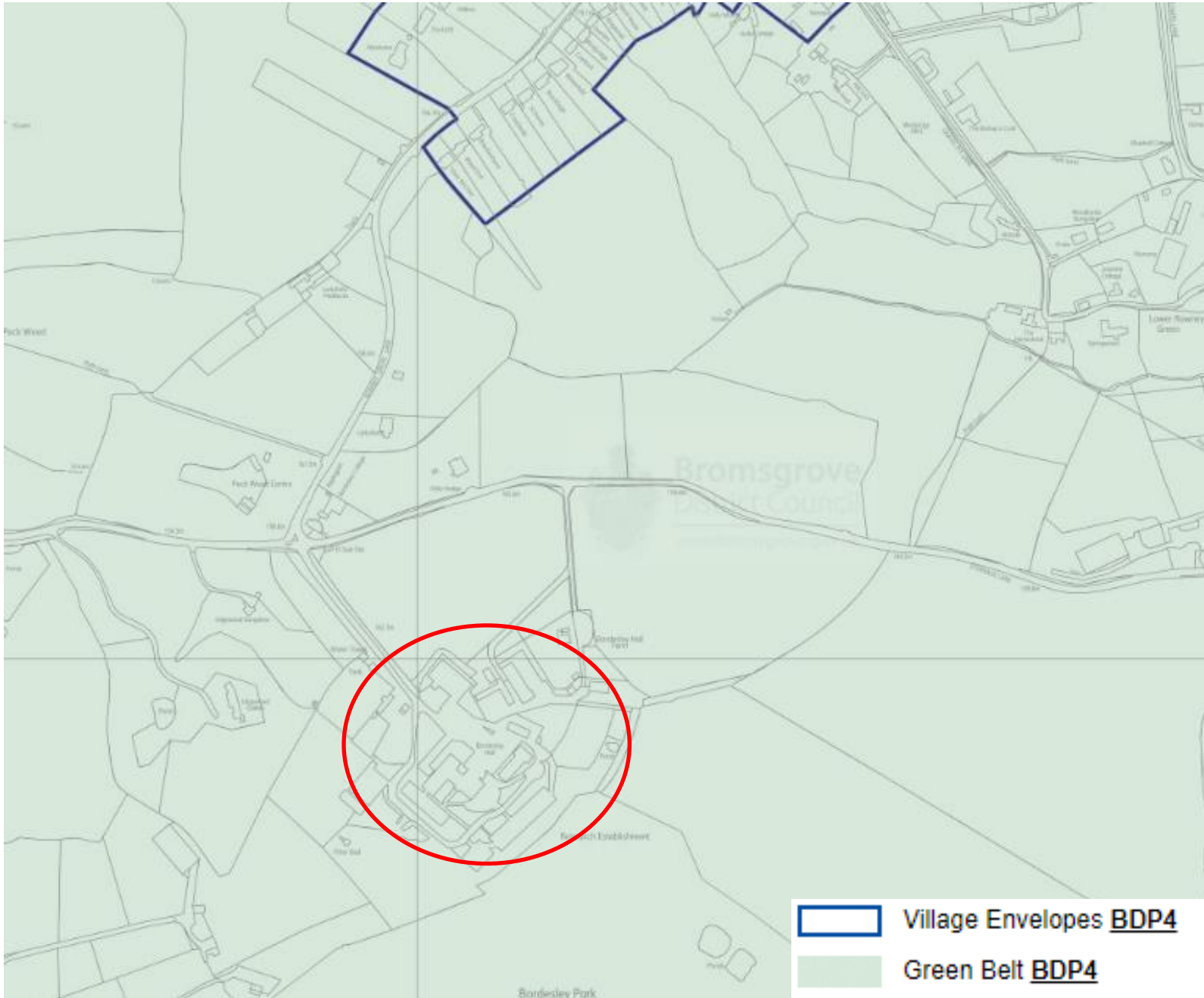
Reserved matters application for details relating to the
development of 43 dwellings, associated parking, roads
and footpaths, areas of open space, drainage
infrastructure, plant, landscaping and associated works.

Recommendation: That the Reserved Matters for
layout, scale, appearance and landscaping are
approved subject to conditions

Site Location Plan



District Plan Map



Plan of Bordesley Hall Prior to Demolition



Proposed Plan

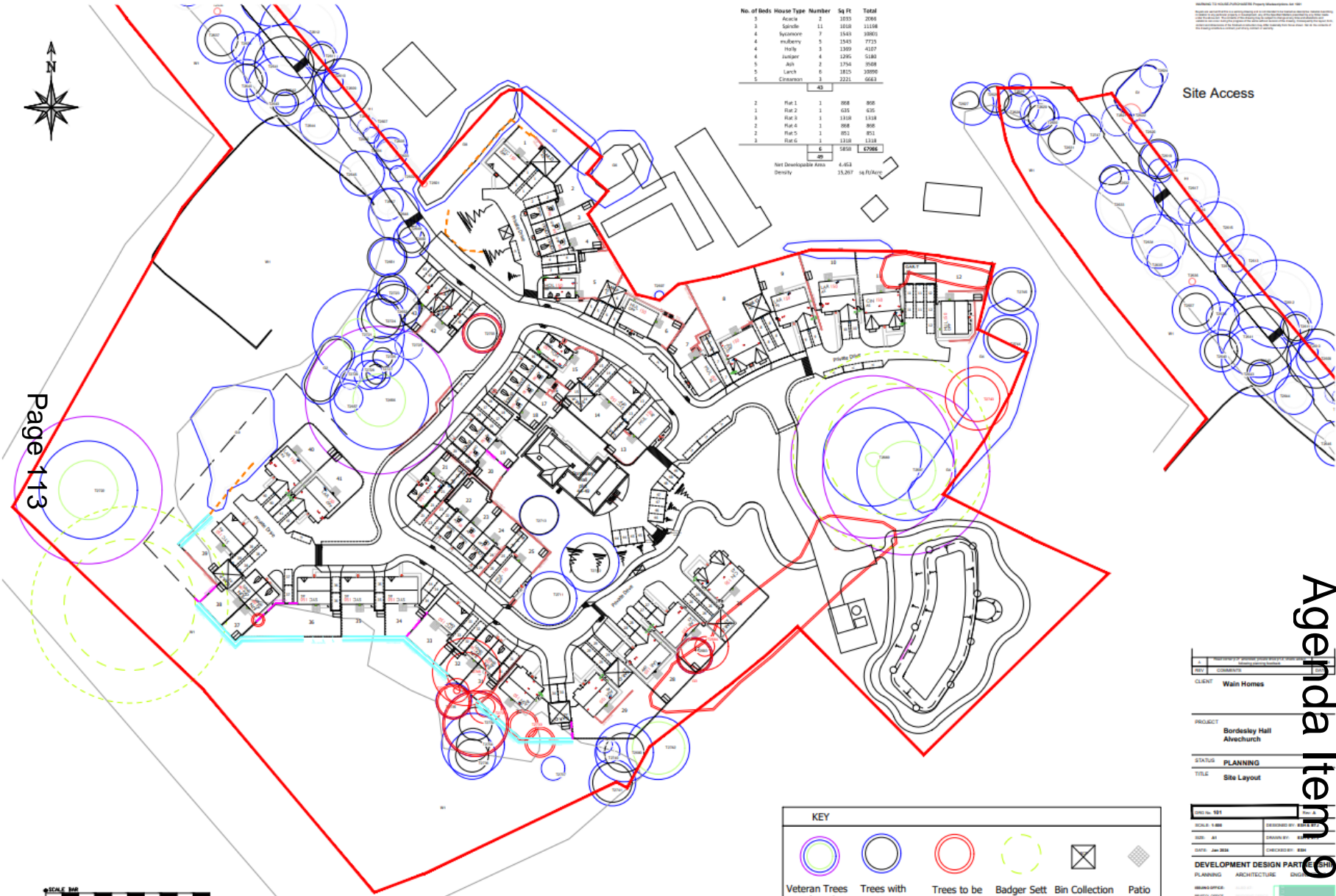
Reference to be made to all drawings in this document as one set.

No. of Beds	House Type	Number	Sq Ft	Total
5	Acacia	2	1035	2066
3	Sandra	11	1818	11108
4	Wynnona	7	1543	3880
4	Wulberry	5	1543	7715
4	Holly	3	1389	4167
4	Lusker	4	1295	5180
5	Ain	2	1754	3508
5	Larch	8	1825	3898
5	Connaught	2	2221	6643
				43
2	Flat 1	1	808	808
1	Flat 2	1	635	635
3	Flat 3	1	1310	1310
2	Flat 4	1	808	808
2	Flat 5	1	851	851
1	Flat 6	1	1110	1110
				6
				49
Net Developable Area				4.852
Density				15.207 sq ft/acre



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Site Access



KEY					
Veteran Trees	Trees with	Trees to be	Badger Sett	Bin Collection	Patio

CLIENT	Wain Homes
PROJECT	Bordesley Hall Alicurch
STATUS	PLANNING
TITLE	Site Layout
SCALE: 1:500	DESIGNED BY: [Name]
DATE: [Date]	CHECKED BY: [Name]
DEVELOPMENT DESIGN PARTNER	
PLANNING	ARCHITECTURE
ENGINEERING	LANDSCAPE

Agenda Item 9

Proposed Plan (Colour)



NO.	NO. BEARS	MINOR	RIGHT	MINOR	NO. FT	NO.
2	Alceia	2	3033	2096		
3	Spirilla	13	3018	11296		
4	Sycamore	7	3043	10811		
5	Willow	3	3043	3723		
4	Holly	3	3069	4037		
4	Songlet	4	3295	5180		
5	Ash	2	3754	3008		
5	Larch	4	3815	1890		
3	Cinnamon	3	3222	5893		
		48		47862		
2	Flat 1	1	808	808		
3	Flat 2	1	805	805		
3	Flat 3	1	3318	3318		
2	Flat 4	1	808	808		
2	Flat 5	1	851	851		
3	Flat 6	1	3318	3318		
		6	5608	47862		
		48		47862		
Net Developable Area			4,433			
Density			53,287	sq/ha		

Site Access

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KEY					
Veteran Trees with RPO	Trees with RPO	Trees to be removed	Badger Sett	Bin Collection Point	Patio

NO.	REVISION	DATE	BY	CHKD
1	Revisions to planning application of final stage			CHT
2	Comments			CHT

CLIENT: **Wain Homes**

PROJECT: **Bordesley Hall Alvechurch**

STATUS: **PLANNING**

TITLE: **Site Layout**

REF: 101	Rev: A
SCALE: 1:500	DESIGNED BY: RPA & B12
NO: A1	DRAWN BY: RPA & B12
DATE: Jan 2024	CHECKED BY: RPA

DEVELOPMENT DESIGN PARTNERS
 PLANNING ARCHITECTURE ENGINEERING

Agenda Item 9

Proposed Storey Heights



Proposed Hard Surfaces



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HARD SURF.

