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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 29TH APRIL 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. M. Evans, D. J. A. Forsythe, E. M. S. Gray,
R. Lambert, B. McEldowney, J. Robinson, J. D. Stanley and
D. G. Stewart

AGENDA

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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. 23/00896/FUL - Proposed solar farm development comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements. Foxwalks Farm, Grafton Lane, Bromsgrove, Worcestershire, B61 7HB. Mrs. M. Webster (Pages 7 - 66)
5. 24/00110/FUL - Demolition of the existing building and erection of a new teaching facility for Bromsgrove School together with associated car parking, landscaping, drainage and access. Former Altered Images, 80 Worcester Road, Bromsgrove, Worcestershire, B61 7AG. Bromsgrove School (Pages 67 - 98)

6. 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

19th April 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.

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PUBLIC SPEAKING

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

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

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

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

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

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

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk by 12 noon on Thursday 25th April 2024.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation.**

Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting.

Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 25th April 2024.

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



INFORMATION FOR THE PUBLIC

Access to Information

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- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
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- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
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- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs Mari Webster	Proposed solar farm development comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements. Foxwalks Farm, Grafton Lane, Bromsgrove, Worcestershire, B61 7HB	27.03.2024	23/00896/FUL

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

Consultations

Worcestershire Highways

The County Council has considered matters of highway safety, access, the impact on Public Rights of Way, the impact of construction traffic, permanent scheme impact and attendant traffic management. There have been no objections raised subject to conditions in relation to a Highway Condition Survey and updated Construction Traffic Management Plan.

National Highways

National Highways has previously issued a holding recommendation for this application in December 2023. Following the submission of further information, National Highways have commented as follows:

Glint and Glare

National Highways has reviewed the Glint and Glare assessment and require no further information.

Landscape Management

National Highways will condition a Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA to ensure sufficient screening of panel views.

Bridge

We have looked at Appendix B (Applicant response to National Highways consultation) and find the number and type of vehicles crossing the bridge acceptable. This will need to be included in the detailed Construction Traffic Management Plan (CTMP).

Temporary Compound

National Highways will condition a suitable Construction Transport Management Plan. We require the applicant to provide the final draft of the CTMP to ensure that it is appropriate.

Therefore there are no objections raised subject to conditions in relation to:
A condition requiring a detailed CTMP covering the following issues:

Condition 1:

- The requirement for new signs with the existing 32 tonne limit and stating only one vehicle on bridge to ensure that it is clear vehicles to and from the proposed development would not exceed the limit.
- The agreed table of numbers/weights of vehicles to cross the bridge.
- The requirement for an inspection regime for the area between the SRN boundary (M5) and compound boundary and procedures for addressing any stability issues, to be identified and agreed in writing with the Local Planning Authority and the Highway Authority for the M5 Motorway.
- Provide clarification and further information on the temporary compound off Grafton Lane including matters raised within our letter on 30th November 2023.
- Lighting - construction activities only taking place during daylight hours, as this will have an impact on construction vehicles accessing the compound or Grafton Lane with lights.
- SRN Boundary - Detailed comments within our response regarding the site compound and detail updates, these will then be reviewed by National Highways.
- Compound Surface / Ground Stability - Detailed comments/queries within our response, these will then be reviewed by National Highways.
- Statutory Undertakers equipment – we note that GS6 measures and standards will be in place throughout the duration of the project to protect overhead lines and poles, this should be included within the final site plan in the CTMP.

Reason: To mitigate any adverse impact from the development on the M5 motorway in accordance with DfT Circular 01/2022

Condition 2:

A condition requiring a Landscape and Ecological Management Plan/Strategy to be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways prior to commencement of development.

Reason: To mitigate any adverse impact from the development on National Highways assets in accordance with DfT Circular 01/2022.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding) but is upstream of the modelled extents of the Capel Ditch therefore the actual risk of fluvial flooding may be higher. Several surface water flow paths cross the site, predominantly along existing field boundaries and the watercourses within and alongside the site. The depth of surface water flooding within the site is likely to be less than 30cm but in some areas (field 1 for instance) the depth may be between 30 and 60cm deep. We hold no reports of flooding within this parcel of land or in the immediate vicinity however the site is currently undeveloped greenfield land therefore flooding is unlikely to have been reported.

A Flood Risk Assessment has been provided in support of this application. The FRA references a number of documents relating to policies in South Worcestershire which are not necessarily applicable to this site, but the overall content is satisfactory. However, one point I would like to raise is with regards to section 5.5. Here the FRA states a 5m buffer along the watercourse, and 3m along the field ditches. Having reviewed historic maps, the field ditches referred to have been in place since the 1800's and should be afforded the same 5m buffer as the watercourse bordering the site. I would also point out

that the Landscape & Habitat Management Plan suggests one activity will be the 'mowing of grass within and on the banks of wetlands / ponds / ditches'. Best practice for management of watercourses is to leave an undisturbed strip of land along the top of the bank, and to only remove 1/3 of vegetation from the channel (or a pond) in a year, to allow for cyclical maintenance and ensuring some habitat remains at all times.

I note that the solar arrays are to be at 0.8m above the ground level, and since no surface water flooding is anticipated to exceed 600mm depth there should be no issues with regards to flooding impacting the solar panels. The temporary access road is at higher risk of flooding, but the temporary nature of this means I am not overly concerned. I do note that several of the transformer stations are located close to areas at risk of surface water flooding (and due to the proximity of the brook, potentially un-modelled fluvial risk) ' ideally a plan overlaying the proposed design and the flood risk maps will be provided, and the slab level of these structures and any other electrical components on site should be raised sufficiently to ensure they remain dry, unless the manufacturers specifications confirm they are water-safe.

The panels themselves will cover an area of circa 18.2ha according to the submitted documents; runoff from the angled panels is unlikely to have a significant impact on flood risk, but may cause channels to form between the rows of units and therefore increase erosion of the ground surface; being on sloping site this is an issue which needs careful consideration to avoid increasing sediment load in the local watercourses - allowing any sediment rich runoff to discharge into a watercourse may constitute an environmental offence. I note the FRA states that a system of swales will be provided to capture and convey surface water around the site ' this hasn't been included on a drainage strategy which will be required. Section 13 of the draft CEMP covers some precautions with regards to sediment-rich runoff, however I would advise that this is amended to ensure sediment mats and silt traps are installed along the swales (assuming these are dug during construction) and at any outlets into the watercourses. These should be monitored regularly and in particular after heavy rainfall. Temporary works consent may be required for the siting of any in-channel sediment management structures.

Bare ground should be avoided during (where possible) and upon completion of the site, and pollution prevention measures should be incorporated during the construction phase, with the site re-vegetated as soon as possible, with regular inspections and maintenance programmed to ensure cover remains and erosion channels or rivulets are not forming. I am pleased to see that following installation of the panels, the site will be chisel ploughed and re-seeded to aid infiltration and quick re-establishment of vegetation on site.

As a major development, I would expect to see a variety of above-ground SuDS for site drainage which also help to enhance the biodiversity potential of the site. I note that the BNG assessment shows no improvement to watercourse units on site which is a shame. The FRA states that the ground conditions will likely be unsuitable for infiltration drainage, and therefore subject to appropriate attenuation and treatment, discharge of surface water to the watercourse would be permitted.

The FRA suggests that there will be no increase in impermeable areas compared to existing, however I note there are to be 21 transformer stations totalling 94.5m² area and a metering room totalling 42m², plus I presume other smaller impermeable areas. While each area alone is small, cumulatively there is sufficient impermeable areas being

introduced on site to warrant drainage details. Since the FRA suggests infiltration is not feasible, I would welcome details of attenuation and where necessary discharge routes into the watercourses. New outfall structures should be kept to a minimum to avoid disturbing the watercourse.

Finally, while I note the access tracks are to be comprised of porous materials, it looks likely that there will be at least one ditch / watercourse crossing required, and prior consent must be obtained for these via the NWWM team at BDC. This is required under S.23 of the Land Drainage Act 1991.

There are no objections raised subject to a condition requiring the provision of a surface water drainage strategy and the maintenance of an undeveloped buffer strip of at least 5 meters wide alongside all watercourses.

Environment Agency

The site is wholly located within Flood Zone 1, however, there are some unmodelled ordinary watercourses on/adjacent to the site that will have associated flood zones which have not been mapped (probably due to their size and scale).

The LLFA will have a greater local flooding knowledge and they can identify any potential surface water issues arising from the development. A standoff distance from the bank of the watercourse should be maintained.

The proposal would not fall under any category on our consultation checklist and as such we would not expect to provide a response.

Conservation Officer

Within the vicinity of the proposed site are a number of heritage assets, most notably the following which potentially might be impacted by the proposed scheme.

*Grafton Manor and Chapel Grade II**

Grafton Manor comprises a 16th century house, now a hotel and wedding venue, extended around 1567, partly destroyed by fire in 1710, partly rebuilt and interior remodelled around 1860. Constructed in brick, with ashlar dressings beneath pitched tiled and slate roofs. Attached is a chapel, early C15 with early C18, early and mid-C19 alterations. Constructed in dressed coursed sandstone rubble and sandstone ashlar with sandstone ashlar dressings, beneath a slate roof with gable-end parapets and a cross finial at the east end. Grafton Manor was the seat of the Talbot family who became Earls of Shrewsbury. The estate was given to Sir Gilbert Talbot by Henry VII after the Battle of Bosworth and it remained in the family for 400 years. To the front and rear of the house are formal gardens, and there are separately listed garden walls and a dovecote. Grafton Manor is significant due to its architectural and historic interest. The setting of Grafton Manor is harmed by the location of the M5 which is located a few hundred metres to the north west, although it is partly shielded by farmland.

West Lodge Farm Grade II

Comprises a farmhouse and adjoining granary, constructed around 1600 with mid-C18 additions, refronted and further altered in the mid- to late C19. It is part timber-framed with rendered infill, brick replacement walling and additions, rendered to north elevation beneath machine-tiled roofs. There are two further listed barns constructed in the mid

19th century with mid 19th century alterations, one timber framed and weatherboarded the other constructed in brick. All the barns have been converted to residential use and now have pitched clay tile roofs. The farmhouse and barns are listed due to their historic and architectural interest. Despite the conversion of the barns to residential use the the original use and layout of the farmstead remain clearly legible. The farmstead is located in a rural position accessed by a single track lane. The surrounding area is open agricultural land, sub divided by native hedges and treed boundaries. The setting contributes positively to the open and rural character, and significance of the farmstead.

Foxwalks Farm

Foxwalks Farm comprises an 18th/ 19th century farmstead with a farmhouse and some remaining historic barns, constructed in brick beneath pitched tiled roofs. The barns have been converted and modern barns constructed for what remains a working farm. The historic buildings and their relationship within the farmstead remain legible. Although there are limited views of the site from the farmhouse due to the location of windows, the historic buildings are viewed within a wider agricultural and rural setting, which contributes to the significance of the farmstead which is considered a non designated heritage asset. S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to preserving a listed building or its setting.

The applicant has submitted a detailed heritage statement which looks at the setting of various heritage assets in within the vicinity and has been very helpful in assessing the impact of these proposals on the setting of several heritage assets.