HARD SURFACE MATERIALS:

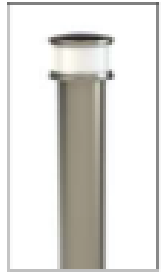
<p>Block Paving Burnt Ochre Or similar approved.</p> 	<p>Path Semi Bound Surface Cedec "Gold" Or similar approved.</p> 
<p>450 x 450 patio slabs Buff Or similar approved.</p> 	<p>Grass Crete or Similar</p> 
<p>Herringbone Paving - similar approved.</p> 	<p>Tactile Paving Buff</p> 
	<p>Tarmac Surface</p> 

1	Layout scales	1/8"=1'-0"
2	Graphic scales	1"=100'-0"
3	Brand removed as required	1"=100'-0"


Agenda Item 9

Proposed Lighting Scheme

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SYMBOL QUANTITY

 X

PROPOSED BOLLARD:

BOLLARD: URBIS PHAROS. 1M BOLLARD (DARK SKIES VERSION) 11W 3000K 0.89KLM 5119 350mA LED. BOLLARD TO BE FACTORY FINISHED BLACK RAL9017. ROOT MOUNTED.
SWITCHING: MINIATURE PHOTOCELL
SUPPLY: PRIVATE SUPPLY - TBC BY OTHERS

LIGHTING CALCULATION DETAILS:

THE PROPOSALS HAVE BEEN DESIGNED TO MEET THE REQUIREMENTS OF THE FOLLOWING TARGET LIGHTING CLASS(ES): WAYFINDING / WAY MARKING PURPOSES ONLY.

LEVELS ACHIEVED:
 REFER TO LIGHTING CALCULATION REPORTS.

LUX CONTOUR LINES - MAINTENANCE FACTOR SET AT 1.00 TO REPRESENT DAY 1 VALUES WORSE CASE:

SYMBOL	DESCRIPTION
	0.20 LUX CONTOUR LINE
	0.50 LUX CONTOUR LINE
	1.00 LUX CONTOUR LINE
	2.00 LUX CONTOUR LINE

ECOLOGICALLY SENSITIVE AREAS:



AREA SENSITIVE TO ECOLOGY I.E. BAT FORAGING/COMMUTING ROUTES, BADGER SETTS <0.40 LUX

Agenda Item 9

Proposed Landscaping



House Types – 3 bed Semi-detached Spindle HT

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Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

PLOT NUMBERS :	
As	Opposite hand
2,16,17,19,22,23	3,4,18,20,24

Agenda Item 9

House Types – 4 bed semi-detached Juniper HT



Proposed Front Elevation

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Proposed Side Elevation



Proposed Rear Elevation

PLOT NUMBERS :	
As	Opposite hand
31,37	32,38

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House Types – 4 bed detached Sycamore HT



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

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Agenda Item 9

PLOT NUMBERS :	
As	Opposite hand
1,14,35,36	33,34,39

House Types – 5 bed detached Cinnamon HT



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

PLOT NUMBERS :	
As	Opposite hand
11	8

Proposed Street Elevations (A-C)



Proposed Street Elevations (A-C)



A-A



B-B



C-C

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Proposed Street Elevations (D-F)



Proposed Street Elevations (D-F)



D-D



E-E



F-F

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Josh Downes	Full planning application for 3no. industrial units, B2/B8 use class with first floor offices, associated parking & service areas Sapphire Court, Isidore Road, Bromsgrove Technology Park, Bromsgrove, Worcestershire B60 3ET	12.12.2024	24/00708/FUL

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

The development will have minimal impact on traffic, with most vehicles accessing the site via an existing roundabout. Adequate parking and a travel plan have been provided. The Highway Authority has concluded that the development will not significantly impact the local road network and therefore does not warrant objection.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse), with parts of the site (access road) susceptible to surface water flooding. The location of the units appears to be outside of a flood risk area. A flood risk assessment and drainage strategy have been provided and therefore no objection is raised subject to condition.

WRS - Contaminated Land

No objection subject to condition.

WRS - Noise

No Comments Received

WRS - Air Quality

No objection subject to condition

WRS- Light Pollution

No Comments Received

Arboricultural Officer

No Objection.

It is considered that installing the boundary path line around the building using a No-Dig method of construction would likely not affect the stability of the Leylandii hedge group, given the minimal incursion into the Root Protection Area (RPA) of H2. However, I would appreciate a detailed specification of the proposed No-Dig construction method be submitted by condition. I have no objection to the removal of the specified sections from groups G1 and G2, as these trees are generally of lower quality and provide minimal screening value.

Active Travel England

No Comment

Thomson Environmental Consultants (Ecology)

The applicant has submitted The Biodiversity Metric Report which covers the existing habitats on site and demonstrates it is not feasible to achieve the require 10% net gain of Biodiversity Net Gain onsite. This can be achieved offsite via eh purchase of credits and the applicant has demonstrated that this can be accomplished. No objection subject to condition.

Publicity

132 letters were sent on 24th July 2024 (expired on 17th August 2024)

Site notice displayed 29 July 2024 (expired 22 August 2024)

Press Notice published 2 August 2024 (expired 19 August 2024)

One objection has been received and raised the following comments:

- **Traffic congestion:** Aston Road, Railway Walk, and the Newton Road/Sherwood Road junction are already congested during peak hours, particularly when people leave work from local businesses.
- **Artic lorry parking:** Artic lorries parked on Aston Road significantly worsen the traffic situation, reducing the road to a single lane and causing delays.
- **Insufficient road capacity:** The current road infrastructure cannot accommodate the additional traffic generated by the proposed 60 new parking spaces and associated trade traffic.
- **Proposed solution:** Implementing a no-parking zone for artic lorries on Aston Road and finding alternative overnight parking solutions is necessary to alleviate the traffic congestion.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP13 New Employment Development

BDP14 Designated Employment

BDP19 High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2023)

NPPG National Planning Practice Guidance

Relevant Planning History

B/2002/1014

Major mixed use redevelopment for

Granted

24.11.2003

	residential development and ancillary uses and employment uses within use class B1 and B2 - Outline Consent.		
B/2005/0161	Construction of spine road - Approval of Reserved Matters under previous application B/2002/1014 (as augmented by drainage strategy received by the Council on 5.4.05)	Granted	11.08.2005
B/2005/0092	Residential development of 1, 2, 3 and 4 bed dwellings, associated roads, driveways and infrastructure -Approval of Reserved Matters under previous application B/2002/1014 (as amended by plans and letters received 31.3.05 and 18.4.05)	Granted	27.04.2005

Assessment of Proposal

The proposal is for the construction of 3no. industrial units, B2/B8 use class with a combined area of approx. 6,420sq.m (GEA) with first floor offices, associated parking & service areas.

The proposed development is located within Bromsgrove Enterprise Park, roughly 1.2 miles south of Bromsgrove Town Centre. It sits south-west of the Bromsgrove Railway Station and is accessible through a private road named Isidore Road. This road runs north to south and acts as the main entry point for the development. Units 1 and 2 already have vehicular access constructed.

The surrounding areas include Sapphire Court Business Park to the north, George Road to the east, and additional industrial units to the west. A roundabout connects George Road, Isidore Road, and Aston Road to the south. The development itself is divided by the site access Road/Isidore Road, with Units 1 and 2 on the west side and Unit 3 on the east.

Unit 1	GF GIA 1,346sqm	FF Office 135sqm	Total 1,481sqm
Unit 2	GF GIA 2,323sqm	FF Office 198sqm	Total 2,521sqm
Unit 3	GF GIA 1,546sqm	FF Office 155sqm	Total 1,701sqm

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Use Class B comprises:

- **B2 General industrial** - Use for industrial process other than one falling within class E(g) (*previously class B1*) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- **B8 Storage or distribution** - This class includes open air storage.

The application site is located within Bromsgrove Enterprise Park, a designated employment land area as outlined in the Bromsgrove District Plan. The site is currently undeveloped and has existing outline planning permission (reference B/2002/1014). The site benefits from partial access.

Principle of development

Policy BDP14 sets out that designated employment areas 'are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in Policy BDP3. Policy BDP14.1 states that 'The regeneration of the District will continue through maintaining and promoting existing employment provision in sustainable, accessible and appropriate locations (as identified on the Policies Map)'.

Bromsgrove Enterprise Park is an existing commercial park situated on land designated for employment purposes. The use of the site for B2 and B8 uses has also been established on site following the granting of outline planning permission (B/2002/1014). As such the principle of commercial development on this site is acceptable.

Character

The site, roughly triangular in shape, spans approximately 1.59 hectares (3.94 acres). It is bordered by Aston Road and George Road to the east and is intersected by Isidore Road. The site is generally level, sloping gently towards the south-eastern and south-western boundaries. Currently unused and redundant, it is characterised by grassy areas and spoil mounds.

The western boundary is defined by an existing fence separating the development plot from the neighbouring Silver Birches Business Park. Overgrown shrubs and trees line this boundary. Low-level hooped barriers have been erected along the Aston Road and George Road boundaries.

The proposed buildings are linear in form and provide ample space within the site for manoeuvring, parking and landscaping as expected with such a commercial use. The new buildings will have a simple, consistent design using high-quality materials. The proposed buildings are similar in height to the neighbouring buildings. Their size and shape are appropriate for their intended use and reflect the general scale and layout found locally. The proposed development is considered appropriate to this location and will reflect the existing character found locally.

Highways

The proposed development consists of three industrial units occupying a 6,029 square metre site. Each unit will integrate first-floor office space, culminating in a total of 5,703 square meters of new employment space. While Units 1 and 2 will leverage existing access points, Unit 3 necessitates a newly constructed priority junction equipped with a pedestrian crossing. The development has been designed to accommodate Heavy Goods Vehicles (HGVs), with adequate visibility splays and manoeuvrability space.

To prioritise highway safety, the installation of new road markings and signage is imperative at the junction connecting to the main road, this matter has been conditioned. A comprehensive Travel Plan has been submitted, and upon planning approval, the applicant is obligated to register on the Modeshift STARS platform to develop a suitable plan.

Parking has been provided in full accordance with WCC parking standards:

- minimum 3 motorcycle parking spaces in total recommended, the applicant has provided 3 motorcycle parking spaces.
- minimum 42 car parking spaces are recommended; the applicant has provided 59 car parking spaces.
- minimum 18 cycle parking spaces are recommended; the applicant has provided 38 cycle parking spaces.
- minimum 3 disable parking spaces are recommended; the applicant has provided 3 parking spaces.

A traffic impact assessment, conducted using the industry-standard TRICS software, reveals a modest traffic generation. The majority of traffic is anticipated to utilise the Sherwood Road/Stoke Road roundabout. The projected increase in peak hour traffic is deemed insignificant. A thorough review of the collision history within the vicinity has not identified any notable accident patterns.

The applicants have also submitted a Construction Environmental Management Plan (CEMP) which outlines full details of construction including phasing, logistics and monitoring and has been found acceptable. The CEMP is conditioned under condition 2 of this recommendation.

Based on a comprehensive analysis, the Highway Authority concludes that the proposed development will not have a detrimental impact on the highway network and, consequently, does not warrant objection.

Trees

The mature Silver Birch trees in the southeast corner, bordering Aston Road, are in good condition and contribute to the site's visual appeal. It is recommended that these trees be retained.

The Leylandii conifers along the southern boundary, behind units 21 and 22, are well-established. The western boundary, adjacent to units 13-19, is defined by a steep bank with a mix of Willow and Silver Birch trees. The application proposes removing this tree line and replacing it with Gabions and a retaining wall. Given the proposed tree planting and Biodiversity Net Gain offset, this removal is acceptable. It is believed that a No-Dig method for installing the boundary path would minimise the impact on the Leylandii hedge. However, a detailed specification for this method should be submitted as a condition for approval.

Finally, the removal of the specified sections from groups G1 and G2 is acceptable, as these trees are of lower quality and offer limited screening benefits.

Biodiversity Net Gain/Ecology

Biodiversity Net Gain (BNG) is legislation that was put forward by Government. BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. This should ideally be provided onsite however a developer is able to purchase offsite credits for BNG elsewhere should it not be possible to provide onsite.

The Biodiversity Metric Report indicates that the proposed development cannot achieve the mandatory 10% net gain in habitat units on-site. Considering the site's pre-existing ecological assets, including boundary trees and vegetated land, and the proposed industrial development, it is acknowledged that a full net gain on-site is not attainable. Off-site compensation or a conversion offset payment is required. To achieve 10% BNG, a deficit of 5.37 habitat units must be compensated for. The minimum required compensation is 5.37 habitat units if provided within the Local Planning Authority (LPA) boundary or the same Natural Character Area (NCA). The maximum required compensation is 10.74 habitat units if provided outside the LPA or NCA. The applicants have indicated some land that would be available to them via the Environment Bank which would be finally agreed via informative.

Some limited habitat retention, enhancement and creation measures are proposed on site. Additional species enhancements should be provided on-site, to include bat and bird boxes, hedgehog houses and amphibian/reptile hibernacula. A Landscape and Ecological Management Plan is required to ensure that the on-site habitat proposals are created and maintained, in line with the landscaping proposals provided within the Biodiversity Metric Report. This can be controlled via a condition.

Drainage

The site is situated in Flood Zone 1, indicating a low risk of river flooding. However, parts of the site, particularly the access road, are susceptible to surface water flooding. A flood risk assessment and drainage strategy have been provided. While on-site attenuation is typically required, a compromise has been made to allow higher discharge rates from Unit 3 to prevent orifice blockage. Initial ground investigations reveal the presence of gravel, sandstone, and clay. Infiltration testing, as per BRE guidance, is necessary to finalise the drainage strategy. The 1:100+40% event model indicates potential on-site flooding. An exceedance routing plan is required to demonstrate safe above-ground accommodation of this water without impacting buildings. The Causeway model file should also be provided for review. A full water quality assessment using the simple index assessment is necessary to evaluate building roofs, parking areas, and yard areas. This matter has been conditioned.

Public Comments

One letter of objection was received which raised concerns regarding highways and existing issues with HGVs, parking and road capacity. As outlined in the Highways section, the applicant has over provided on parking within the site and provided

comprehensive data on the travel movements as a result of this development. The application site is also allocated for such a use and originally built for this purpose. Highways have reviewed the information submitted and confirmed that the proposal will not have a detrimental impact on the highway network.

Conclusion

It is determined that the proposed development is consistent with the applicable policies of the Bromsgrove District Plan and adheres to the principles of sustainable development as outlined in the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - o 23032-HFR-AV-ZZ-DR-A-9001-P01 Location Plan
 - o 23032-HFR-AV-ZZ-DR-A-9002-P01 Existing SP & Topographical Survey
 - o 23032-HFR-AV-ZZ-DR-A-9003-P01 Existing Site Constraints
 - o 23032-HFR-AV-ZZ-DR-A-9004-P01 Proposed Site Plan
 - o 23032-HFR-AV-XX-DR-A-9005-P01 Unit 01, 02 & 03 Waste Compounds
 - o 23032-HFR-AV-XX-DR-A-9006-P01 Unit 01, 02 & 03 Cycle Shelters
 - o 23032-HFR-AV-ZZ-DR-A-9007-P01 Proposed Boundary Treatments
 - o 23023-HFR-V1-00-DR-A-9001-P01 Unit 1 - Proposed GF GA Plan
 - o 23023-HFR-V1-ZZ-DR-A-9002-P01 Unit 1 - Proposed Office GA Plans
 - o 23023-HFR-V1-R1-DR-A-9003-P01 Unit 1 - Proposed Roof Plan
 - o 23032-HFR-V1-XX-DR-A-9004-P01 Unit 1 - Proposed Elevations
 - o 23032-HFR-V1-XX-DR-A-9005-P01 Unit 1 - Proposed Sections
 - o 23023-HFR-V2-00-DR-A-9001-P01 Unit 2 - Proposed GF GA Plan
 - o 23023-HFR-V2-ZZ-DR-A-9002-P01 Unit 2 - Proposed Office GA Plans
 - o 23023-HFR-V2-R1-DR-A-9003-P01 Unit 2 - Proposed Roof Plan
 - o 23032-HFR-V2-XX-DR-A-9004-P01 Unit 2 - Proposed Elevations
 - o 23032-HFR-V2-XX-DR-A-9005-P01 Unit 2 - Proposed Sections
 - o 23023-HFR-V3-00-DR-A-9001-P01 Unit 3 - Proposed GF GA Plan
 - o 23023-HFR-V3-ZZ-DR-A-9002-P01 Unit 3 - Proposed Office GA Plans
 - o 23023-HFR-V3-R1-DR-A-9003-P01 Unit 3 - Proposed Roof Plan
 - o 23032-HFR-V3-XX-DR-A-9004-P01 Unit 3 - Proposed Elevations
 - o 23032-HFR-V3-XX-DR-A-9005-P01 Unit 3 - Proposed Sections
 - o 23032-HFR-AV-ZZ-RP-A-9002-P01 Planning Statement
 - o 23032-HFR-AV-XX-RP-A-9001-P02 Design and Access Statement
 - o 085043-CUR-XX-XX-T-TP-00002-P02 Framework Travel Plan

- o 085043-CUR-XX-XX-T-TP-00001-P02 Transport Statement
- o 85043-CUR-00-XX-DR-TP-75001-P01_AccessArrangement
- o 85043-CUR-00-XX-DR-TP-05001-P01_SPA16.5mArticulatedHGV
- o 85043-CUR-00-XX-DR-TP-05002-P01_SPALargeCar
- o 240307 Bromsgrove Phase 3 Construction Environment Management Plan
- o 85043-CUR-XX-XX-DR-C-91014_Unit 1 & 2 Site Sections
- o 4534 101A - Landscape Layout
- o 5023881-RDG-XX-00-D-E-906001_P2 External Lighting Units 1, 2 & 3

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

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

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

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

REASON: To comply with the Council's parking standards.

- 5) The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 23032-HFR-AV ZZ-DR-A-9004 Rev P01 and 085043-CUR-XX-00-D-TP-75001 Rev P04.

Reason: To ensure conformity with submitted details.

- 6) The Development hereby approved shall not be brought into use until the visibility splays shown on drawing 085043-CUR-XX-00-D-TP-75001 P02 have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety

- 7) The Development hereby approved shall not be brought into use until: Unit 1: 2 spaces, Unit 2 : 3 spaces and Unit 3: 2 spaces - have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

REASON: To provide safe and suitable access for all

- 8) The Development hereby approved shall not be brought into use until 3 secure motorcycle parking spaces (1 per unit) have been provided in a location to be

agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved.

REASON: To provide safe and suitable access for all.

- 9) The Development hereby approved shall not be brought into use until a Road Safety Audit has been submitted for highways consideration.

REASON: In the interests of highway safety.

- 10) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

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

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

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

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

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

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

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

- 11) Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

- 12) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure satisfactory drainage.

- 13) Prior to the construction of Unit 2 of the development hereby approved, a specification for the Method of No Dig Construction for the boundary path line adjacent to H2 in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

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

- 14) A Landscape and Ecology Management Plan (LEMP) will be produced and be approved by the LPA prior to commencement of the works. This LEMP will include (though not be limited to) the following:
- o All on-site and off-site habitat proposals outlined within Biodiversity Metric Report reference 81-605-R2-3 (E3P, October 2024);
 - o On-site and off-site management measures covering a period of 30 years minimum post-construction;
 - o The number, types and locations of on-site ecological enhancement features, including bat and bird boxes, hedgehog houses and amphibian/reptile hibernacula.

REASON: To ensure the long-term management, maintenance, and monitoring of on-site habitats and ecological enhancement features.

Informative:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bromsgrove District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply. In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Plan reference

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

24/00708/FUL

Sapphire Court, Isidore Road, Bromsgrove Technology
Park, Bromsgrove, Worcestershire, B60 3ET

Full planning application or 3no. industrial units, B2/B8
use class with first floor offices, associated parking &
service areas.