I would agree that the proposals are unlikely to have any impact on the setting of Timberhongar Farm and Monsieus Hall Farm, due to the lack of intervisibility. I do however consider that there could be some impact on the setting of some other heritage asset including Grafton Manor (Grade II*), West Lodge Farmstead (Grade II) and Foxwalks Farm, a NDHA. Although there would appear to be no views of the solar farm itself from Grafton Manor there would clearly be some intervisibility between the property and the proposed area for the site compound. Which would be immediately to the north west in a field separated from the formal gardens by a belt of trees. Although only temporary, there will be some harm to the significance of this Grade II* HA due to the work undertaken in the compound being clearly both visible and audible from the garden at the Manor and from rooms at the rear of the building. This harm would be less than substantial but would be temporary. West Lodge clearly has some intervisibility and the site contributes to the wider rural setting of the LBs in this complex. Although most of the significance of this farmstead is derived from the architectural and historic interest of this farmstead itself, the wider rural setting including the site contributes to the rural character and the significance of the designated heritage assets. Therefore, developing a solar farm in this setting an introducing an industrial feature into the rural setting will harm the significance of the designated heritage assets. This harm would be at the lower end of less than substantial harm. As regards Foxwalks Farm itself, a NDHA, in addition to the elements of setting noted in 6.40, it is considered that the wider rural landscape, including the proposed site contribute to the rural agricultural character, and therefore the significance of the farmstead. As with West Lodge introducing an industrial feature into the setting will harm the significance of the farmstead. This harm although greater than the harm to West Lodge would still be at the lower end of less than substantial harm. I

would therefore conclude that I would agree with the conclusion in the Heritage Statement that there will be some harm to the significance of Grafton Manor as a result of the location of the temporary construction compound, which would amount to less than substantial harm. In addition, I am also of the view that there would be harm to the wider setting of West Lodge and Foxwalks Farm as a result of the proposed development. The proposal would therefore not comply with the requirements of the 1990 Act, BDP 20 of the Bromsgrove District Plan and the NPPF. It is recognised however that there may be public benefits of this scheme. As the harm is considered to be less than substantial in terms of the designated heritage assets Paragraph 202 of the NPPF has to be considered and the public benefits of the scheme must be weighed against the harm, although great weight must be attached to the conservation of the heritage asset irrespective of the level of harm. In respect of Foxwalks Farm, a NDHA, paragraph 203 requires a balanced judgment in terms of the scale of harm and the significance of the heritage asset.

Worcestershire Archive and Archaeological Service

Main solar farm site

The proposed area of the solar farm (excluding the proposed construction compound area) is likely to have been farmland throughout the historic periods. The Heritage Desk Based Assessment submitted with application contends that the potential for below ground archaeology of prehistoric and/or Roman date is limited/low, which is considered a fair assessment given the known archaeological resource within the search area. The Geophysical Survey submitted with application detected a number of magnetic anomalies interpreted as evidence of medieval or later ridge and furrow, ponds, field boundaries, farm tracks and a 19th century outfarm. A pair of square shaped anomalies in the southern portion of Area 5 had uncertain interpretation, as did a fragmented linear anomaly within the east of Area 6. I agree that the known and potential buried archaeological resource of this part of the site (excluding the proposed construction compound area) is not anticipated to preclude development of the nature and scale proposed, but would advise that, given, the largely unknown potential for prehistoric/Roman archaeology, that a condition for further archaeological investigation be added to any grant of consent.

The Proposed Construction Compound Area

The proposed construction compound is within the setting of the Grade II* listed Grafton Manor and adjoining chapel (national ref. 1100131), dated to the early 16th century and 15th century respectively. The HER notes that Grafton Manor was the seat of the Talbot family who became Earls of Shrewsbury. The estate was given to Sir Gilbert Talbot by Henry VII after the Battle of Bosworth and it remained in the family for 400 years. The 16th century dovecote, barn (now a house), Priests House and walls are all individually listed at Grade II. The site is included in the list of suspect Shrunken and Deserted Medieval Villages and is recorded in the Domesday Book (1065-86) and Lay Subsidy Rolls (1334/36). Before the Conquest Grafton is documented as being held of Earl Edwin by five thegns. The fishpond, to the south west of the manor house is noted as a Site of National Significance - considered for scheduling by English Heritage. The proposed construction compound area is also within the area of the post medieval landscaped park, as recorded on late 19th century maps, as well as potentially the earlier deer park. The is potential for the archaeology of the area to negatively affected by the proposed compound.

In response, the applicant provided a pre-determination evaluation report for the temporary construction compound.

Agricultural earthworks, which extend across a large part of the proposed temporary compound area (TCA) are indeed denuded, only visible on the ground in certain conditions. The majority of the area of the proposed TCA certainly appears to have been agricultural fields on the boundaries of medieval settlement at Grafton. The area of greatest archaeological interest and potential appears to be in the north eastern corner of the proposed TCA where a rough line of sandstone rubble, set within a hollow, of possible natural origin.

It is appreciated that the proposal is for a ground mounted compound, with no excavation proposed and that the area around Trench 1 is where the welfare cabin, toilets and parking are to be located (indicating that heavy plant is unlikely to be tracking across this area). The applicant has confirmed that there will be no topsoil stripping or scraping, or other groundworks to establish the compound.

Given the results of the predetermination evaluation, there are no archaeological objections to the proposal for a temporary compound at the given location and no further archaeological investigation within the area of the TCA will be required. However, a condition is required to ensure that there is no topsoil stripping, scraping or groundworks during development of the TCA or during its operation and removal.

Historic England

Historic England are not offering advice in this case. This should not be interpreted as comment on the merits of the application.

Arboricultural Officer

The application is supported by a Woodland & Countryside Management Ltd Arboricultural Impact Assessment and Method Statement dated 11th July 2023 all the reference numbers given below are taken from this report.

- Section 3.1 Impact on Trees: Highlights that there will be no impact on any trees or hedge lines on the site as the layout has been designed to not conflict with current or future expected shadowing from the trees and hedges.
- Section 3.2 Proposals to Mitigate Impact: Highlights that vehicles will use Grafton Lane to make deliveries to the site and that they would need to be no larger than 2.55m wide and 4.95m high. Therefore, one would assume that vehicles to that maximum size would be used. This being the case trees lining Grafton Lane would need to be pruned to allow safe passage of the larger vehicles some of which are in third party ownership i.e. the conifers on the front boundary of Grafton Hall grounds. Therefore, consent from the owners of these trees to allow the pruning needed would be required.
- Section 4: Arboricultural Method Statement: The measures for protection of the trees are acceptable.

The applicant has confirmed that consent had been secured from the landowners to conduct any required pruning to the hedgerow trees on Grafton Lane. Therefore, no further comments or objections from the Tree Officer.

WCC Landscape Officer

Having reviewed the submitted documents, there are no objections to the scheme on landscape grounds.

LEMP (Landscape Ecological Management Plan)

The applicant's submission of a LEMP as part of the application is welcome. The scope and content of the document covers all of the necessary measures that I would otherwise recommend, with one omission, that being a detailed specification of selected species and planting methods. It may be this will follow as a more detailed landscape specification to accompany the LEMP and Landscape Strategy, therefore I am not concerned. I do however recommend that, should you be minded to grant permission, you secure the LEMP and a detailed landscaping specification and method statement by a suitably worded condition.

LVA (Landscape and Visual Impact Assessment)

This document has met all of the measures advised at the pre-application stage and I welcome the inclusion of winter views. Having read through the LVA, I am satisfied that it is an accurate assessment of the magnitude of landscape and visual impact that will result from the scheme. The proposed mitigation (Landscape Strategy) again reflects the pre application advice and I consider these will mitigate the most significant effects of the scheme.

Natural England

The proposal doesn't trigger any specific impact risk zones for designated sites. It also appears to be under 20ha of Best and Most Versatile Agricultural Land so NE would not need to be consulted or provide specific comments in relation to this proposal.

Ecology

The following documents have been reviewed:

Ecological Impact Assessment, ref. J01125/ Version 2.0 (Johns Associates Ltd, 2023);

Biodiversity Net Gain metric 4.0, ref J01125/Version 2 (Johns Associates Ltd, 2023)

Landscape and Ecological Strategy Plan, ref J01047-GA-01 (Johns Associates Ltd, 2023); and

Landscape and Ecological Management Plan, J01047/Version 3.0 (Johns Associates Ltd, 2023);

and

Plans showing ecological designations at international, national and local levels (Johns Associates Ltd, 2023).

The reports and plans provided are thorough and well-presented and give a clear explanation of likely impacts on ecological features, and of proposed mitigation measures.

The Local Wildlife Sites (or Special Wildlife Sites - SWSs, as they are known in Worcestershire), three of which were identified as potential receptors and discounted, and one that was confirmed as a receptor, should have been shown on the plan entitled,

'Location of environmental designations of local importance' (ref J01047-006A), to aid interpretation of the assessment. It is noted that Grafton Manor Pool SWS, a confirmed receptor immediately adjacent to the site, was not identified as one of the six ponds within 500m, under the 'Amphibians' section of the Ecological Impact Assessment and was not subjected to an eDNA test for great crested newt (GCN). Whilst it may be that this feature is a 'fish pond' with low suitability for GCN, this large lake was worthy of mention in relation to amphibians, and reasons for excluding it from further GCN surveys should have been expressly stated. Large fish ponds can have shallow areas where fish access is limited or not possible, where newt populations may persist, shielded from predation. This lake is likely to have large populations of common frog and common toad associated with it, and precautionary measures to limit potential impacts of construction on amphibians should be included in the Construction Environmental Management Plan (CEMP), which is to be conditioned, in addition to measures for those receptors identified in the Ecological Impact Assessment.

It is noted that no bat activity surveys were undertaken; however, given that (i) the impacts of the scheme are mostly on arable crops; (ii) no hedgerows or trees with bat potential are to be affected; (iii) measures to avoid impacts on bats during construction will be conditioned as part of the CEMP; and (iv) the habitat enhancement measures proposed will be of net benefit to bats, this omission is considered acceptable.

There are no objections raised subject to the following conditions:

1. A Construction Environmental Management Plan (CEMP), covering the solar plant delivery, underground cable connection works and works compound area, will be submitted to and approved by the LPA prior to commencement of the works. The CEMP is to mitigate potential construction phase impacts on features identified in the Ecological Impact Assessment (ref. J01125 Version 2.0), plus impacts on amphibians. REASON: to minimise negative impacts on ecological receptors during construction.
2. A Landscape and Ecological Management Plan (LEMP) will be submitted to and approved by the LPA prior to commencement of the works. The LEMP will ensure the delivery of all measures outlined in the Ecological Impact Assessment (ref. J01125 Version 2.0). Reason: To ensure habitats are reinstated, enhanced, and managed, to maximise potential for biodiversity.

Worcestershire Wildlife Trust

There is scant evidence submitted in relation to the cable route, presumably because it is expected to run along and under the road network. However, we would welcome clarification on this matter because many utilities run along the road verge, not the carriageway, which in this case may have environmental impacts including on trees and hedges that should be considered as part of the determination. We recommend that you request further clarification prior to determination.

Assuming that this matter can be clarified in a way that demonstrates no environmental impacts our only outstanding concern would be in relation to the lack of evidence presented in relation to bats. Noting the comments by your retained ecologists we take a slightly different view and would expect to see more detail on this important group of protected species.

Though the site may be of limited interest from a bat perspective it clearly has some value, not least including a number of potential roost sites, and in our view that value should be explored in more detail. Commuting and foraging links may be adversely affected by solar panels (see the attached paper by Tinsley et al) and there is not enough detail, either in terms of survey or mitigation, to understand the ramifications of the proposed development for the bat assemblage at this location. Their considerable protection under the law means more survey work is required. This is especially relevant as the buffer between the development parcels and existing trees, hedges and woodland are rather small and any anticipated changes may affect the overall developable area. We recommend that you request additional details on this matter prior to determination in line with your legal duties.

We note the commentary on nesting birds and welcome the habitat enhancements proposed for skylarks. These are vital and should be robustly controlled by condition for the lifetime of the development. This is particularly relevant because the single survey (which appears to have been an adjunct to the habitat survey rather than a standalone) was completed rather late in the skylark season – eggs are often laid in April and song then decreases - meaning that the counts made are likely to be an underestimate of the population using the site.

We are pleased to see that the development aspires to deliver significant net gains for biodiversity in line with, and above, the required 10% minimum. We are not persuaded that the full percentage proposed can be reached or that the habitats within the panel areas will be of an especially high value but there are clear gains to be made and we do not wish to object to this element of the application in this case. We do believe that this element of the proposal is one that will need robust coverage by condition and while we welcome the proposed CEMP an LEMP we believe that these should be seen as a starting point for later submissions under conditions, rather than as the ‘final’ documents.

We welcome the comments provided by North Worcestershire Water management and we agree that great care will be needed to ensure that runoff from the panels does not cause harm either within the site or in terms of silted flows to receiving watercourses. Further details on water management within the panelled areas would therefore be welcome.

The applicant has provided further information in relation to bat surveys and no further comments or objections are raised by WWT subject to a condition for a bespoke Bat Survey, Monitoring and Mitigation Strategy.