Recommendation: Approval

Site Location Plan



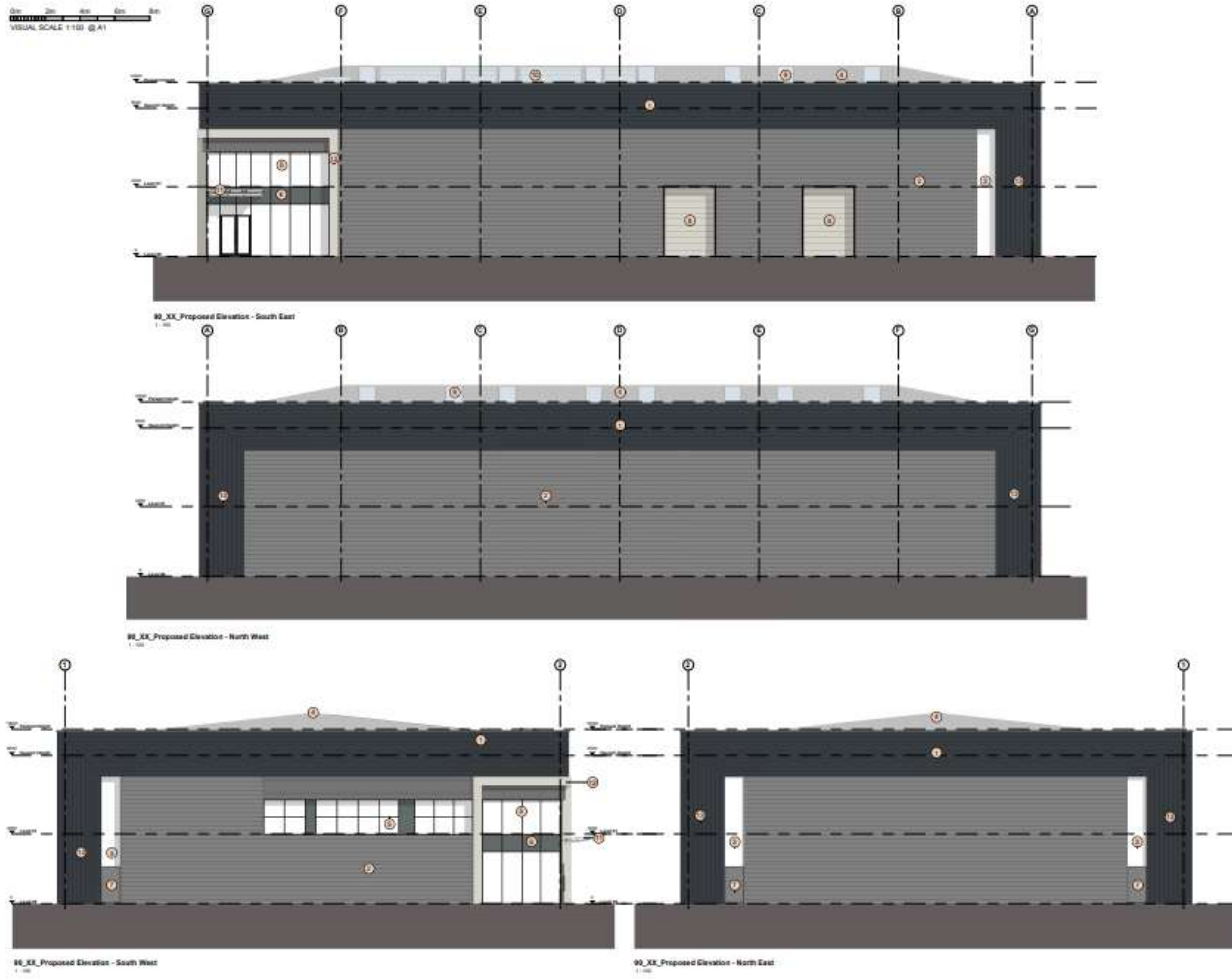
Aerial Photograph of site



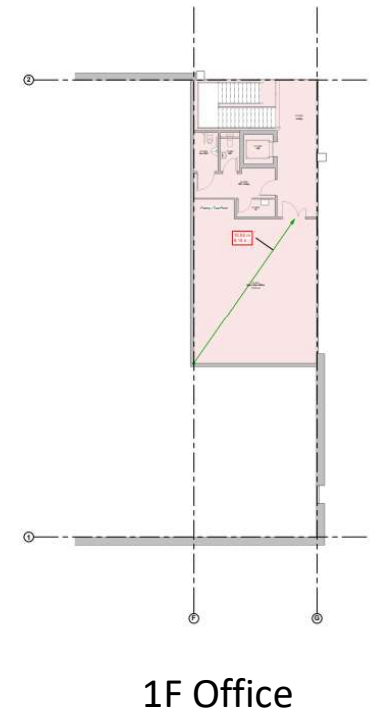
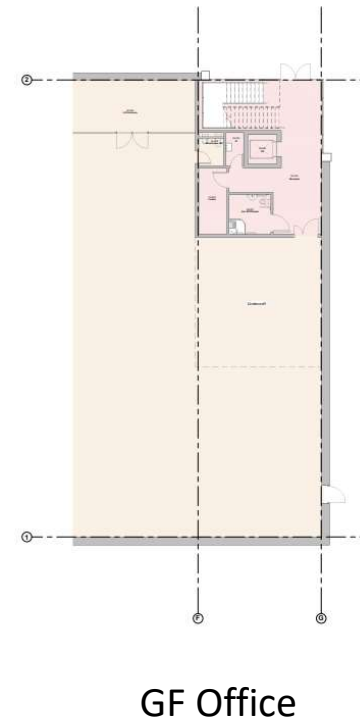
Proposed Site Plan



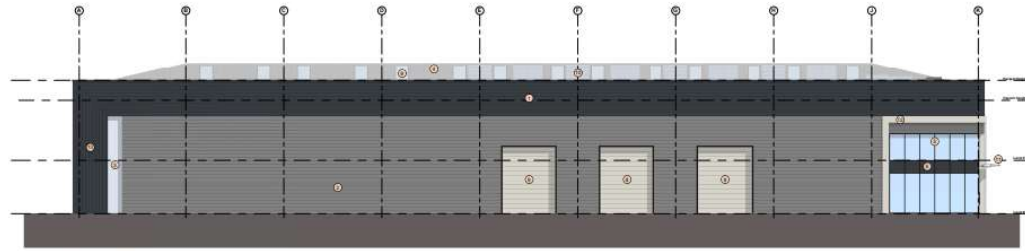
Unit 1– Elevations



Unit 1 - Floor Plans

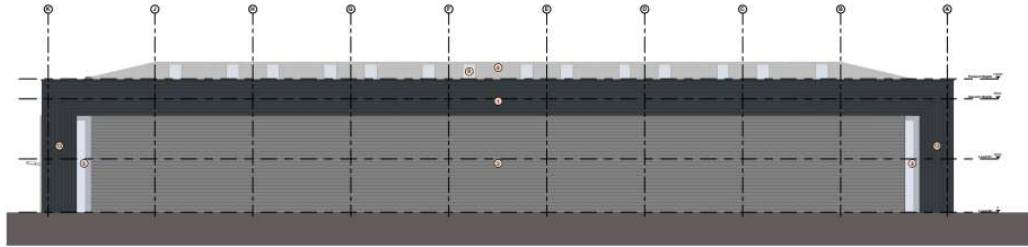


Unit 2 – Elevations

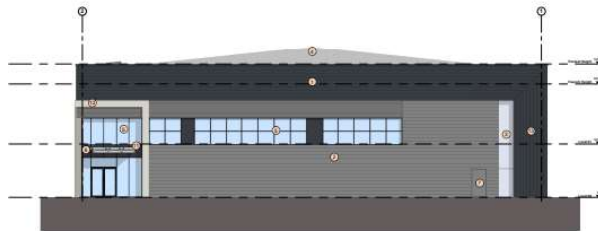


M_XX_Proposed Elevation - South East

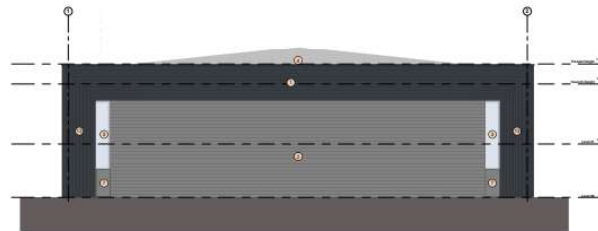
- Key**
1. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 2. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 3. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 4. Roof Cladding (M1, F108 Cls)
 5. Glass window glazing in walls (Refer to drawings and notes)
 6. Glass window glazing in walls (Refer to drawings and notes)
 7. Proposed door (M1, 100 Cls)
 8. Glass window glazing in walls (Refer to drawings and notes)
 9. Window
 10. PV Panel
 11. Corner
 12. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 13. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 14. Proposed glass cladding for proposed entrance canopy (refer to drawings)
 15. Proposed glass cladding for proposed entrance canopy (refer to drawings)



M_XX_Proposed Elevation - North West

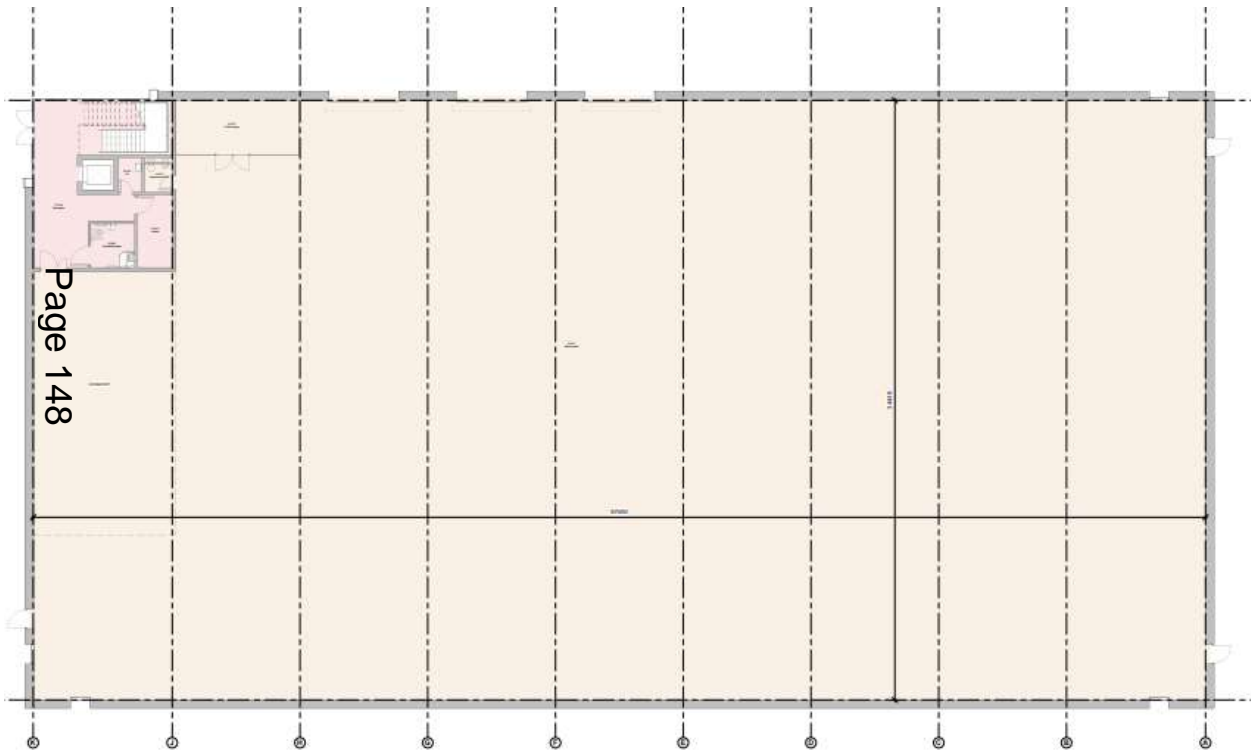


M_XX_Proposed Elevation - North East

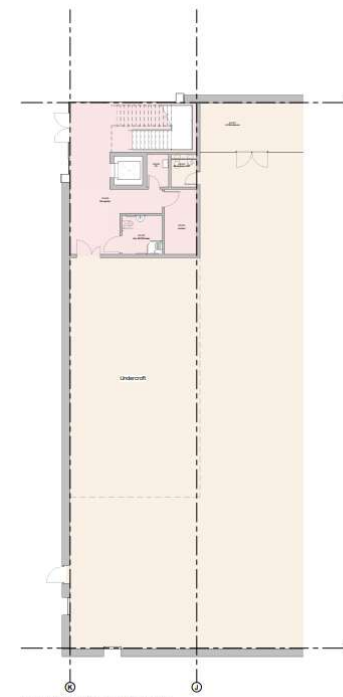


M_XX_Proposed Elevation - South West

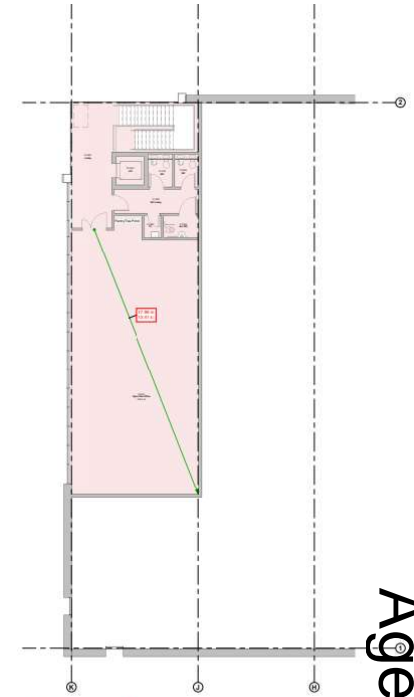
Unit 2 – Floor Plans



Ground Floor



GF Office

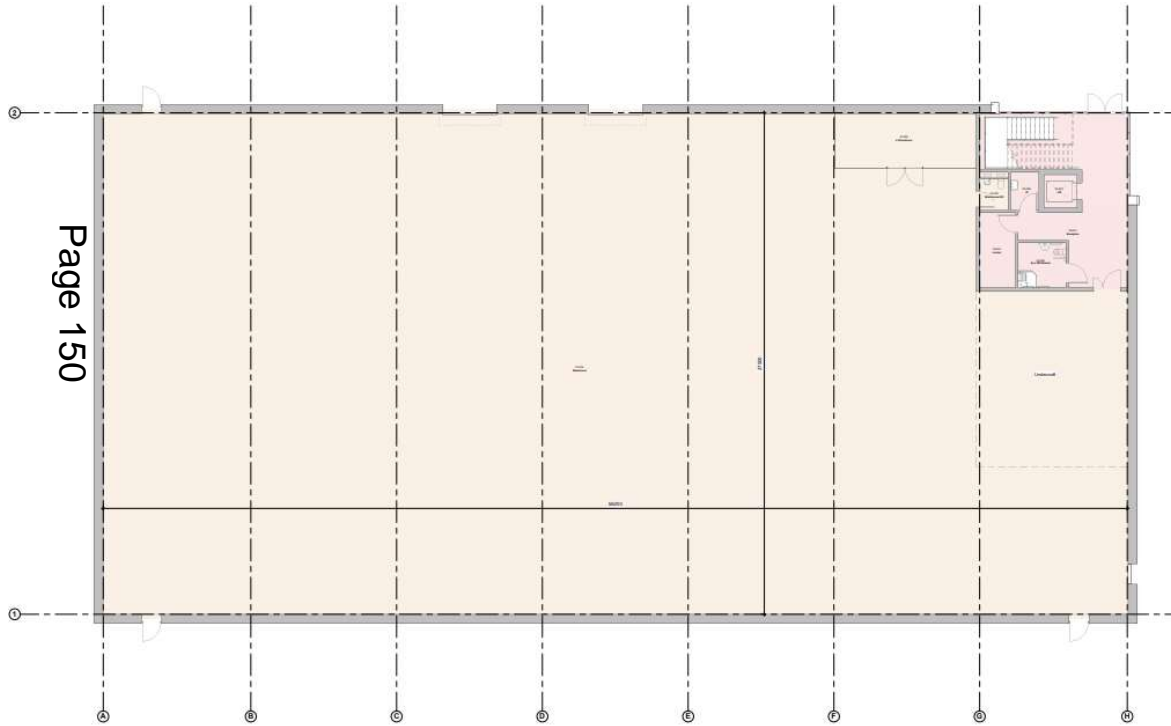


1F Office

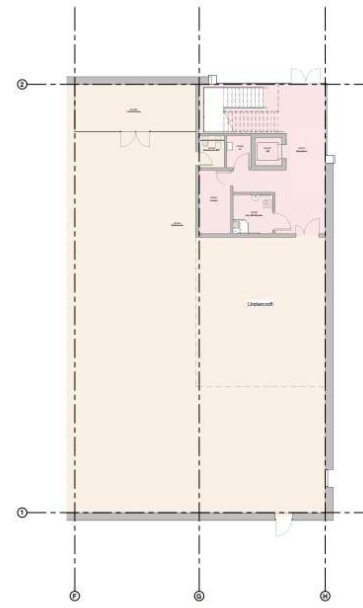
Unit 3 – Elevations



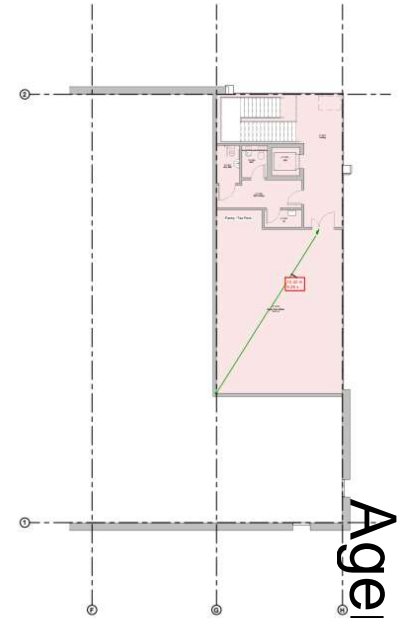
Unit 3 – Floor Plans



Ground Floor



GF Office



1F Office

Landscaping Plan



Artist Impressions



Site Photographs



Site Photographs



Page 154

Photos from Aston Road showing position of Units 1 and 2



Agenda Item 10



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Name of Applicant Ref.	Proposal	Expiry Date	Plan
Mr. Bakul Kumar	Single-storey rear extension 32 Mearse Lane, Barnt Green, Worcestershire, B45 8HL	20.12.2024	24/00904/ CPL

This application is being considered by Planning Committee rather than being determined under delegated powers as the applicant is a serving District Councillor.

RECOMMENDATION: APPROVAL

Consultations

None required

Publicity

None required

Relevant Policies

Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

There are no previous applications regarding Development Management which are relevant to this application.

Site Description

The site is located in an established residential area of Barnt Green. The two-storey dwelling is detached and is located on the eastern side of Mearse Lane. The property benefits from permitted development rights.

Proposal Description

The proposal relates to a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) application for the erection of a single-storey extension to form an orangery at the rear of the property.

The extension will have a parapet roof with a central lantern roof light. The extension has dimensions of 4 metres by 5.6 metres with a height of 3 metres to the flat element of the roof. The eaves height would also be 3 metres.

Procedural Matters

Members should note that this application is **not** a planning application, it is an application for a Certificate of Lawfulness.

This application is a legal determination to assess whether the proposal falls within permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Class A allows for extension to a detached dwelling to extend beyond the rear wall of the original dwellinghouse by up to 4 metres and up to 4 metres in height.

Assessment of Proposal

The information submitted has been assessed against Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it meets all criteria, notably:

- The proposed extension is not in excess of dimensions permitted;
- The extension will not extend beyond a wall which forms the principal elevation;
- Buildings do not cover more than 50% of the residential curtilage of the dwellinghouse

I am therefore of the view that the proposal is thereby permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This is subject to the relevant condition set out under Schedule 2, Part 1, Class A.3 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended), which states that materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The applicant is aware of this requirement.

RECOMMENDATION: APPROVE

The Certificate of Lawfulness can be granted as per the following plans:

1311_01 Site Location and Block Plans – dated 5th of September
1311_03 Plans as Proposed – dated 5th of September

Approval is subject to the condition that:

Materials used must be of similar appearance to those used in the construction of the existing building.