Worcestershire County Council Public Rights of Way (PROW)

Dodford with Grafton parish footpath DG-632 and Bridleway DG-560 are directly affected by this proposal. Furthermore, Dodford with Grafton footpaths: DG-589, DG-590, DG-593, DG-594, DG595 and DG-596 as well as Bridleway DG-561 are coincident with the main access route for construction traffic and thereafter.

Appropriate consideration has been given to Bridleway DG-560 where it passes between Fields 3a and 3b and note the provision of a 15-metre width corridor between fences. It should also be noted that there is a minimum requirement for 4 metres overhead clearance for equestrian users. A section of footpath DG-632 passes immediately

adjacent to the southern edge of 'Field 1'. It should also be ensured that any new fencing and/or planting leave the public with a clear 3-metre width throughout.

The inclusion of a PRow Mitigation Plan at Fig 3.1 of the CTMP to limit disruption to users on those PRow coincident with the main vehicular access route is noted. Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.

No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure can be created on, or across, a public right of way without written consent of the Highway Authority.

WRS - Contaminated Land

WRS have reviewed this application and have no adverse comments to make in respect of contaminated land.

WRS - Noise

The submitted noise assessment (Impact Acoustics IMP7273-2 May 2023) appears satisfactory and predicts a negligible noise impact at the nearest sensitive receptor(s) from the operation of the proposed solar farm. Therefore, no objection to the application in terms of noise.

Construction Phase Noise: WRS requested the applicant to submit a construction method statement detailing the measures to be taken to minimise noise from the installation of the PV mounting frames/supports.

A Piling Noise Mitigation Method Statement and accompanying Construction Noise Impact Assessment was submitted and was considered acceptable. The recommended use of the proposed acoustic screen and piling dolly should be conditioned. It was also recommended that any piling works are only undertaken between 08:00-18:00hrs on any day in order to minimise the impact at the nearest sensitive receptor(s).

WRS - Air Quality

WRS Technical Services Team has reviewed available records and documents and have no adverse comments in this respect.

West Mercia Constabulary

There are no formal objections raised. However, there are opportunities to design out crime, reduce the fear of crime and to promote community safety. Over the last 10 years solar parks or farms have developed nationally in large numbers.

Such developments are not immune and have been subject to theft, criminal damage and other crime types, including theft of solar panels, and removal of cabling and infrastructure which has proved costly to the various developers and management companies that operate such facilities. Therefore, the security and safety of the sites should be an important feature of the planning and design of the sites.

It is strongly recommended to avoid the use of what is described as 'Deer Fencing' as this does not provide any difficulty or deterrent to the criminal. I would recommend that the

boundary fence is to a minimum of LPS 1175 level 3 and to a height of 2.4 metres or to the current UK Government standard, SEAP (Security Equipment Approval Panel) class 1-3. The use of 2.4 metre welded mesh fencing (in green) would be the most unobtrusive method of providing a secure perimeter border. All gated entrances should be secured with appropriate access systems.

The land selected should aim to avoid affecting the visual aspect of landscapes, maintain the natural beauty and should be predominantly flat, well screened by hedges, tree lines, etc. and not cause undue impact to nearby domestic properties or roads. (BRE. Planning guidance for the large-scale ground mounted solar PV systems)

The NFU Mutual recommends good perimeter security fencing for all solar installations along with CCTV, motion sensors and infrared beams, depending on location. It also recommends panels are secured to frames with unique fastenings, requiring special tools - much like alloy wheel bolts.

There will be a substation on site, and the proposal regarding security of this is that of a 2.4 metre palisade fence. Although I agree with the proposed height of this fence, a welded mesh fence with a gated entrance of the same height and appropriate access system would be my recommendation.

Whilst considering the often-isolated locations that Solar Farms are to be established the installation of a remotely monitored with motion detection CCTV system is an effective deterrent and is most likely to provide effective evidence should a crime occur.

Other measures to consider include:

- use of signage to act as an informative deterrent may also be considered.
- a perimeter alarm system
- Use of Defensive Ditches and Berms (Bunds)
- Use of Natural Features and Vegetation

Secure storage of tools and materials / appropriate security for any vehicles during the construction phase

NERL Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (National Air Traffic Services) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Hereford & Worcester Fire and Rescue

These type of installations are now becoming more frequent and although the Developers can provide a range of safety measures, there will always be some residual inherent risk from Electrical equipment. I do not have historical data to illustrate previous incidents eg. no's, types etc.

In this instance, the Developers, are following guidance provided by the Fire Protection Association (FPA) and Risk, Insight, Strategy and Control Authority (RISC) which appears reasonable.

The proposed photovoltaic panels are situated in fields, fitted with isolators.

In the event of an 'incident', it is likely to be only one Panel that would be involved on Fire - although obviously this cannot be guaranteed.

As long as there is no, or little, chance of a fire threatening neighbouring properties or land, then it is likely, that if a fire appliance couldn't actually reach the panels, that the crews would adopt other fire-fighting strategies e.g. a controlled burn or use of a light portable pump.

This would, however, be a decision for responding crews, based upon their Dynamic Risk Assessment at the time. They would not attempt to drive a fire appliance across a field for obvious reasons.

National Grid

No objection from National Grid Electricity Transmission (NGET) in relation to this application provided the relevant safe clearances from our overhead lines are maintained at all times.

Additionally, we need to ensure that sufficient space (a minimum of 15m) around the towers is provided and left unrestricted to allow for access for maintenance. We will also need to formalise access arrangements with the applicant as I believe they are proposing fencing around the solar development so a suitable gate and access route will be required. Connections to the grid are the responsibility of National Grid Electricity Distribution rather than NGET.

Dodford With Grafton Parish Council

In principle, Dodford and Grafton Parish Council are in favour of this planning application but remain concerned that the following conditions be imposed, implemented, and enforced, should the District Council be minded to approve the application:

The developers should:

- i. submit a traffic management scheme to ensure the safety of the private road and its users during construction.
- ii. ensure that the number of loads being transported across the bridge is maintained and managed.
- iii. ensure that noise levels are assessed, and the agreed levels adhered to for the health and wellbeing of the residents
- iv. protect the ecology and wildlife of the area before, during and after development
- v. assure themselves that the developers have funds put aside for decommissioning
- vi. limit construction times to five days a week, with start/finish times that are not deleterious to the health of residents. The proposed 8am to 6pm seem excessive.
- vii. Maintain the surface of Grafton Lane and properly resurface it when construction is completed

Public Consultation

15 letters sent 22.09.2023 (expired 16.10.2023)
Site notice posted 02.10.2023 (expired 26.10.2023).
Press Notice published 29.09.2023 (expired 16.10.2023)

56 comments received in objection to the proposal and 45 comments in support. These are summarised as follows and grouped on a topic basis:

Objections

Green Belt

Loss of Green Belt, countryside, green space, arable land and natural landscape and cumulative impact with the presence of the motorcross track. Absence of very special circumstances to justify the harm to the Green Belt. Existing buildings and brownfield land should be used including the 1300 new dwellings currently being built on Perryfields Road. This is entirely contrary to the raison d'être of the Green Belt. It is understood that "green belt" land can only be developed under "very special circumstances" and the development of a solar farm should not be classified as such but as a commercial financial venture. The 40 year period should be regarded as permanent, not temporary.

The applicant has stated there there is no cumulative impact but the area already has a major motorway, an off-road motorcycle track and a wedding venue, together with all the associated traffic. Over development of the Green Belt.

Alternative options - Whilst clean energy is supportable, this should be placed away from countryside areas and should utilised rooftops, council car parks and brownfield sites. - Aston Fields industrial estate and Harris Park in Bromsgrove and Droitwich that are already an industrial area that could easily house sufficient solar panels rather than destroying Green Belt land. There are also old or lightly used airfields that would be more suited to a development of this nature and more than one of these is available in Worcestershire.

The alternative site assessment has not been sufficiently comprehensive, and in many ways, deliberately misleading. It only considers highly localised, alternative ground based solar and, for example, completely and deliberately ignores the opportunities for local roof mounted solar generation. The proposal amounts to a high cost for renewable energy generation and sets a precedent for development in the Green Belt.

The proposal would conflict with the Councils Green Belt Purposes Assessment which classifies the land as 1) relatively free from development and has no indication of "sprawl" It has "strong" defensive boundaries. - Overall strength of contribution (to the greenbelt) given as strong and 2) The parcel of land plays a role in maintaining the separation between Bromsgrove and Droitwich. Overall noted to be moderate in its contribution.

Dismissal of appeal for a solar farm at Rectory lane (19 hectares of solar panels) in 2016. The harm which this scheme caused to the openness of the Green Belt and upon heritage assets was not clearly by outweighed by other considerations i.e., the production of solar energy. It is unclear what the differences are with the current proposal.

Heritage Assets

Grafton Manor it is a highly significant building as are the surroundings and the siting of the proposed compound would be detrimental, it is unclear why alternative locations were not considered. The Worcestershire County Council Historic Landscape Character Assessment (WCCHLC) identifies some fields to the south and immediately to the west of Foxwalks Farm as having a surviving post-medieval field pattern. These should not be disturbed. The proposal will include either metal or new brick buildings, CCTV cameras, and fencing. Higher security fencing is likely to be required which would not be in keeping with the setting of the listed buildings.

Risk of harm to the medieval dam surrounding Grafton Manor

This lake is artificial, and it is contained by an earth dam, probably constructed in around 1555. This medieval dam is fed from a stream, and it drains under Grafton Lane into an unnamed stream, which runs into the River Salwarpe at Upton Warren. If the dam were to fail it would effectively cut off the only route to and from home for 8 residences, this is a significant concern.

Loss of Habitat

The site provides a refuge to a huge variety and proportion of our native wildlife including Common Buzzards, Muntjac Deer, European Green Woodpeckers, Eurasian Water Shrews and Tawny Owls to name a few. The proposal would have an impact on valuable wildlife habitats including that of skylarks and upon Upton Warren Wetland Reserve (Upton Warren Pools SSSI). The developers should make an annual financial contribution to Worcestershire Wildlife Trust to maintain the biodiversity of the site.

Whilst increased biodiversity has been promised, in reality, existing habitats like hedgerows are sometimes removed to allow access for construction. This would need to be conditioned and monitored carefully by the Council. The State of Nature report by the Government already stating we have lost 19% of species since 1970 in the UK, with 1 in 6 species at risk of extinction. The security fencing would not allow small animals to pass through or sheep to graze freely as suggested by the developer.

Disruption to Grafton Lane and Public Footpaths

Disruption access to public footpaths and the restriction of rights to freely walk along these bridleways and footpaths in any way is an infringement on civil and legal rights. The unsuitability of Grafton Lane for ensuring continued safe access for pedestrians during construction because of the narrowness of the lane, twist and turns etc.

Traffic Levels

Severe increase in traffic levels due to the number of proposed HGV and construction vehicles using Grafton Lane and conflict with pedestrians accessing the footpath networks in the absence of street lighting. Necessity for construction staff (perhaps 50 - 100) to drive along the lane in the morning and evening and to Bromsgrove for lunch etc daily. The potential disruption caused by a stream of HGVs attempting to turn in from the A38, varying from 5 to 10 vehicles daily. Given the status of the A38, a comprehensive and public risk assessment should be conducted to evaluate the impact of the proposal. The roads around Fox Lane/Whitford Road are already congested as a result of the residential developments and the scheme would exacerbate this.

During Motorcross, 28 times a year there is in excess of 400 vehicles using the lane (200 vans each way). This is currently a problem without the additional traffic associated with the proposed solar farm.

Safety of access

The use of the bridge over the M5 would create a safety issue to all users of the M5 motorway (National Safety Issue). The 1986 bridge was designed for normal non-notifiable construction and use regulations and authorised weight vehicles typically (but not exclusively) up to 40 tonnes. There is a "32 tonne" sign on the west approach to the bridge but an associated similar sign on east approach is not present or not clearly visible from Grafton Lane.