Case Officer: Chad Perkins Tel: 01527 881257

Email: Chad.perkins@bromsgroveandredditch.gov.uk

24/00904/CPL

32 Mearse Lane
Barnt Green
Worcestershire
B45 8HL

Single Storey Rear Extension

Recommendation: Approval

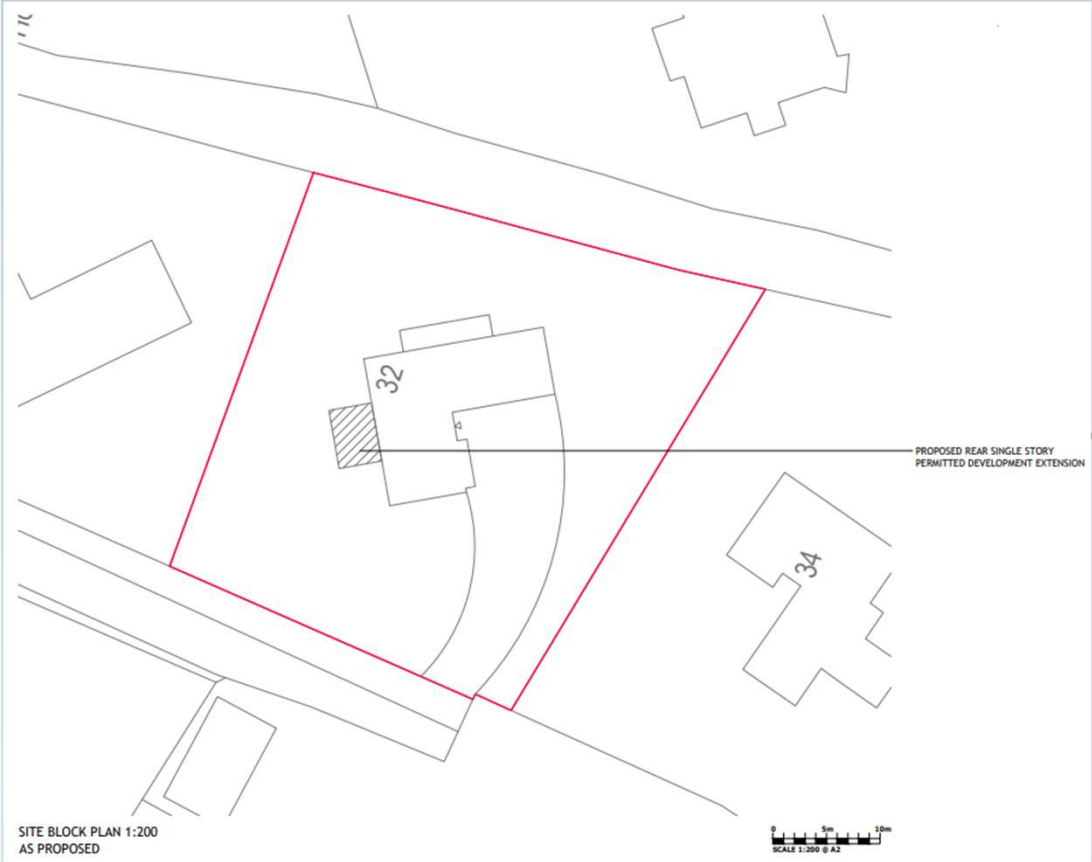
Site Location Plan



Aerial Photograph of Site



Proposed Site Plan



Proposed Elevations

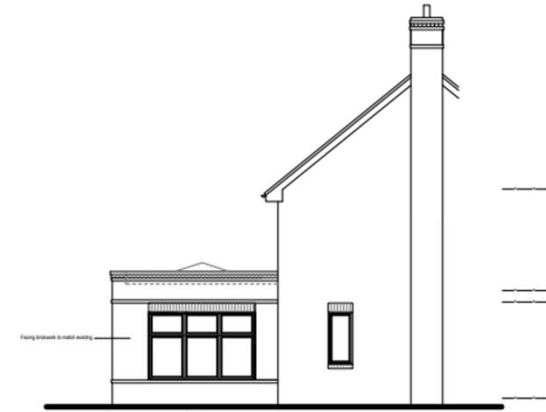
Page 163



REAR ELEVATION

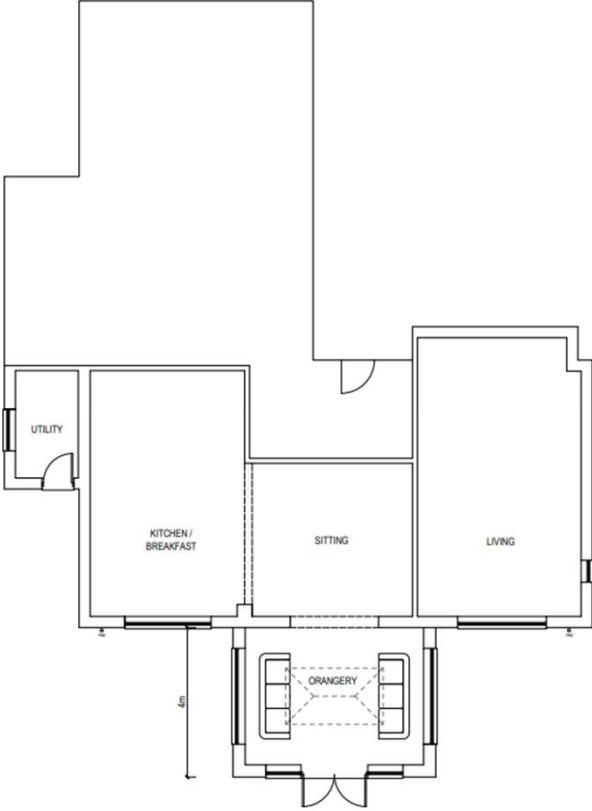


SIDE ELEVATION

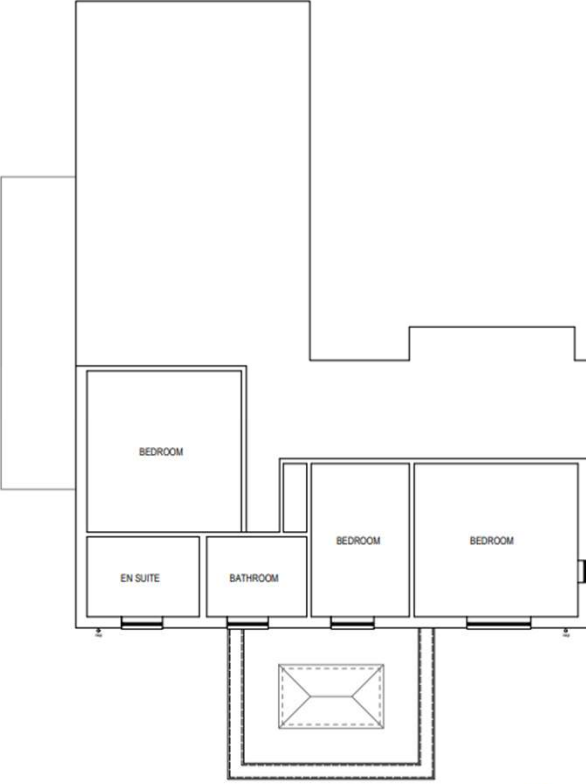


SIDE ELEVATION

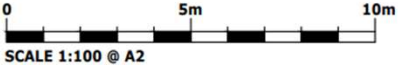
Proposed Floor Plans



GROUND FLOOR PLAN



FIRST FLOOR / ROOF PLAN



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Hodgetts	Change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (retrospective) Backlane Farm, St Kenelms Road, Romsley, Worcestershire, B62 0PG	27.11.2024	24/01005/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Highways - Bromsgrove

Site observations:

The site is in a semi-rural location off a classified road, the site has an existing shared vehicular access with good visibility in both directions. St Kenelms Road has footways, no street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of bus stops which are located approx. 290m from the proposal.

Layout:

This is a retrospective planning application where the applicant has highlighted a grassed area to be used for picnics and a grasscrete area which has been highlighted as an overflow car parking area consisting of 8 car parking spaces for the proposal during busy periods if required. The 22 car parking spaces on site are not affected or being displaced by this retrospective planning application.

The car parking is shared between the customers of Romsley Country Store, CVS (UK) Ltd and Hagley Stoves and Fireplaces. The total retail floorspace on site requires 23no. parking spaces and the applicant has provided 22no. spaces in total. The 8 additional car parking spaces being provided fall short of WCC requirements. The proposed application creates an additional 8 no. parking spaces for customers of the café and the other uses, this provides a total parking provision on the site to 30 spaces.

There is a shortfall of 11 car parking spaces due to the café extension, however in this instance due to the village location, good connectivity to the site via footways, bus stops located approx. 150m from the site and a car park also located approx. 150 from the site entrance for public use - the parking provided on site is deemed to be acceptable due to the above reasons. Highways have also carried out site visits and noted the car park is busy at times, but parking spaces are still available for customers on site and therefore consider the car parking provision being provided by the applicant again being acceptable.

North Worcestershire Water Management

It is my understanding that the external seating area remains grassed, so this element of the application has no water management implications. It is my understanding that it is proposed to change the currently gravelled car parking area (8 spaces, completed in October 2022 without planning permission) to grasscrete. Both gravel and grasscrete are classed as permeable surfaces and there should therefore be no increase in the amount of surface water runoff generated on the site compared with the situation pre October 2022 when this area was still grassed. I therefore believe that there would be no reason to withhold approval of this application from a water management perspective.

Arboricultural Officer

The site of the development has a mature Oak tree situated at the north-west corner of the site, as T1 under TPO (4) 2024.

- o The development to include a picnic bench area will add to ground compaction within the RPA of the oak, though I do not envisage that this will have an accountable and adverse effect on the tree.
- o The overspill parking would have been constructed using a 'Grasscrete' which will spread the load of moving vehicles and prevent further ground compaction.
- o The tree itself still has half of its rooting area outside of the development site and so I would not expect it to suffer to any great extent due to the development, that said due to the increase in traffic under the tree and time being spent there it would be prudent to upkeep a tree survey to ensure any potential issues are managed appropriately. No objections raised.

Romsley Parish Council

No objection

Publicity

5 letters sent 17.10.24 (expired 10.11.24)

Site Notice posted 01.11.24 (expired 25.11.24)

No representations received.

Cllr Nock

Backlane Farm' is an active commercial and agricultural site with several businesses. Rickyard Café sits at the heart of the development and offers a 'go-to' destination bringing a fresh vitality to the village of Romsley. The seating area further enhances the experience and is popular with walkers as well as those using the café. As a Council it is important we encourage and support sustainable economic development.

This is a relatively small area on the edge of a designated parking facility. There is a clear separation from the agricultural land to the rear. In these circumstances there is limited impact on the openness of the Green Belt and retrospective planning permission should be granted.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

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

Relevant Planning History

24/00229/FUL	Retention of 13 storage containers (and hardstanding)	Pending consideration	
24/00307/FUL	Retention of storage compound and hardstanding, including 2.4m palisade fence	Pending consideration	
23/01394/FUL	Retention of cafe, toilets, store extension and two air-conditioning units, along with car park extension	Granted	09.07.2024
19/01348/FUL	Replacement dwellinghouse, detached garage and associated works	Refused	22.01.2020
17/00856/FUL	Conversion of existing building to create tea room which would be ancillary to Romsley Stores	Granted	12.01.2018
B/2007/0287	Change of use agricultural building to farm shop (to replace existing farm shop) - as amended by plans received on: 21/05/2007.	Granted	24.05.2007
06/00038/COL	Sale of equine feeds to include the sale of hand tools, minor equipment, collars, rakes, buckets, shovels etc.	Refused	18.07.2006

Assessment of Proposal

The proposal seeks permission for a grasscrete area for overflow parking to replace the current gravelled area which is used for informal overflow parking. It also seeks a picnic area to the west of the car park, the boundary of which would be formed by the cafe to the north and boundary hedge with St Kenelms Road to the south.

Site Description

The site is located in the Green Belt. Backlane Farm is a large site comprising a mixture of agricultural and commercial uses including Romsley Country Store, a stove showroom, florist and the Rickyard Café, along with a (currently unoccupied) dwellinghouse. The site lies to the north side of St Kenelms Road and would adjoin the front of the cafe and existing car park. The above facilities all utilise the same access to St Kenelms Road.

There is a mature oak tree situated at the north west corner of the site which is protected under TPO (4) 2024.

The vehicle storage compound (the subject of retrospective application 24/00307/FUL) and storage containers (the subject of retrospective application 24/00229/FUL) are located approximately 100m to the north-east of the application site.

Background

The site is the subject of a number of retrospective planning applications to address a number of alleged breaches of planning control. They include the retrospective proposal for the stationing of 13 storage containers (Ref: 24/00229/FUL), the retention of a storage compound and hardstanding, including 2.4m palisade fence (Ref: 24/00307/FUL) which are currently under consideration. The retention of the cafe, toilets, store extension, two air-conditioning units and associated car park (Ref: 23/01394/FUL) was approved on 09.07.2024.

Principle

The site is located in the Green Belt. Policy BDP4 of the Bromsgrove District Plan (BDP) sets out the types of development which are appropriate in the Green Belt. At present, the area of the proposed car park extension is gravelled (since 2022) and the retention of the car park and provision of grasscrete amount to engineering operations. These are not specifically cited in the BDP but are referred to in para 155 of the NPPF which states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The test required is therefore an impact test in terms of the openness and purpose of the Green Belt. The context of the application must be considered, planning permission has already been granted for the provision of a metalled car park to serve the café under application 23/01394/FUL.

The most relevant application to the proposal is application reference 23/01394/FUL which was a retrospective proposal for an extension to the existing store to create a café, W/C, air conditioning unit and storage room, as well as an extension to the car park. The current retrospective proposal relates to a further extension of the car park, through the laying of a grasscrete area. The following matters have been put forward in support of the proposal:

- The laying out of the grasscrete for the purposes of parking is a form of development that would fall within paragraph 155 of the Framework. Engineering operations and material changes in the use of land are not inappropriate in the Green Belt but only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- Additional car parking needs. The WCC Streetscape Design Guide outlines that retail uses of less than 1,000sqm should provide one parking space per 25sqm of floorspace. The total retail floorspace on site requires 23no. parking spaces to be provided and the car park sets out 22no. spaces. The above previously approved application for the café extension also included an extension to the car park of an additional 8no. spaces. However, the additional 96sqm of café space actually required an additional 19no. parking spaces.
- The eight spaces provided clearly fell short of this requirement, and the owners of the site now wish to provide further parking on site to meet this potential demand. Overall, the proposed application would therefore create an additional 8 no. parking spaces for

customers of the café and wider site, bringing the total parking provision on the site to 30 spaces which is more in line with the guidelines of the Worcestershire Streetscapes Design Guide of 41 spaces.

- A revised draft NPPF has recently been published for consultation purposes and this document is now a material consideration, albeit it is recognised that the weight that can be given to this document at this time is limited. In the consultation draft of the NPPF, the concept of Grey Belt has been introduced defined in the glossary as "land in the green belt comprising previously developed land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes. The site falls into such a category.
- The proposed development is not considered to encroach into the open countryside, nor is it considered to impact upon openness, as the site forms part of a mixed agricultural and commercial site and is on land well contained by substantial boundary planting.
- The recreational area and the provision of picnic benches would be seasonal

Officer Response:

The proposed further extension of the car park is not considered to preserve the openness of the Green Belt and results in additional encroachment on the formerly agricultural land. It should be noted that the currently gravelled area is used for parking and a level of harm to openness arising from the development and from additional activity is evident. This finding is similar to that reached in *R (oao Amanda Boot) v Elmbridge Borough Council [2017]* where in a situation where harm to openness arises, it is not being preserved and will therefore not fall into the para 155 exception. The car park extension, as constructed, amounts to additional encroachment which conflicts with the purposes of including land in the Green Belt and breaches the exception of paragraph 155 of the Framework.

In terms of the level of parking, the views of WCC are noted in relation to the current proposal and the previous extension and car park (Ref: 23/01394/FUL) where 22 No. parking spaces were provided to meet the needs of the cafe and other uses on the site including Romsley Country Store. The scheme was amended to exclude the more informal gravelled parking area from the proposal and there were no objections raised by WH in relation to the level of parking provision. It is evident on site that additional parking is possible on the areas of concrete around the site. The matters raised by Highways are also relevant. There is a car park available some 50m to the east of the site and the café/country store are located in a reasonably accessible location with respect to the village of Romsley with public transport options available. In this context, it is not considered that the minor parking shortfall justifies additional inappropriate development in the Green Belt.

The revised Draft NPPF is currently at consultation stage and thereby carries no weight in the decision-making process which must be made in accordance with the adopted Bromsgrove District Plan and the NPPF. In any event, the area upon which the car park was constructed and where the picnic benches are proposed was not previously developed and it is not accepted that the site does not contribute to the openness/purpose of the Green Belt.