Visual Impact

If the fencing initially proposed is not adequate then the addition of security fencing will look hideous and further damage the natural habitat and character of the area. The following appeal Appeal Ref: APP/M1005/W/22/3299953 - Land north-west of Hall Farm, Church Street, Alfreton DE55 7AH has been cited and this was dismissed on the grounds of the impact on landscape character and visual amenity.

Loss of view

There would be a loss of view from local residential properties (some listed) and consequently the enjoyment of homes will be severely disrupted. The views in support are mostly from properties further away from the application site.

Fire risk and the suitability of Grafton Lane for access of emergency vehicles

In the event that the lane becomes blocked, it would be incredibly challenging to contain a fire effectively. Industrial developments like this should ideally have two access points. The cumulative impact of the site with the battery storage units at Rectory Lane and Upton Warren should be considered from a fire safety perspective. It is unclear whether the local Fire Department has been consulted.

Crime risk

This would arise from the theft of the panels which has increased recently. The proposed "Deer/stock fencing" is not sufficient to deter or mitigate a crime risk and only provides a symbolic boundary. The fencing should also comprise dense defensive vegetation, ideally of a spiky nature such as hawthorn and blackthorn to provide a further stronger deterrent' This is the response of the Designing Out Crime Officer, Western and Southern Areas, Suffolk Constabulary, in response to Proposed 123-acre, Solar Farm and associated infrastructure, Marsh Lane Solar Farm at land North of Lion Road, Palgrave, IP22 1BA.

Noise

There would be noise arising from construction, pile driving and inverters especially for dwellings in the proximity of the site - The use of piling (some 60000 although the actual amount is not disclosed yet) will create a wall of intolerable noise of an unimaginable frequency and volume - some volumes of 150-180 decibels have been seen in other schemes - non-stop 8 hours a day 5 days a week for 2/3 months (again no timings have been given or confirmed yet it could be longer or shorter) to put a comparison to this the Farm run Moto x events where the bikes are limited to 120 Db they run in groups on and off throughout the day just for that day - this can be heard across Stoke Prior , Wychbold, Hilltop, Charford, Forelands and Stoke Heath. The piling which is louder and will be

continuous will travel as far if not further than this and will be for months on end. Previous proposals have been rejected on noise grounds such as B/2007/0501 for the change of use from turkey processing to fabrication. The potential disruption arising from noise would have a significant impact on children.

The Noise Report should be redone it should have been done over 7 days (not 4) and the weather conditions should have been appended to it. The development of the approved solar farm at Bishampton has caused considerable disturbance to local residents, the planning was received by a company called Ora who sold on the site to a German company who are developing the farm and they have failed to properly engage with local residents. Permanent low level noise, although described as 'tonal', this noise is still pollution.

There would be a detrimental impact on the physical and mental health of local residents, not just a generic sound level, but how it impacts on those specially affected by this who already have anxiety, depression or are highly sensitive to sound due to neuro-diversity. Health and well being would also be impacted as a result of the changes in the context of the network of well used public footpaths.

Publicity

The publicity material produced by the applicant Spring Che overlook a number of key issues such as the location in the Green Belt, disruptive construction processes, noise from invertors and substation, traffic generated, security fencing, CCTV, efficacy of panels in the UK weather especially in winter, lack of local job creation, fire risk, carbon pollution in the manufacture and importation of panels. The consultation leaflet provided by the applicant indicates that "solar panels will stand on approximately 30% of the total site area". It is unclear whether the 70% that is apparently not covered includes the gaps between the rows of panels and also whether it includes the area of the motorcycle scrambling track.

Sustainability – materials, transport etc

Confirmation should be provided in terms of the carbon emissions created in the mining, construction, shipping and recycling/disposal of the products at the end of the 40 year period. The applicant has not provided confirmation of the carbon emissions that will be created through all of the construction phase including the construction vehicle emissions and the ongoing emissions once the plant is operational

Landscape

Harm to landscape character and the provision of tree planting would take decades to mature and would be of insufficient density to mitigate the harm arising. The report by Johns Associates Ltd is inaccurate about visibility from Timberhonger Lane, the solar installation will be visible from most of the central section of the lane. There is little chance of screening because it sits in the valley of the River Salwarpe and the Salty Brook. It will be visible over any screening that can grow in the next 40 years, particularly in the winter. Timberhonger Lane is used regularly used by walkers, horse riders and cyclists (dedicated National Cycleway 46). The route is also used for the Timberhonger 10 K Run, which is part of the Bromsgrove carnival

Health

An article dated January 2023 from Climatecafes.org recommends that no new property can be built within 3 kilometres and that people should stay at least 500 metres away from a large-scale solar farm due to various factors including (but not limited to): a. electromagnetic radiation b. health hazard from the exposure to light from solar panels c. Noise leading to significant disturbance impacting on physical and mental well-being d. air pollution e. fire hazards.

Security

The use of CCTV for security purposes has consequences for the privacy rights of members of the public who may be using the public footpaths

Reduction in the availability of productive agricultural land

The Agricultural Land Classification put forward by the applicant should be challenged. The matters of 'food miles' and 'food security' are of international importance. Government guidance issued in 2015 makes it clear to local planning authorities that there should be "a strong presumption against solar farms on Best and Most Versatile land, and that is classified in law as grade 3b or above".

Efficiency

The UK typical electricity consumption is 36 GW in the winter, but only 26 GW in the summer, so the maximum solar energy is produced exactly when it is not needed. This disparity in consumption is likely to increase, with gas and oil, central heating in the winter being displaced by heat pumps. Rectory farm as an example they were aiming to produce 8.9MW. The largest solar plant in the UK that is presently operational generates 72MW on almost 3 times the area that is being proposed here. Solar panels are inefficient and productive on average 15-25% of the time. There is generally only sun in the UK for 20% of the year, even if we generously accept that these panels (that we haven't even been told any information about) are at the maximum productivity then the likelihood is that from this 90 acre alien intrusion on Green Belt land, at best they would generate 18MW, which is far less than the '15% of WCC 2030 renewables target by 2030' Most of these sites have BESS units, and as you advised the 2 plans along the A38 are supposedly not linked. Should the applicant be of a mind to attempt to push through an amendment post planning permission being granted.

We have seen nothing from the Applicant in regard to how they intend to clean the 88,000 panels regularly. Failure to do so would further reduce the productivity of these panels which is already <12% in the UK by a further 20% +. It would take a significant amount of water for cleaning the site and presumably they may want to use the farms supply which is used by the residents.

Scale

This application is for 49.9MW capacity. This capacity is just below the maximum 50MW permitted by the Planning Act 2008 that does not qualify as a Nationally Significant Infrastructure Project. There needs to be certainty that these thresholds have not been exceeded.

Financial provision

No financial provision made for decommissioning and returning site to original condition, the potential liability of the state to remedy the sites following decommissioning

Support Comments

Green Belt

The purpose of a Green Belt is to help prevent urban sprawl, it is not considered that the proposal conflicts with this objective since they are not permanent fixtures. There is a climate emergency and special circumstances should apply. The alternatives of putting solar panels on the roof of dwellings would have to be funded and the country is in a financial crisis

Need and benefits

The UK is behind other countries in the provision of renewable technology. Climate change is here now and future generations are dependent on action being taken. The effects of climate change become more severe and frightening on a daily basis.

The project is well considered and can come online quickly. The scheme could meet the needs of more than 13,000 homes, saving 8000 tonnes of carbon emissions. The proposal would improve energy security and assist in stabilising prices. In 2019, Bromsgrove Council declared a climate emergency, saying that it will place the Climate Emergency at the centre of its decision-making process, with targets of reducing carbon emissions by 50% by 2030 and achieve Net Zero by 2040.

Bromsgrove Climate Action Group support the proposal because it would secure UK energy supply against fluctuating fossil fuel prices and tackle climate change. There would be some short term detrimental impact on the environment but taken over the whole 40 year life of the project, the biodiversity gains and carbon mitigation benefits substantially outweigh the short term impact. Paragraph 8.223 of Bromsgrove District Plan 2017 it states: "To contribute to the carbon reduction target, the Council will support large scale low/zero carbon energy generation projects when adverse impacts are addressed satisfactorily".

The modest inconvenience that will be caused by implementation of the proposal is as nothing compared to the lack of palpable action.

Location of proposal

The location is appropriate at the end of a lane and a considerable distance away from residential properties. The site is well chosen and the layout has taken into consideration the surrounding attributes of the local area and appears to be well screened from key receptors within the vicinity of the proposed site. It is a logical place for a solar farm. A south facing field adjacent to a high voltage power line. No solar arrays are proposed in the half field closest to the 4 private houses which is situated on their side of the pylons; instead this half-field will be set aside for nesting birds.

Visual impact

When constructed the panels slope southwards with highest edge 3m above ground level. Nearly all of the arrays would be in fields with substantial hedging of around that height already that would be managed to grow a bit taller to block the view from the Foxwalks houses. The scheme proposes planting a new hedge roughly along the line of the electric cables and a substantial copse of mixed trees in the field area between the solar farm and the closest residential properties. The impact will be significantly less than the constant noise/air/visual pollution from the adjacent M5 motorway.

Agricultural Land Classification

The land with the solar panels will still be used for farming sheep, so will still contribute to the UK food supply. The proposal seeks to reduce carbon emissions and thereby improve food security. The agricultural land classification is Grade 3b of moderate quality capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year. Therefore, the proposal is not taking valuable arable land and will continue to be grazed. It is important to note that most of the wheat being grown on the farm does not make the grade for bread production, about 75% of the 190 acres farmed for growing wheat is of a suitable grade for animal feed only. There is a weed, black grass, which reduces both wheat yield and quality.

Habitat/Biodiversity

It appears that extensive planning has gone into the project to protect what wildlife already exists in the area and encourage other wildlife. Over 460m of new native hedgerow will be planted and more than 2,200m of existing hedgerows and woodland boundaries will be restored to good health. Native wildflowers and grasses will be sown, enhancing biodiversity. The developer should be encouraged to install information boards and meet with the local public and school groups to explain how the project works and the benefits of locally produced renewable energy. The proposed location is also close to Cobblers Woods which hasn't been maintained or cut back which has meant a decline in nesting birds, having new woodland would encourage birds to nest within these and attract more wildlife within the 460 metres of new hedgerow. There is also Upton Warren nature reserve close by so all of this will be an added benefit

Highways/Access

There would be additional traffic on Grafton Lane during construction but the impact would be temporary. Whilst there is no pavement along the motorway bridge so when larger vehicles use the bridge like tractors or HGV's, they wait for pedestrians to walk over it before going over it, as this happens now it would be exactly the same if the proposal was to proceed. The solar company are also intending loading the equipment onto smaller lorries to comply with the bridge weight so lighter vehicles would use the bridge. There is no particular risk of items falling off the bridge. For the busy 4 months (in the middle of the 8-month build period) Springche will employ 4 men to stop traffic for any pedestrians using walkie-talkies. The access route steers the traffic away from Bromsgrove which means built up areas will not be impacted by the proposal. For the few months of construction, the vehicles will very likely be coming from the Droitwich side of the A38 so will not impact local traffic. Grafton Lane is not a busy lane during the week (Mon-Fri) when there would be construction traffic. The site has easy and quick access to main road and is located 3.7 miles from the M5.

The applicant has been sensitive to the concerns of the small number of residents who live along the lane and especially those whose houses are near Foxwalks Farm itself. At the end of the construction period, the company would be under agreed legal obligation to re-surface the lane, thus providing a further benefit to all users.

Heritage Assets

It is unclear what the detrimental impact on Grafton Manor would be given that the proposal would be located on the opposite side of the M5 which has a far greater impact on the setting of the Manor.

Farm Diversification

Having left the EU, the single farm payment is being phased out which is leaving farmers having to look at other ways to find the income to continue to farm, governing bodies advise that diversification options be considered.

Reversibility

The project is fully reversible and after 40 years the rested land will be revitalised, ready for harvest and benefitting from an improved ecosystem. Bringing renewable energy to the area not only supports the local community, but also reduces dependency on fossil fuels and eventually will allow wildlife habitats to develop and flourish.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP4 Green Belt
 BDP15 Rural Renaissance
 BDP20 Managing the Historic Environment
 BDP21 Natural Environment
 BDP22 Climate Change
 BDP23 Water Management
 BDP24 Green Infrastructure

Others

National Planning Policy Framework (2023)
 National Planning Practice Guidance

Relevant Planning History

17/0228	Change of use of land for the purposes of stationing a caravan and ancillary hardstanding and shed for seasonal farm workers (retrospective)	Refused	16.05.2017
B/2007/0501	Change of use from Turkey processing to fabrication	Refused	09.01.2008
B/2004/1319	Additional 15 sunday motorcycling events (1000-1730) in excess of 14 permitted.	Refused	07.12.2004

B/2004/1016	Change of use of land for temporary siting of mobile homes for motorway workers.	Refused	14.10.2004
B/2003/0328	Erection of lean-to single-storey extension to gable end of property at the Coach House.	Granted	07.05.2003
B/2000/0529	Erection of two steel portal framed lean-to and a spray/chemical store and retrospective application for a lean-to.	Granted	25.09.2000
B/2004/1319	Additional 15 Sunday motorcycling events (1000-1730) in excess of 14 permitted was	Refused	07.12.2004
B/19984/1990	Mobile Home on 3 year licence Part OS 3227	Approved	14.01.1991

Site Description

The site comprises a large area of largely open agricultural land extending to 40.6 hectares and comprising four field parcels (Field 1, 2, 3A and 3B). It would appear to be in mixed arable and livestock production. The site would adjoin or include a number of Public Bridleways 560(B) 561(B) and Public Footpaths 573(C) and 632(C). Foxwalks Farm is accessed from Grafton Lane and the entrance to the site would be from the farmstead. In terms of nature conservation designations Feckenham Forest Site of Special Scientific Interest (SSSI) and Upton Warren Pools (SSSI) are within 3km of the application site. Cobblers Coppice Special Wildlife Site (SWS) is located approximately 150m to the west of the site. East Lodge & Breakback Hill SWS and Grafton Manor Pool are located approximately 450m from the site. The site is also within reasonable proximity to Grafton Manor House (Grade II*listed), Timberhonger Farmhouse (Grade II listed) and West Lodge Farm (Grade II listed).

Foxwalks Farm is located to the west of the M5 at the end of Grafton Lane (a private road) approximately 2.2km from Bromsgrove Town Centre. To the south of the site, there is a small hill utilised by Grafton Motocross club. The site falls within Flood Zone 1 (low risk). The Agricultural Land Classification of the site is 3b (outside the Best and Most Versatile category). There is a motorcross scramble track to the south of the site and the access to the proposed solar farm will use part of the existing track serving the motorcross before continuing westwards serving a Distribution Network Operator substation (DNO) before terminating in Field 1. The proposed access for construction and maintenance would therefore not travail Foxwalks Farmstead and would be of permeable construction.

Members should note that planning permission for a ground mounted solar farm at Rectory Farm (cross boundary application with Wychavon DC, approx 1.2km to the south of the application site) was refused under application 15/0387 on 10th September 2015, recovered by the Secretary of State and dismissed in May 2016. The refusal related for

reasons of inappropriate development in the Green Belt and the impact on heritage assets.

The applicant has engaged with local residents, the Parish Councils and other stakeholders and the proposed scheme reflects the input of community engagement. Details of the amendments to the scheme are set out in the accompanying Statement of Community Involvement and in Section 3 of the Planning Statement.

Proposal Description

The proposal would provide Photovoltaic (PV) panels mounted on fixed metal frames with support posts driven into the ground to a depth of approximately 1.5m with no concrete foundations. The minimum height of the lowest part of the arrays will be 0.8m and the maximum height of the solar arrays would be 3.5m with a slope of approximately 20 degrees. The rows of solar panels would be separated by 3m to avoid shading. There would be a minimum 5m separation distance between the edge of the arrays and the surrounding hedges/field boundaries/fencing. Each of the field parcels containing panels would be enclosed by a 2.4m high 'deer' style fencing. The bridleway which runs between fields 3A and 3B would be provided with a 15m buffer zone with new tree and hedge planting.

The PV modules will be mounted on south facing galvanised steel and anodised aluminium metal racks. The racks will be laid out in parallel arrays running east to west across the field enclosures. The framework and arrays would be fixed. The land between and beneath the rows of panels would continue to be used for agriculture (sheep grazing).

There would be 21 No. transformer stations within the site adjoining the arrays of panels. These would comprise transformer units within housing 4.5-6.5m(w) X 2.5m(d) X 3.0m(h). The electrical cabling linking the rows of panels and connecting to the inverters and substation would be below ground within trenches, typically 0.5-1.1m in depth.

There would be an on-site sub-station compound covering an area approximately 40m x 52.5m which will contain 66- kilovolt transformer, insulators, disconnectors, switches, and circuit breakers. The highest structure within the compound is likely to be no more than 6.5m in height. The compound would be enclosed by a 2.4m palisade security fence. A small single storey building housing the DNO main control system, welfare unit with WC and metering room will be positioned outside the compound. The DNO substation will be the property of the DNO, who will maintain it as part of their network.

The proposal seeks to retain all of the existing hedgerows with trees within the site. There are habitat corridors proposed which would provide a link to adjacent ecological features which will help support 'landscape scale' ecological recovery. These would comprise 10-25m wide Ecosystem Corridors associated with existing field boundaries, providing opportunities for the following landscape and ecological enhancement measures:

- improved botanical diversity of the grassland associated with land supporting the main infrastructure and along field margins;
- restoration and management of existing hedgerows and trees, with the introduction of new tree & woodland planting, with existing established hedgerows allowed to grow

taller and create effective visual screens to form a series of 'compartments' throughout the site;

- the creation of new areas of native tree and shrub planting including a c.80m deep woodland located in the south-east corner of the Site as well as areas of new native woodland planting to site boundaries and internally to mitigate visual effects, providing valuable wildlife corridors new off-site woodland (on land owned by the applicant) is proposed to the south of the Site on the hill currently used for motocross to provide additional landscape and visual benefits and wider integration of the proposals.

The proposed solar farm will have a life span of 40 years, at the end of which the modules would be decommissioned and removed from the site, with the land then having the full ability to be restored to existing land use (with a predicted improvement in soil quality and condition as the land would have been rested).

During the construction phase, a temporary construction compound is proposed along with a secondary laydown area. The temporary construction compound is proposed to the east of the M5, off Grafton Lane, and the secondary laydown area is proposed at the southern extent of 'Field 1'. The temporary construction compound will be used to accommodate the site office, welfare facilities, storage of materials and equipment, wheel washing facilities, parking, and turning space for vehicles.

The proposed grid connection has been identified at an existing overhead pylon, located 1.1km south of the main site. The site will be connected to the pylon via an underground cable. The cable connecting the site to the pylon does not form part of this application. This would be carried out by the DNO themselves under permitted development rights as a statutory undertaker.

The application is accompanied by a:

- Design and Access Statement,
- Planning Statement (incorporating an Energy Policy Statement - Appendix 6)
- Consultation Report,
- Landscape and Visual Impact Assessment,
- Ecological Impact Assessment Report,
- Construction Traffic Management Report,
- Arboricultural Impact Assessment & Method Statement (Version 2),
- Agricultural Land Classification Report,
- Solar Photovoltaic Glint and Glare Study,
- Heritage Desk-Based Assessment,
- Flood Risk Assessment and Surface Water Drainage Strategy,
- Draft Construction Environmental Management Plan and Waste Strategy,
- Draft Decommissioning Strategy, prepared by Pegasus Group

Members are encouraged to read these documents in full.

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted Development Plan (the Bromsgrove District Plan, adopted 2017) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF, the 'Framework') was revised on 19 December 2023. Having regard to the matters that are

most relevant to this application, there have been few substantive changes albeit that the numbering of paragraphs has changed.

Policy Background

The site is located in the Green Belt and policy BDP4 of the BDP and paragraph 154 of the Framework sets out the types of development which are appropriate in the Green Belt. Policy BDP15 of the BDP states that small scale renewable energy projects, excluding wind energy developments, and business to serve the industry would be supported and 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 BDP22 supports zero or low carbon energy generation schemes when adverse impacts are addressed satisfactorily. The explanatory text explains that compared to cities, Bromsgrove is identified as having good solar irradiance, showing good opportunities for solar thermal/power generation.

In respect of the Framework, Paragraph 11 establishes a presumption in favour of sustainable development whilst Paragraph 163 advises that 'when determining planning applications for renewable and low carbon development, Local Planning Authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- b)) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable

Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect Conservation Areas, listed buildings or other relevant designated heritage assets, Local Planning Authorities should also apply the policies set out in chapter 16 of this Framework.

As such, planning permission should be granted for renewable energy development unless: the level of harm would "significantly and demonstrably outweigh benefits" when assessed against the requirements of the NPPF, or if specific policies in the NPPF indicate the development should be restricted.

The National Planning Practice Guidance in relation to renewable and low carbon energy (updated August 2023) provides a useful framework in relation to the development of large scale ground mounted solar farms.

The NPPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Local Planning Authorities should consider the following matters:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

Principle - Green Belt

In respect of Green Belt, it has been established through case law that the list of exceptions for 'appropriate development' set out in policy BDP4 and the Framework amounts to a closed list. Thereby proposals not included on the list are regarded as 'prima facia' inappropriate development. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 155 of the Framework states that certain other forms of development are not inappropriate including engineering operations. The proposal would involve underground cabling within and adjoining the site and these elements would not amount to inappropriate development and would have minimal impact on the openness of the site.

Paragraph 156 of the Framework in relation to renewable energy installations in Green Belts states that 'elements of renewable energy projects will comprise inappropriate development. In such cases, development will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased energy production from renewable sources.

In respect of the five purposes of Green Belt policy set out in the Framework, it is not considered that that the proposed development would conflict with the purposes of the Green Belt in relation to preventing the sprawl of built-up areas, the merging of neighbouring towns, the setting of historic towns. It would lead to significant encroachment of the countryside and would conflict with that Green Belt purpose. It would also fail to deflect new development towards previously developed land to assist with urban regeneration. The proposal, as inappropriate development, would be, by definition harm the Green Belt.

Green Belt - Impact on openness

The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. In the consideration of any proposal in the Green Belt, including those for renewable energy installations, it is important to quantify the totality of the harm to the openness of the Green Belt which would arise from the proposal. The site comprises three largely open fields with flat topography which becomes more undulating towards the northern periphery of the site. There are scattered trees along the field boundaries.

The linear arrays of solar panels, invertors, substation and access road would have a substantial impact of the open, undeveloped nature of the site and would clearly conflict with the spatial purposes of the Green Belt to prevent encroachment into the countryside. Given the location in the Green Belt, the proposal would not assist with the purpose of encouraging the regeneration of existing urban areas. The access tracks, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would reduce the spatial openness of the Green Belt.

Whilst the solar arrays and associated infrastructure would have a large spatial footprint, the mass and volume of the structures would be more modest by virtue of their design and the proposal would reinstate the land to the former agricultural use following the 40 year operational lifespan. There would also be a significant detrimental impact on the visual dimension of openness, the site would be highly visible from public footpaths and despite the planting and enhancement measures proposed, these would take a considerable time to mature and soften the impact, hence the visual harm to openness would also be substantial. In summary, the proposal would have a significant spatial and visual impact on the openness of the Green Belt, compared with the present situation and would result in encroachment and significant harm to the openness and purpose of the Green Belt. Therefore, the proposed development would conflict with policies BDP4 of the BDP and the Framework. The harm to the Green Belt carries substantial weight.

The applicant has stated that a Town Centre location or urban location is neither practical nor realistic. It is considered unlikely that it would be cost effective to locate such a use on previously developed land due to prohibitive land values taking the temporary period of the installation into account. Thereby, it is not considered that the proposal would not be in conflict with the purpose of the Green Belt to assist in urban regeneration.

Other Material Considerations

National Matters

The Government declared an environmental and climate change emergency on 1st May 2019 following the finding of the Inter-governmental Panel on Climate Change that to avoid more than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050. The requirement for such infrastructure is recognised in the adopted NSPs (see below)

'Powering Up Britain' March 2023

The report sets out the objective of the Government to develop up to 50GW of offshore wind by 2030 and to quintuple solar power (up to 70GW) by 2035. Ground mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. Government seeks large scale solar deployment across the UK, looking for development mainly on brownfield, industrial and low/medium grade agricultural land. The Government has accepted the recommendation from the Independent Review of Net Zero to set up a taskforce to deliver on this ambition.