In summary, the planning history is critical in considering this application. Planning permission is sought for the change of use of agricultural land to facilitate a car park

extension and outdoor seating area. However, retrospective permission has already been granted for a cafe, a substantial metalled car parking area and a large external paved seating area to the west of the cafe. Therefore, the additional parking and recreation areas are not justified when these facilities already exist and are operational. The economic benefits arising from farm diversification have therefore already occurred and very special circumstances to justify additional inappropriate development cannot be said to exist.

Highways

No objections have been raised by Worcestershire Highways in relation to the additional parking provision. It has also been clarified with WCC that, should the application be refused, the characteristics of the location and the alternative availability of parking would mean that significant displacement would be unlikely to occur. The parking matters are further addressed in the Green Belt assessment above.

Ecology

Retrospective applications are exempt from the Biodiversity Net Gain 10% requirement. The application is not accompanied by a Preliminary Ecological Appraisal. The area is not defined as sensitive in terms of habitat and does not comprise a Site of Special Scientific Interest (SSSI) or Special Wildlife Site (SWS). However, given the retrospective nature of the proposal it is not possible to determine whether or not the development (and the adjoining retrospective developments under consideration (Ref: 24/00229/FUL and 24/00307/FUL) has had a detrimental impact on protected species.

Other matters

There have been no objections raised by Romsley Parish Council, North Worcestershire Water Management (NWWM) or the Councils Tree Officer. The Representation from the Ward Councillor is noted and outlines the diversification requirements and the economic benefits arising from the retrospective proposal. These matters have been fully addressed in the Green Belt appraisal above, the points raised would not be unique to the site or amount to very special circumstances to justify inappropriate development.

It should be noted that of cafe, toilets, store extension, two air-conditioning units and car park were also constructed without the benefit of planning permission and retrospective consent has been granted (Ref: 23/01394/FUL). Therefore, the site has the opportunity to economically benefit from farm diversification without additional unauthorised development.

In summary, having considered all the information presented, it is concluded that the harm that the proposal causes to the Green Belt, including harm to the openness and purposes of Green Belt, taking the cumulative developments on the site into account, would not be clearly outweighed by the matters put forward by the applicant and any other considerations. Thereby, the very special circumstances required to justify inappropriate development do not exist and permission should be refused.

RECOMMENDATION: That planning permission be **REFUSED**

1. The proposed change of use to provide external seating and car park extension, taking the cumulative impact of previous development into account, amounts to inappropriate development in the Green Belt. The development would result in a loss

of openness and further encroachment into the countryside contrary to the purposes of the Green Belt. No very special circumstances have been put forward or exist which would outweigh the harm caused. Thereby, the development would be contrary to policies BDP1 and BDP4 of the Bromsgrove District Plan (2017) and the NPPF.

Case Officer: David Kelly Tel: 01527 881666
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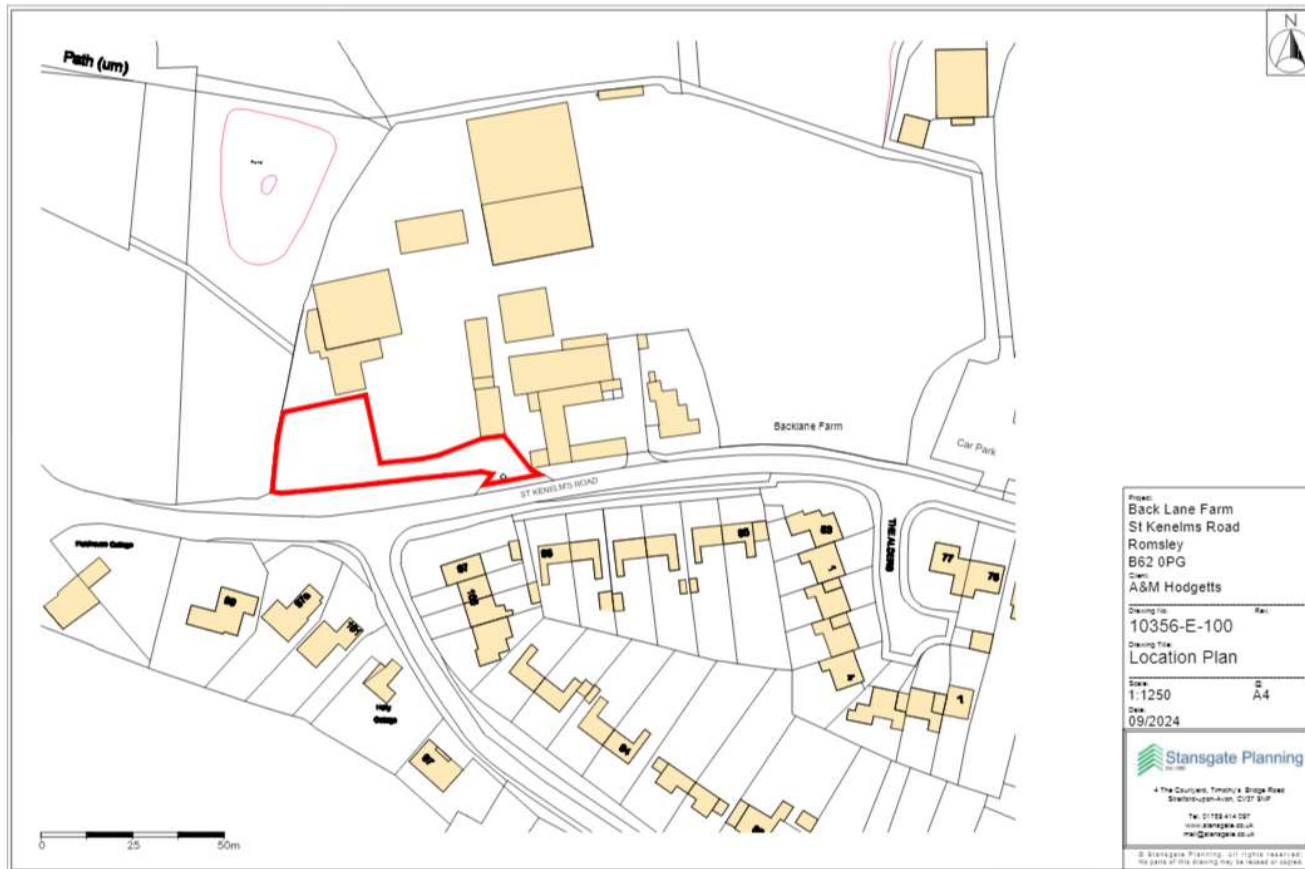
24/01005/FUL

Backlane Farm, St Kenelms Road Romsley Worcestershire

Change of use of land from agricultural use to create external seating area and extended car parking area in association with the commercial uses on the site (retrospective)

Recommendation: Refuse

Site Location Plan



Existing Site Plan



Project: Back Lane Farm St Keneims Road Romsley B62 0PG	
Client: A&M Hodgetts	
Drawing No.:	No.:
10356-E-200	
Drawing Title: Existing Site Plan	
Scale:	©
1:500	A4
Date:	
09/2024	
 Stansgate Planning 4 The Courtyard, Timothy Bridge Road Stratford-upon-Avon, CV37 2UP Tel: 01789 414 037 www.stansgate.co.uk mail@stansgate.co.uk	
<small>© Stansgate Planning. All rights reserved. No part of this drawing may be copied or adapted.</small>	

Proposed Site Plan



Site Photos

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Agenda Item 12

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Peter Whittaker	<p>Lawful Development Certificate sought to confirm development has commenced in accordance with condition 1 of planning permission ref. 21/01754/FUL dated 11th February 2022; Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot and so would be lawful for planning purposes.</p> <p>Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ</p>		24/01062/CPE

This application is being considered by Planning Committee rather than being determined under delegated powers as the applicant is a serving District Councillor.

RECOMMENDATION: APPROVAL

Consultations

North Worcestershire Building Control

Confirm that the information submitted relating to building control is accurate.

Tutnall And Cobley Parish Council

Tutnall and Cobley Parish Council support this application.

Publicity

None required

Relevant Policies

Planning policies contained in the Bromsgrove Local Plan and other material considerations such as impact on residential and visual amenity are not applicable in this case as the assessment of whether to grant a Certificate of Lawfulness is dependent on the facts of the case and relevant planning law.

Relevant Planning History

21/01754/FUL	Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof	Approved	11.02.2022
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works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot

21/01755/LBC	Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot	Approved	11.02.2022
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There is extensive planning history related to the agricultural use and associated buildings at Stoney Lane Farm, but these are not reported here given this history is not relevant to the application under consideration.

Assessment of Proposal

The site and its surroundings

Stoney Lane Farm consists of a group of buildings comprising a Grade II listed Georgian farmhouse, connected to a 18th century timber-framed barn, a single storey range of 19th century brick barns and a separate brick dovecote. Gardens associated with the farmhouse extend to the west and south, demarcated by a stone ha-ha on the west; these lead onto to agricultural land to the west and south mainly laid to grazing pasture. A courtyard to the east of the house is formed with a timber-framed range on the roadside and brick barns to the south. The dwelling was substantially increased in size at the end of the 19th Century by a two-storey brick service wing on its north-east side.

Proposal

A proposal relates to an application for a Lawful Development Certificate for an Existing Use or Operation or Activity (CLEUD) to confirm development has commenced in accordance with condition 1 of planning permission 21/01754/FUL.

Members should note that this application is not a planning application.

In an application relating to a Lawful Development Certificate (LDC) the onus of proving the relevant facts rests with the applicant and the standard of evidence is the balance of probabilities. The applicant's own evidence does not need to be corroborated with independent evidence, and if there is no evidence to contradict or otherwise make the applicant's version of events less than probable, the applicants evidence alone may be

sufficient to justify the grant of a certificate provided that it is sufficiently precise and unambiguous.

To implement a planning permission the applicant must:

- Ensure all planning conditions requiring compliance prior to commencement of development have been complied with
- Carry out a "material operation" (as defined in the Town and Country Planning Act 1990 (the Act))

Documents submitted with this application include the following:

- Planning application forms and site location plan
- Confirmation of pre commencement discharge of condition (Bromsgrove DC dated 4th July 2023).
- Approved drainage plan (23-11-10A SURFACE WATER DRAINAGE)
- North Worcestershire Building Control acknowledgement letter dated 25th July 2023
- Photographs of drainage works (July 2023)
- Confirmation from North Worcestershire Building Control that an officer visited the and viewed the drainage works on 11th August 2023 (dated 26th June 2024)

Full planning permission was granted on 11 February 2022 under reference 21/01754/FUL for Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot, subject to conditions.

The first condition is a time limit, stating that the development shall be begun before the expiration of 3 years. The pre-commencement conditions relating to materials (4 and 6) and drainage (18 and 19) were discharged on 4 July 2023. There is no dispute that the applicant has provided sufficient evidence that initial works related to the installation of storm water drainage in accordance with the drainage design site on the application site in August 2023, constituting operational development. Consequently, there is no dispute that the works described were carried out within 3 years of the date of the planning permission.

What constitutes a start of development is set out in Section 56 of the Act and for the purposes of implementing a planning permission the relevant date is the date on which a "material operation" is carried out. According to Section 56(4) in sub-section 2, a "material operation" includes:

- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b")

Therefore, in this case the key question is whether the works carried out in August 2023 constitute a "material operation" under (c).

I note that North Worcestershire Building Control was responsible for Building regulations matters (under Building Control reference 23/1213/MULFP), as part of this site, this has

been collaborated to ensure that this information is correct. However, there is nothing in law that requires something to benefit from building control approval to constitute a “material operation” for the purposes of the Act. Indeed, they are entirely separate processes.