Bromsgrove District Council Climate Emergency

The Council declared a Climate Emergency in July 2019 and the Carbon Reduction Strategy and Action Plan was adopted in October 2022. The Council is affirming that it will place the Climate Emergency at the centre of its decision-making process. The declaration is a material consideration in planning decision-making.

Worcestershire Energy Strategy

The County Council is now working as part of Worcestershire's Local Enterprise Partnership to deliver the county's Energy Strategy. The strategy was launched in March 2019 and covers the period to 2030. The Strategy seeks to achieve a reduction in carbon emissions of 50% on 2005 levels by 2030, a doubling of the size of the low carbon sector by 2030 and a tripling energy production from renewable generation. Para 6.2.2 states that growth in solar generation would offer a route to meeting a greater proportion of electricity consumption from renewable energy, with standalone solar farms a more established generation source for Worcestershire. The County has a target to deliver 360MW of renewable energy by 2030. Figure 6 also shows planning permissions has been granted for a 114MW of renewable energy generation. It is important to note that not all these developments, that have been approved since 2016, are built out or under construction [Renewable Energy Planning Database (REPD) (April 2023)].

National Policy Statements (NPS) for the delivery of major energy infrastructure are material considerations in the relation to the evaluation of solar energy projects. The National Policy Statement for Renewable Energy Infrastructure (EN-3) was published on 17 January 2024. The NPSs specifically relate to solar photovoltaic (PV) (>50 MW in England and >350MW in Wales) but also to renewable generation proposals of the types listed above, whose capacity is below the relevant threshold, which are directed into the NSIP regime under Section 35 of the Planning Act 2008.

The NSPs outline that in order to meet the Government's objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to 'dramatically increase the volume of energy supplied from low

carbon sources' and reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in the Overarching National Policy Statement for Energy (EN-1) as being the most cost effective way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar (para 3.3.20)

Solar farms have the advantage that they can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free. A solar farm requires [between 2 to 4 acres for each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. However, this will vary significantly depending on the site, with some being larger and some being smaller] There are further details of the international and national legislative context provided in Appendix 6 of the Planning Statement entitled Energy Policy Statement.

Paragraph 156 of the Framework places the onus on the developer to demonstrate very special circumstances if projects are to proceed. The applicant has put forward the following matters in that regard:

Positively, the applicant has secured the energy export capacity specifically for Foxwalks Farm. If the applicant does not use the capacity secured at the site, any new project will be subject to distant connection dates (i.e. when they can start exporting electricity to the grid) of no earlier than 2030-2032.

The Council has not allocated any sites for renewable energy schemes in the District. Therefore, the proposal falls to be considered upon its individual merit.

Alternative Site Assessment (ASA)

The applicant has prepared an Alternative Site Assessment to explain the rationale for the selection of the site compared with alternatives within a 2km radius. This 2km radius is based on the point of connection to the grid, a limiting factor in the potential for site selection. The ASA concludes that there are no previously developed (brownfield) sites available to accommodate the proposal within the area of search and that there is no land within the defined search area is a better alternative than that proposed with regard to agricultural land quality and there is no non Green Belt land available in the search area.

Green Belt - Planning Balance

It is accepted that the proposal would result in harm to the Green Belt from by reason of inappropriateness and loss of openness, which is given substantial weight. The harm to the Green Belt would have both spatial and visual aspects although the visual harm would be partly mitigated as a result of the proposed woodland and hedgerow planting. This mitigation would also result in a reduction of the harm identified to landscape character. The applicant has provided a satisfactory rationale for the selection of the proposed location and the critical requirement for a grid connection carries substantial weight in favour of the proposal at this location. The policy support within the BDP, Framework and National Policy Statements in respect of the imperative to deliver a substantially greater proportion of electricity from renewable sources to combat climate change and build resilience in the national energy supply also weighs heavily in favour of the proposal. It is concluded that the substantial harm to the Green Belt would be clearly

outweighed by the other considerations and therefore the very special circumstances necessary to justify the proposal exist.

Heritage Assets

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses.

Policy BDP20 of the BDP states that the District Council will support development proposals which sustain and enhance the significance of Heritage Assets including their setting. In considering applications that directly or indirectly affect Heritage Assets, a balanced judgement will be applied having regard to the scale of any harm or loss as a result of proposed development and the significance of the Heritage Asset.

Paragraph 205 of the NPPF states that '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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance', while Para 206 requires that 'Any harm to or loss of, the significance of a designated heritage asset should require clear and convincing justification'.

In relation to designated heritage assets, para 208 requires that where development leads to less than substantial harm, this harm needs to be weighed against the public benefits of the scheme, while para 209 states in respect of non-designated heritage assets, 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The views of the Conservation Officer are noted. The heritage matters in this application would fall within three categories: archaeology, impact upon Designated Heritage Assets and upon Non-Designated Heritage Assets (abbreviated NDHA).

Archaeology

In respect of archaeology, the temporary storage compound would be located to the west of Grafton Manor within an area of potential archaeological interest. A survey has been carried out in February 2024 to further evaluate this area.

Agricultural earthworks, which extend across a large part of the proposed temporary compound area (TCA) are considered to be denuded, only visible on the ground in certain conditions. The majority of the area of the proposed TCA certainly appears to have been agricultural fields on the boundaries of the medieval settlement of Grafton. The views of the WCC Historic Environment Officer are noted and no objections have been raised subject to a condition to ensure that there is no topsoil stripping, scraping or groundworks during development of the TCA, during its lifetime and removal.

In terms of the main site of the solar farm, this is considered likely to have been farmland throughout the historic periods. The Heritage Desk Based Assessment submitted with application contends that the potential for below ground archaeology of prehistoric and/or Roman date is limited/low, which is considered a fair appraisal. It is not anticipated to preclude development of the nature and scale proposed but given the unknown potential

for prehistoric/Roman archaeology, a condition has been imposed for further archaeological investigation of the main site to be conducted.

Designated Heritage Assets

The application is accompanied by a Heritage Desk Based Assessment which assesses the impact upon all designated and non-designated heritage assets within a minimum 1km radius of the site. There has been particular attention given to the Grade II* Listed Grafton Manor, Chapel, West Lodge Farm (Grade II) and Foxwalks Farmhouse (NDNA)

The designated heritage assets comprising listed buildings are grouped in various location with respect to the proposal. There are a group of six, all Grade II listed except for the Grade II* Listed Grafton Manor and Chapel, are located on the north side of Grafton Lane to the east of the M5 motorway. A group of eight, all Grade II listed, except the Grade II* Listed Church of St Michael, form part of Upton Warren Conservation Area c.600m south of the proposed substation. Three Grade II Listed Buildings are located at West Lodge Farm, c.750m south-west of the proposed cable route; two Grade II Listed Buildings are found at Bowling Green Farm, c.250m south of the existing and proposed access. The Grade II Listed Timberhonger Farmhouse lies c.520m north-west of the main site area.

The Grade II* Listed Grafton Manor and Chapel forms part of a group that also includes Grade II Listed Tithe Barn, Dovecote, and two sets of garden walls. The house is of 16th-century origin but was partly rebuilt and remodelled in the mid-19th century following a fire in 1710. The Grade II* is derived from the special architectural and historic interest of its built form and fabric. The site and Grafton Manor were historically both part of the Talbot (Earls of Shrewsbury) Estate. In the 19th-century, the proposed solar farm area comprised farmland attached to Foxwalks Farm while the proposed temporary construction compound area appears to have formed part of the designed landscape of Grafton Manor.

The proposed temporary construction compound area makes a contribution to the significance of Grafton Manor by virtue of being part of its historic designed landscape, although the vegetation belt separating it from the north lawn suggests that it was not intended to be visible from the house. There would be visible and audible construction activity which will affect the experience of Grafton Manor from its grounds and result in a small degree of (temporary) harm to its significance.

West Lodge Farm (listed Grade II) Comprises a farmhouse and adjoining granary, constructed around 1600 with mid-C18 additions, refronted and further altered in the mid-to late C19. It is part timber-framed with rendered infill, brick replacement walling and additions, rendered to north elevation beneath machine-tiled roofs. The surrounding area is open agricultural land, sub divided by native hedges. The setting contributes positively to the open and rural character, and significance of the farmstead.

Foxwalks Farm comprises an unlisted farmstead (NDHA) with converted buildings. There is a loose courtyard arrangement with four sides of the courtyard formed by working agricultural buildings. The farmhouse is detached with gable on to the yard.

The farm track to/through Foxwalks Farm makes a moderate contribution to the significance of Foxwalks Farmhouse in providing access to and featuring in views

towards and from the asset. There would be visible and audible plant movements during the construction phase may result in a small degree of (temporary) harm to its significance. It should be noted that construction traffic would be routed to the south of the Farmhouse connecting the proposed temporary construction compound and the proposed lay down area (southern portion of field 1).

The views of the Conservation Officer is that there could be some impact on the setting of heritage assets including Grafton Manor (Grade II*), West Lodge Farmstead (Grade II) and Foxwalks Farm, a NDHA. It is considered that there will be some harm to the significance of Grafton Manor due to the work undertaken in the compound being clearly both visible and audible from the garden at the Manor and from rooms at the rear of the building. The development of a solar farm would have an impact on the setting of West Lodge Farm and Foxwalks Farm through the introduction of an industrial feature into the rural setting. This harm would be at the lower end of less than substantial harm.

It is concluded that the proposal would cause some harm to the significance of Grafton Manor as a result of the location of the temporary construction compound, which would amount to less than substantial harm as well as harm to the wider setting of West Lodge and Foxwalks Farm. In the case of the latter two assets, the harm is considered to be at the lower end of the less than substantial scale. The proposal would therefore not comply with the requirements of the 1990 Act, BDP20 of the Bromsgrove District Plan and the NPPF. As the harm is considered to be less than substantial in terms of the designated heritage assets Paragraph 208 of the NPPF has to be considered and the public benefits of the scheme must be weighed against the harm, although great weight must be attached to the conservation of the heritage asset irrespective of the level of harm. In respect of Foxwalks Farm, a NDHA, paragraph 209 requires a balanced judgment in terms of the scale of harm and the significance of the heritage asset.

The third party representation raises concern in respect of East Lodge Farm which is a NDNA. The Heritage Appraisal outlines the lack of any direct association between the site and the farm, and the physical separation of the motorway. The Conservation Officer has further appraised the potential impact on this NDNA and it is acknowledged that the proposal would have some impact on the significance of the asset. However, it is considered that due to the distance of this farmstead from the site and the fact that the fields of solar panels will sit within a wider setting of agricultural land, that the harm would still be at the lower end of less than substantial harm. Paragraph 209 of the NPPF requires a balanced judgment in terms of the scale of harm and the significance of the heritage asset, when considering the effect of the proposal.

In terms of the identified designated heritage assets, the greatest potential impact would be in relation to Grafton Manor arising from the temporary storage compound. As outlined above the below ground archaeology in this area has already been evaluated and the impact considered acceptable subject to conditions. In terms of the setting of the asset, it is a material consideration that the impact (including visual, noise, etc) would be temporary in nature and the setting would be restored following the construction period. The combined impact upon Grafton Manor and West Lodge Farm in the context of the Framework must be weighed against the public benefit of the scheme. The proposal would assist in the delivery of renewable energy and therefore align with this requirement in the BDP, the Worcestershire Energy Strategy, the NPPF and National Policy Statements as outlined above. The imperative to deliver a substantially greater proportion

of electricity from renewable sources to combat climate change and build resilience in the national energy supply does amount to a public benefit in favour of the proposal. Therefore, it would comply with Policy BDP20 and paragraph 208 of the Framework.

When considering harm to NDHAs, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset. The impact of the proposal would cause limited harm to the significance of non-designated assets, Foxwalks Farm and East Lodge Farm. In the case of the impact of the proposal on NDNAs, the public benefits outlined above are considered to outweigh the impact on the setting of these assets. Therefore, it would comply with Policy BDP20 and paragraph 209 of the Framework.