Case Law¹ has established that the threshold for what is deemed to be material operations is low, where the marking out of a line and the width of a road with pegs amounted to “material operations” within s56(4)(d). Furthermore, the case of Spackman² concerned whether or not material operations were carried out for the construction of a residential dwellinghouse. In that case no foundations had been laid and the works that had been carried out included a partially constructed soakaway and drainage trenches in each of which had been laid piping leading to the soakaway. It was accepted that the soakaway was approximately 35 feet from the nearest soakaway shown on the approved plans, but nevertheless the court held that underground drainage works that were no longer visible without excavation may constitute the commencement of development even where the foundations or trenches themselves referred to in s56(4) have not yet been created.

The applicant has submitted photographs showing the installation of storm drainage and inspection chamber to plot 4, the location of the works is clear from the photographs which show the relation to other buildings and features in the vicinity. This is in line with the approved drainage plan (23-11-10A) approved under conditions 18 and 19. This has been collaborated by Building Control records.

It is not considered that these works would be regarded as *de minimis*. The threshold for works is low and in this case the works are clearly undertaken using a mechanical digger and the works are more than 15 metres in length.

As such it is my view that the evidence submitted demonstrates that the works that have been carried out; namely the material operation of digging of a trench, laying a pipe and installation of an inspection chamber fall within what constitutes a start of development as set out in the Act. Therefore, the development in question has lawfully commenced.

Taking into consideration the approval of the pre-commencement conditions applicable to the development, and the works that have been carried out on site, namely the material operation of digging of a trench, laying a pipe and installation of an inspection chamber, I am satisfied that the works carried out constitute the start development as set out in section 56(4) of the TCPA 1990 and as a result the development has lawfully commenced in accordance with condition 1 of 21/01754/FUL.

RECOMMENDATION: APPROVAL

Case Officer: Mr Paul Lester Tel: 01527 881323
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¹ Malvern Hills DC v SSE & Barnes and Co [1982] JPL 439

² Spackman v SSE and Another [1977] 33 P. & C.R. 430

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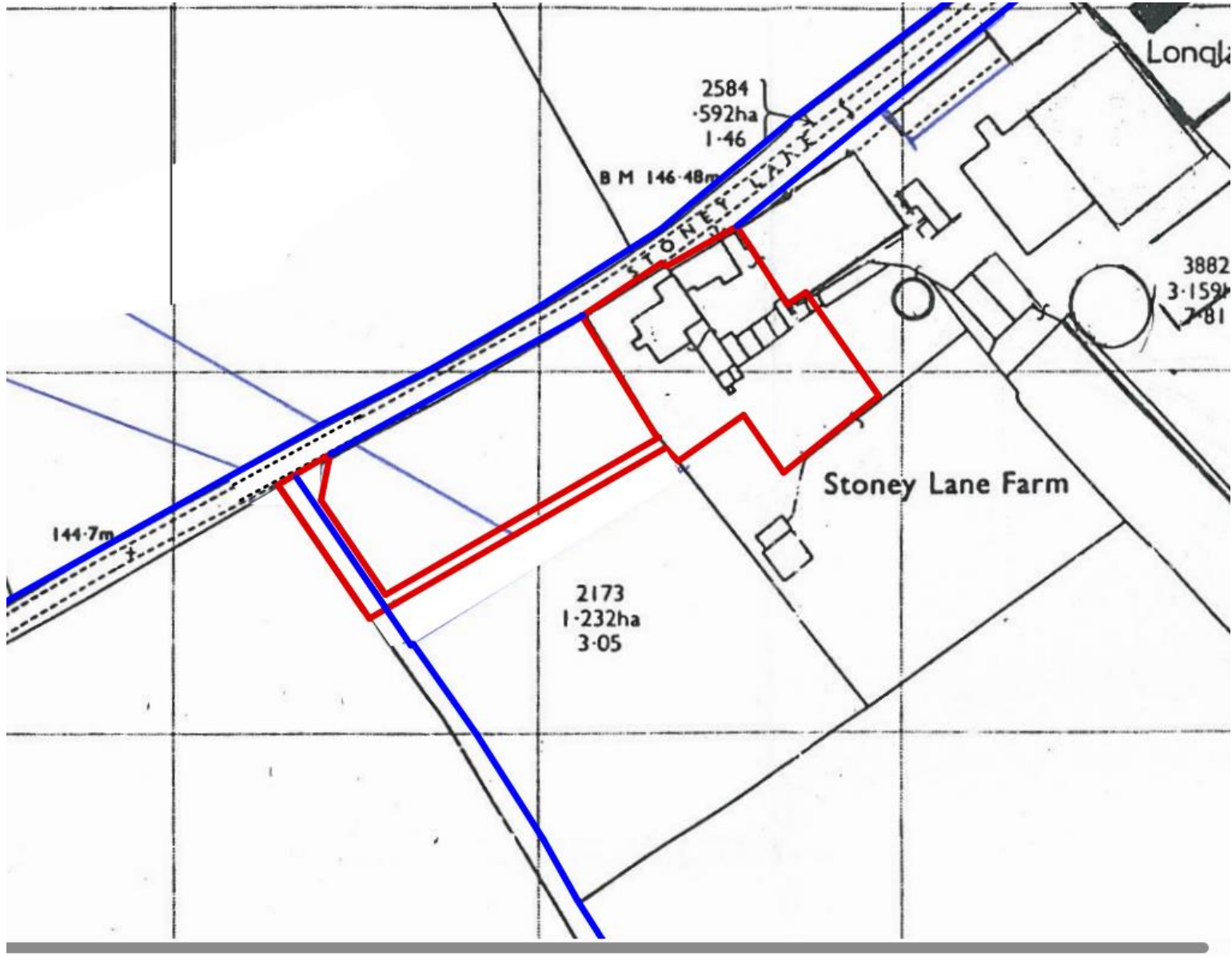
24/01062/CPE

Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60
1LZ

Page 185
Lawful Development Certificate sought to confirm development has commenced in accordance with condition 1 of planning permission ref. 21/01754/FUL dated 11th February 2022; Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot and so would be lawful for planning purposes.

Recommendation: Approval

Site Location Plan



Approved drainage plan (23-11-10A)

STONEY LANE

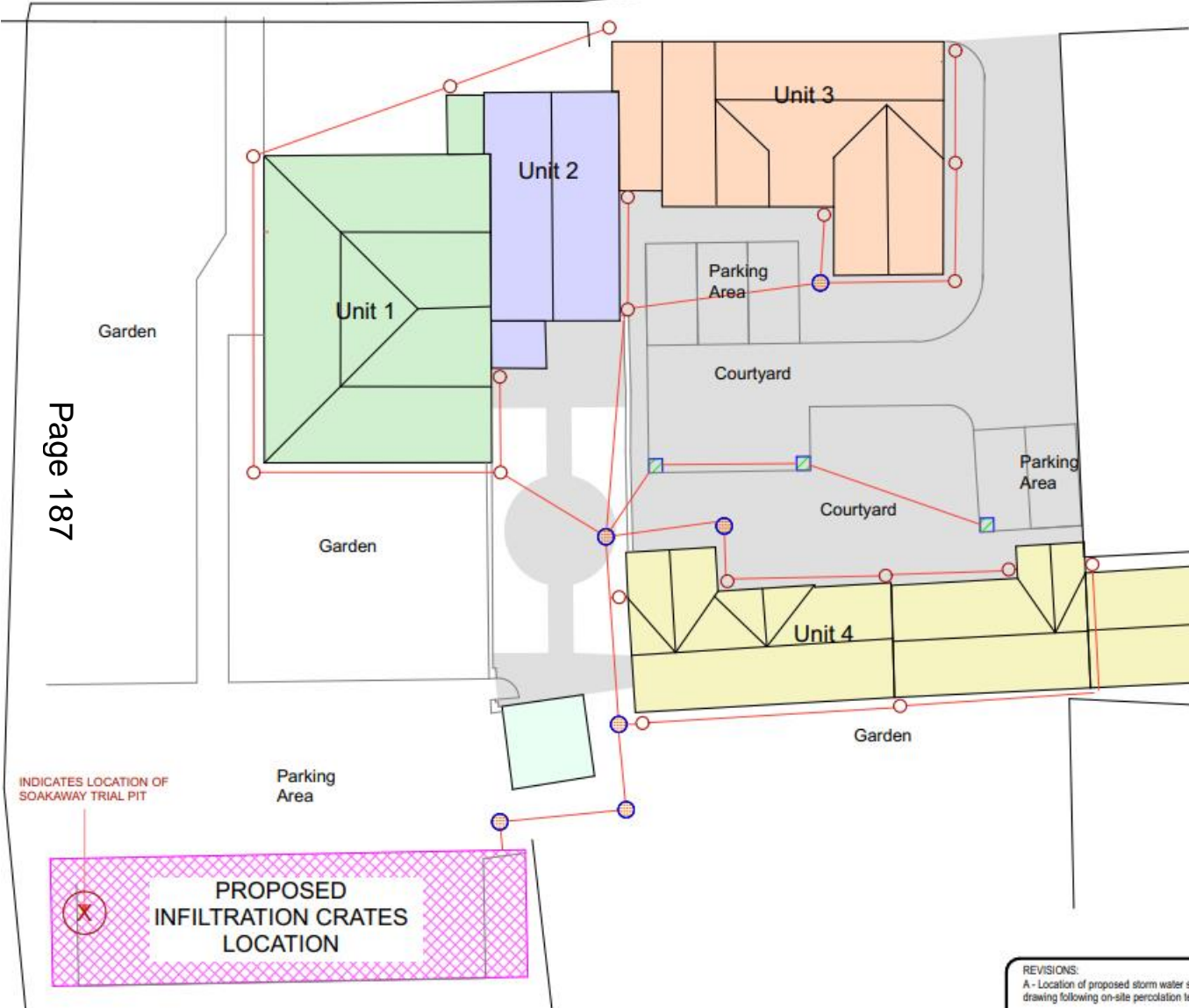
SITE PLAN
SCALE 1:200



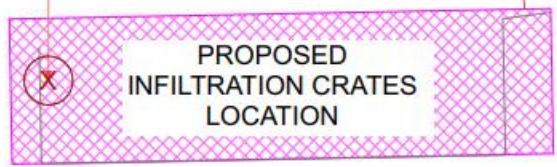
0 1 2 3 4 5 Metres

- KEY**
- RAINWATER PIPE
 - PAVEMENT GULLY
 - INSPECTION CHAMBER
 - INFILTRATION CRATES

- ROOF AREAS**
- UNIT 1 - 160m²
 - UNIT 2 - 72m²
 - UNIT 3 - 135m²
 - UNIT 4 - 159m²
- TOTAL 526m²**
- PAVED AREAS**
- BRICK PAVERS - 463m²



INDICATES LOCATION OF SOAKAWAY TRIAL PIT



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Agenda Item 13

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Sheet Surface Water Drainage

Project Proposed Development
Buildings at Stoney Lane Farm
Stoney Lane
Tardebigge
BROMSGROVE
B60 1LZ

Client Mr P. Whittaker

REVISIONS:
A - Location of proposed storm water soakaway added to drawing following on-site percolation tests.

Drawn By G.G. Pugh
Date Feb 2023

Drawing Number
23-11-10A

GGP 27/02/23

Supporting Photographs



View towards unit 4 and
drainage trenching



Drainage trenching to
the rear of unit 4