It is not considered that the main solar farm site makes any contribution through setting to the significance of any other designated or non-designated heritage assets identified above or to Upton Warren Conservation Area.

Landscape and Visual Impact

Policy BDP21 of the BDP requires proposal to protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment (LCA). The application is accompanied by a Landscape and Visual Impact Assessment with winter views provided.

The impact of the proposal on the landscape as a resource must be considered separately from the impact on visual amenity, which is the impact of the proposal on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

The site falls within the Wooded Estatelands Landscape Character Type. The key landscape characteristics and associated guidelines for the 'Wooded Estatelands' LCT are a large-scale, wooded agricultural landscape of isolated brick farmsteads, clusters of wayside dwellings and occasional small estate villages. Key visual elements in this landscape are the many large, irregularly shaped ancient woodlands, often prominently situated on low crests.

The landscape does not form part of a statutory landscape designation, nor does it relate to the setting of any such area. The published evidence base (WCC Landscape and Green Infrastructure Strategy assessments) identifies the wider area around the site as being in average condition and of high sensitivity (for residential development). It is considered that the condition of the site includes some features and elements which are in an average to poor condition that would benefit from a coordinated landscape and ecological restoration and enhancement strategy. Due to topographical conditions and existing landscape features, the views of the site are limited to a 1.8km radius. There would be more significant visual change from the perspective of public footpaths, the M5, local roads and some residential properties.

It is acknowledged that the proposal would result in some localised harm to the landscape character of the area. However, subject to the provision of the proposed additional planting and ecological enhancement envisaged in the Landscape and Ecological Management Plan (LEMP), the longer term impact on the landscape would be partly mitigated. The impact of the proposal on the landscape as a resource must be

considered separately from the impact on visual amenity, which is the impact of the proposal on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

The views of the WCC Landscape Advisor are noted and there are no objections raised in terms of the assessments which have been submitted subject to conditions to secure the LEMP and further detailed specification of selected species and planting methods to accompany the LEMP.

Trees

The application is supported by an Arboricultural Impact Assessment and Method Statement. All existing hedgerows with trees within the site would be retained. There are notable hedgerow trees on the boundaries of the site and along Grafton Lane. The report makes a number of recommendations including the provision of protective barriers, protection of RPAs outside the protective fencing, protective surfacing, site storage, tree protection supervision and tree management works for the trees along Grafton Lane. The applicant has confirmed that discussions with the adjacent landowners of Grafton Lane, to secure access to carry out any necessary pruning of trees in association with the development have been successful. Thereby, there are no objections raised by the Tree Officer subject to a condition to no objection to a condition to secure the recommended tree protection measures made within the Woodland and Countryside Management Ltd Arboricultural Impact Assessment and Method Statement dated 11 July 2023.

Drainage

The application is accompanied by a Flood Risk Assessment (FRA) and the site is entirely located within Flood Zone 1 with very low risk of tidal or fluvial flooding.

The consultation comments from North Worcestershire Water Management and the Environment Agency are noted and no objections raised. The panels would cover an area of around 18.2ha and runoff from the angled panels is considered unlikely to have a significant impact on flood risk,

There is some potential for channels to form between the rows of units and increase erosion of the ground surface and on sloping land this requires careful consideration to avoid increasing sediment load in the local watercourses. The FRA states that a system of swales will be provided to capture and convey surface water around the site and this will need to be included in a drainage strategy. There are no objections raised subject to a condition to require a surface water drainage strategy incorporating a sustainable drainage system (SuDS).

Ecology

Policy BDP21 of the BDP seeks to ensure that a well-functioning, coherent, and resilient ecological network is established and explains that the Council expects all development to take into account and contribute towards meeting environmental targets. Similarly, Policy BDP24 strives for the Council to deliver a high-quality multi-functional Green Infrastructure network through new developments.

The application is accompanied by an Ecological Impact Assessment (EIA) which presents the current ecological baseline at the site and provides an assessment of the potential effects of the proposed scheme on the ecology within and around the site,

including legally protected species. The proposal is also accompanied by a Landscape and Ecological Strategy Plan, a Landscape and Ecological Management Plan and Biodiversity Net Gain metric 4.0.

In terms of important wildlife sites, Upton Warren Pools Site of Special Scientific Interest (SSSI) is located 1.2km to the south of the site. East Lodge & Breakback Hill Local Wildlife Site Local Wildlife Site (LWS) is located 640m east of the site, Cobbler's Coppice LWS is located 180m to the west Grafton Manor Pool LWS adjoins the site and Battlefield Brook LWS is located 1.2k to the south.

The EIA concludes that there would be no significant residual effects are predicted in relation to the habitats or notable species (Badgers, Bats, Breeding Birds or Reptiles) subject to the mitigation measures set out within Table 6.1 of the EIA are fully implemented. These include conditions for the provision of a Landscape and Ecological Management Plan (LEMP) and Construction Environment Management Plan (CEMP) both at the implementation and decommissioning stages.

The application predates the enactment of the Environment Act 2021 in relation to Biodiversity Net Gain which sets a mandatory requirement to achieve at least a 10% biodiversity net gain increase from the pre-development biodiversity value.

The Biodiversity Metric 4.0 uses habitat as a proxy for overall biodiversity within different habitat types. Habitats are assigned a value based on their intrinsic biodiversity value or 'distinctiveness', which is predefined for each habitat within the metric. This value is then multiplied based on the size, condition and geographical location of the habitat in order to ascertain its absolute value in 'biodiversity units'. Separate calculations are used within the metric for area, based habitats, linear habitats (such as hedgerows) and watercourses (including ditches and streams). These units are non-transferable and must therefore be considered individually for each project or development. Collectively, they are referred to as 'biodiversity units'. In terms of Biodiversity Net Gain, the proposal would result in an overall biodiversity net gain in habitats and hedgerows over and above the 10% legislative requirement.

The submitted LEMP seeks to provide a range of new habitat features for invertebrates, amphibians, reptiles, birds, and mammals, to enhance the habitat value across the site and beyond. There 3ha of permanent grassland provided and managed to encourage the breeding of Skylarks and other ground nesting species. There would also be 2.42ha of woodland to provide screening and additional habitat value. The existing hedgerows surrounding the site will be retained and augmented with additional hedgerow and tree planting notably adjoining Bridleway 560 which connects Foxwalks Farm to Timberhonger Lane to the north. As demonstrated in Table 8.5 below, implementation of the recommendations outlined above would result in an

The views of the Councils appointed Ecological Consultant and Worcestershire Wildlife Trust (WWT) 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. WWT raised some concern that additional bat surveys should be required and details of the proposed cable route provided. The underground cable connecting the solar farm's proposed substation to the existing electricity network will be the responsibility of the statutory undertaker, being the electricity network operator.

The operator can implement the cable using their permitted development rights as statutory undertakers. The point raised in relation to bat surveys has been addressed by the applicant's ecologist to the satisfaction of WWT, subject to conditions. Furthermore, Natural England have commented that the proposal does not trigger any specific impact risk zones for designated sites.

The matters raised in the public consultation exercise on the application in relation to ecology are noted but it is considered that the proposal would not be detrimental to habitats or protected species and would secure ecological enhancement compared to the baseline situation and accord with BNG requirements. These benefits are considered to carry modest weight in favour of the proposal in the planning balance.

Agricultural Land Classification

Paragraph 180 (Footnote 62) of the Framework advises that 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

The Agricultural Land Classification Report accompanying the application states that the land is classified as falling with the 3b (moderate quality) classification and is therefore not within the Best and Most Versatile category. The best and most versatile agricultural land is classified as land in grades 1, 2 and 3a of the Agricultural Land Classification. The comments in the representations on this point refer to grade 3b also falling within this category but that is not the advice of the updated Framework.

Therefore, it is considered that the proposal would not result in the loss of the Best and Most Versatile Agricultural Land.

Highways

The means of access to the site is via Grafton Lane, a private road connecting Foxwalks Farm to the adopted highway on the west side of Rock Hill (B4091), a distance of approximately 1.6km.

The proposal is supported by a Construction Traffic Management Plan (CTMP) which considers the overall impact of the proposed development on the local highway network and recommends suitable traffic and construction management proposals to limit the potential impact of the development on the surrounding highway network. Most of Grafton Lane also serves as a Public Footpath with numerous connecting Public Rights of Way.

The CTMP advises that during construction, HGV routing be to and from the south of the Grafton Lane/Rock Hill junction. Vehicles will exit the M5 via Junction 5 onto the A38 Worcester Road, continue on the A38 to the roundabout junction with the A38 Redditch Road and B4094 Worcester Road and will then continue on the B4094 to Rock Hill and the junction with Grafton Lane. The CTMP advises mitigation will be in the form of a number of banksmen positioned along Grafton Lane to monitor pedestrian and traffic movements. Construction traffic will be held to give pedestrians and other vehicles priority and clearance. The banksmen will ensure there are never two opposing HGVs on Grafton Lane at any one time. It is noted that Worcestershire Highways are content with the proposed mitigation measures.

Members should note the views of Worcestershire Highways and National Highways. It is common ground between the consultees and in the third party representations that the greatest highway impact would arise during the construction phase.

Worcestershire Highways consider that the amount of construction traffic is relatively small compared with the average daily flows on the local highway network and will have negligible detrimental impact, being accommodated on the affected junctions and links. Whilst the construction traffic will have more of an impact on Grafton Lane, as base traffic flows will be much lower, it is not considered that it would create any significant highway safety subject to appropriate mitigation. It is considered that the proposed traffic management measures will help to reduce conflict with other road users and with the existing PROWs. There are no objections from Worcestershire Highways subject to the submission and approval of a pre-construction highway condition survey and the provision of an updated Construction Traffic Management Plan (CTMP).

National Highways had previously issued a holding recommendation in relation to the proposal in December 2023. The matters raised were the M5 Grafton Lane overbridge, location of the temporary storage compound, Glint and Glare Assessment and attendant Landscape Strategy. The applicant has provided additional information to address these matters. There are no objections raised by National Highways subject to conditions in relation to these matters subject to conditions requiring a detailed CTMP to be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways prior to commencement of development. This would address matters in relation to the max weight allowable on the overbridge, a timetable for the inspection of the bridge, temporary compound details and lighting. National Highways also recommend an additional condition for the provision of a Landscape and Ecological Management Plan.

The public consultation exercise has raised the matter of the impact of traffic in terms of noise, disturbance and safety during construction in respect of the use of Grafton Lane and connecting PROWs. This matter has been taken into account and carries weight in the decision making process. The views of Statutory Consultees are that the proposal is acceptable in highway terms subject to appropriate mitigation achievable through conditions and this also carries weight. Since there are no technical objections from the relevant consultees, the proposal is considered acceptable in highway terms.

Glint and Glare

The proposal is accompanied by a Glint and Glare Assessment. It should be noted that there is no national policy for determining the impact of glint and glare on road safety and residential amenity. The Assessment concludes no mitigation is required as part of the development in respect of receptors including residential properties or aviation receptors Brine Pits Farm Airstrip, Stoney Lane Farm Airstrip, and Rotorspan Heliport.

Noise

The public consultation exercise has raised the issue of noise during the construction and operation of the site with the noise leading to significant disturbance impacting on physical and mental well being.

This proposal is supported by a Noise Impact Assessment, which assesses the operational noise impacts of the development on the nearest noise sensitive receptors.

The baseline data identifies a baseline noise level of around 40dB between 07:00-22:00 and 29dB between 04:00-07:00. There have been no objections raised from WRS in respect of the noise impact on the nearest sensitive receptors as a result of the operation of the solar farm. However, further information was requested from the applicant in respect of measures to mitigate noise during construction. A Piling Noise Mitigation Method Statement and accompanying Construction Noise Impact Assessment has been submitted to address this issue.

There are no objections raised by WRS in respect of construction noise subject to a condition requiring an acoustic screen and piling dolly and a limitation of the hours of any piling works to between 08:00-18:00hrs on any day in order to minimise the impact at the nearest sensitive receptors. There are no adverse comments raised in respect of either air quality or land contamination.

Crime Risk

The risk of the theft of solar panels, cables and copper has been raised in the consultation exercise. The comments from the West Mercia Design Out Crime Officer (DOCO) should be noted. Whilst the Officer does not object to the scheme, a number of crime prevention measures have been suggested. There has been an increase in thefts from solar which is partly as a result of the number of such developments which have been constructed in recent years.

The use of 2.4 metre welded mesh fencing (in green) would be the most unobtrusive method of providing a secure perimeter border. All gated entrances should be secured with appropriate access systems.

The DOCO recommends that the proposed deer fencing should be replaced by a much more substantial 2.4 metre welded mesh fence with a gated entrance of the same height, along with monitored CCTV, motion sensors and infrared beams and secure fastenings for the proposed panels. The use of defensive ditches and berms (bunds), natural features and vegetation are also recommended. The safe and secure storage of equipment on site during construction is also considered important.

The comments received from Third Parties and the DOCO are noted and many of the crime prevention measures including improved natural vegetation on the boundaries and CCTV are being incorporated into the scheme. However the use of the suggested wire mesh fencing would have potential negative consequences in terms of the character of the landscape which the proposal is seeking to enhance through woodland and hedgerow planting among other measures. There remains a risk of crime and the developers are aware of the risk and financial losses arising. However, this is a separate matter from the context of spatial planning policies and it not considered that the risk of crime is so demonstrable that it would infringe the amenity of residents on Grafton Lane or in the surrounding area.

Fire Risk

The risk arising from fire has been raised in the consultation exercise. The comments received from the Technical Fire Safety Inspector at Hereford and Worcester Fire and Rescue Service should be noted. In the interests of clarity, there are no energy storage facilities proposed on the site and the electricity generation will be directly exported to the grid from the proposed substation at the southern end of the site, Therefore only the

residual fire arising from the panels and any other infrastructure such as the inverters need to be considered.

In terms of fire risk, there are a number of measures which can be employed to reduce the fire risk but there will always be some residual inherent risk from electrical equipment. The applicant is following guidance provided by the Fire Protection Association (FPA) and Risk, Insight, Strategy and Control Authority (RISC), which is considered reasonable.

The proposed solar panels will be fitted with isolators, to limit the spread of fire from one panel to the next. The closest residential properties are at Foxwalks Farm and Barns and these are approx. 220m from the closest panels forming part of the scheme. It is not considered likely that properties would be threatened in the event of a fire within the site. It should be noted that the scheme would not include hardstanding or gravelled access roads in order to protect the character of the countryside and Green Belt. In the unlikely event of a fire, a fire appliance would not cross the field and other strategies could be employed such as a controlled burn or the use of a light portable pump.

The matter of the single access for a fire appliance along Grafton Lane has been raised within comments objecting to the scheme including the ability to gain access to a fire if the lane was blocked. It is important to consider the likelihood of such a rare scenario arising in the context of the unlikely event of a fire outbreak at the solar farm at the same time. Solar panels can be installed on domestic and commercial roofs under permitted development rights and where prior approval is required, the risk of fire does not form part of the assessment criteria.

Conclusion – *Planning Balance*

The main issues to consider are the impact of the proposal on the Green Belt and Heritage Assets. The proposal amounts to inappropriate development in the Green Belt. It would result in harm to the Green Belt by way of inappropriateness, loss of openness, and harm to one of the purposes of including land within it, namely to assist in safeguarding the countryside from encroachment. As required by the BDP and the Framework paragraph 153, substantial weight is attached individually and collectively to each of the Green Belt harms.

The proposed development would result in less than substantial harm to the significance of Grafton Manor, a Grade II* listed building. There would be impact at the lower end of the less than substantial scale to West Lodge Farm (a designated heritage asset) and East Lodge Farm and Foxwalks Farm, both of which are non-designated heritage assets. The impact of the proposal on the setting of the heritage assets would require clear and convincing justification. There would be some detrimental impact upon landscape character but given the siting, the proposed mitigation planting and reversibility of the proposal, this impact would be greatly reduced.

Matters including glint and glare, the agricultural land classification, noise, drainage, highway safety, crime and fire risk are considered to be neutral in the planning balance.

It is not considered that there are any other material harms which would weigh against the proposal in the planning balance.

The priority of the Council, in adopting Government policy is to reduce greenhouse gas emissions and transition from fossil fuels and towards renewable sources of energy production and this carries substantial weight in favour of the proposal. The potential of the solar farm to generate up to 49.9MW of electricity would make a significant contribution towards the delivery of the Government's Climate Change programme and the Worcestershire Energy Strategy. These renewable energy benefits attract substantial positive weight in favour of the proposed development. The proposed planting and habitat creation on the site also carry positive weight in favour of the proposal. These combined positive benefits outweigh the harms identified above and therefore the very special circumstances to justify the harm to the Green Belt exist. Furthermore, the public benefits in the generation of renewable energy outweigh the less than substantial harm to heritage assets as required by the Framework. There have been no other material planning considerations raised of sufficient magnitude to reach a different conclusion.

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:

Drawing No. SP-LP-D03-PL Rev 4 Location plan
Drawing No. SP-IP-D03-PL Rev R10 Proposed Site Plan
Drawing No. SP-CT-D03-PL R0 CCTV details
Drawing No. SP-SCD3-PL R0 Site Clearances Plan
Drawing No. SP-SF-D03-PL R0 Proposed Site Fence
Drawing No. SP-ELD3-PL R01 Proposed Elevations
Drawing No. SP-IN-D03-PL R0 Proposed Transformer Housing
Drawing No. SP-SS-D03-PL-R0 Proposed Substation

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

- 3) The development (including all ancillary equipment and buildings) hereby approved shall be dismantled and removed from the site and the land restored in accordance with a scheme and timetable of decommissioning works and land restoration pursuant to condition 4 of this consent, in accordance with the following timescales, whichever is the sooner:

- a) Within 40 years following first export of electricity to the grid; or
- b) within 6 months of the cessation of electricity generation by the solar PV facility hereby approved; or

Written notice of the date of first export, the cessation of electricity generation or the permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, shall be given to the Local Planning Authority within 14 days of the said event occurring.

Reason: To ensure an acceptable restoration of the site in the interests of the setting of heritage assets.

- 4) Not later than 12 months before planned decommissioning of the development hereby approved a final scheme for decommissioning and the restoration of the site, based on the draft Decommissioning Plan (P21-3164 dated August 2023), shall be submitted to and approved in writing by the Local Planning Authority. In the event of unplanned cessation of electricity, under scenario (b) of condition 3, a scheme for decommissioning and the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date electricity generation ceased. The scheme shall make provision for the removal of the solar arrays and the associated above ground structures, equipment and foundations. The scheme shall include the management and timing of any works; a traffic management plan; an environmental management plan including measures to protect wildlife and habitat; identification of access routes; restoration measures; and a programme of implementation. Decommissioning and re-instatement of the land shall be carried out in accordance with the approved scheme.

Reason: To ensure an acceptable restoration of the site.

- 5) 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). The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme. There shall be an undeveloped buffer strip of at least 5 meters wide should be maintained alongside all watercourses.

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

- 6) The development hereby approved shall proceed only in accordance with details set out in the Impact Acoustics Construction Noise Impact Assessment Report (IMP7273-2 dated November 2023). In accordance with the report, during the construction phase, the recommended acoustic screen shall be utilised when piling is within 300m of any sensitive receptor(s) and a piling dolly shall be utilised at all times. Piling operations shall only be undertaken between 08:00-18:00hrs on any day.

Reason: To safeguard the amenity of the area arising from construction and decommissioning activities.

- 7) For the duration of the construction and decommissioning period, deliveries shall only be received at or dispatched from the site between the hours of 08:00 and 18:00 hours Monday to Friday and not at all on Saturday, Sundays and Bank Holidays.

Reason: To protect the amenity of the occupants of residential properties adjacent to the construction route.

- 8) Within 6 months of the first export of electricity to the grid, the Temporary Storage Compound shall be completely removed and the site restored and returned to its original condition, to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the site restored and the setting of Grafton Manor retained in accordance with policy BDP20 of the BDP.

- 9) The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement (AMS) produced by Woodland & Countryside Management Ltd Dated: 11th July 2023 and associated Tree Protection Plan ref: WCM/SSR/SS/JC/CFF/TP/2, dated: 11th July 2023, setting out how the existing trees are to be protected and managed before, during and after development. The development shall not first come into use unless and until an Arboricultural Supervision Statement shall have been submitted to, and agreed in writing by, the Local Planning Authority, the contents of which shall have first been agreed in writing by the Local Planning Authority following a pre-commencement meeting. Thereafter the development shall proceed in strict agreement with such details as have been agreed.

Reason: To safeguard existing trees from the impacts of development.

- 10) No development shall commence until a detailed landscaping and tree planting scheme, including details of maintenance of the proposed planting, shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the submitted Landscape and Ecological Strategy Plan, drawing J01047-GA-01 (dated 14/02/23) and shall include details of species, sizes, and densities of plants. Such scheme shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority and shall be maintained in accordance with the agreed scheme for a minimum period of 5 years following the completion of the approved landscaping scheme. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape, in the interest of safeguarding the visual amenity and landscape qualities of the area.

- 11) No topsoil shall be stripped, or intrusive groundworks undertaken, during the development, lifecycle or removal of the Temporary Construction Area.

Reason: In order to protect the archaeological value of the site in accordance with paragraph 205 of the National Planning Policy Framework.

- 12) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and

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

Prior to the first export of electricity to the grid, the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to protect the archaeological value of the site in accordance with paragraph 205 of the National Planning Policy Framework.

- 13) Prior to the erection of any security cameras and associated equipment, a plan showing camera location and coverage shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, development shall proceed in strict accordance with such details as have been agreed.

Reason: In the interests of safeguarding the amenity of neighbouring properties.

- 14) Prior to the commencement of any development hereby approved, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include where appropriate: proposed finished levels or contours and hard surfacing materials relating to maintenance and access routes. Thereafter, the development shall be proceed in strict accordance with such details as have been agreed.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

- 15) No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with the approved Tree Protection Plan. Such fencing shall be retained and maintained during the construction and decommissioning phases of the development. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately, and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

Reason: In order to safeguard existing trees which form an important part of the amenity of the site.

- 17) Notwithstanding the submitted Construction Traffic Management Plan (CTMP) P21-3164TRO1, a final CTMP shall be submitted to, and be approved in writing by the local planning authority, in consultation with National Highways, prior to the commencement of development.

The detailed CTMP would incorporate the following:

- The requirement for new signs with the existing 32 tonne limit and stating only one vehicle on bridge to ensure that it is clear vehicles to and from the proposed development would not exceed the limit.
- The agreed table of numbers/weights of vehicles to cross the bridge
- The requirement for an inspection regime for the area between the SRN boundary (M5) and Compound boundary and procedures for addressing any stability issues, to be identified and agreed in writing with the Local Planning Authority and the Highway Authority
- Further details relating to the Temporary Compound off Grafton Lane including:
 - Lighting
 - SRN Boundary
 - Compound Surface / Ground Stability
 - Statutory Undertakers equipment

Reason: In the interests of road safety.

- 18) A final Construction Environmental Management Plan (CEMP), covering the solar plant delivery, underground cable connection works and works compound area, will be submitted to and approved by the LPA prior to commencement of the works. The CEMP is to mitigate potential construction phase impacts on features identified in the Ecological Impact Assessment (ref. J01125 Version 2.0), plus impacts on amphibians.

Reason: to minimise negative impacts on ecological receptors during construction.

- 19) Notwithstanding the submitted Landscape and Ecological Management Plan J010047/V3, (LEMP), a final LEMP shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP will ensure the delivery of all measures outlined in the Ecological Impact Assessment and include a bespoke Bat Survey, Monitoring and Mitigation Strategy (Ref. J01125 Version 2.0).

Reason: To ensure habitats are reinstated, enhanced, and managed, to maximise potential for biodiversity.

- 20) No external lighting or audible alarm shall be erected on the site unless details of the proposed lighting/alarm have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with such details as have been agreed.

Reason: To ensure habitats are reinstated, enhanced, and managed, to maximise potential for biodiversity.

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

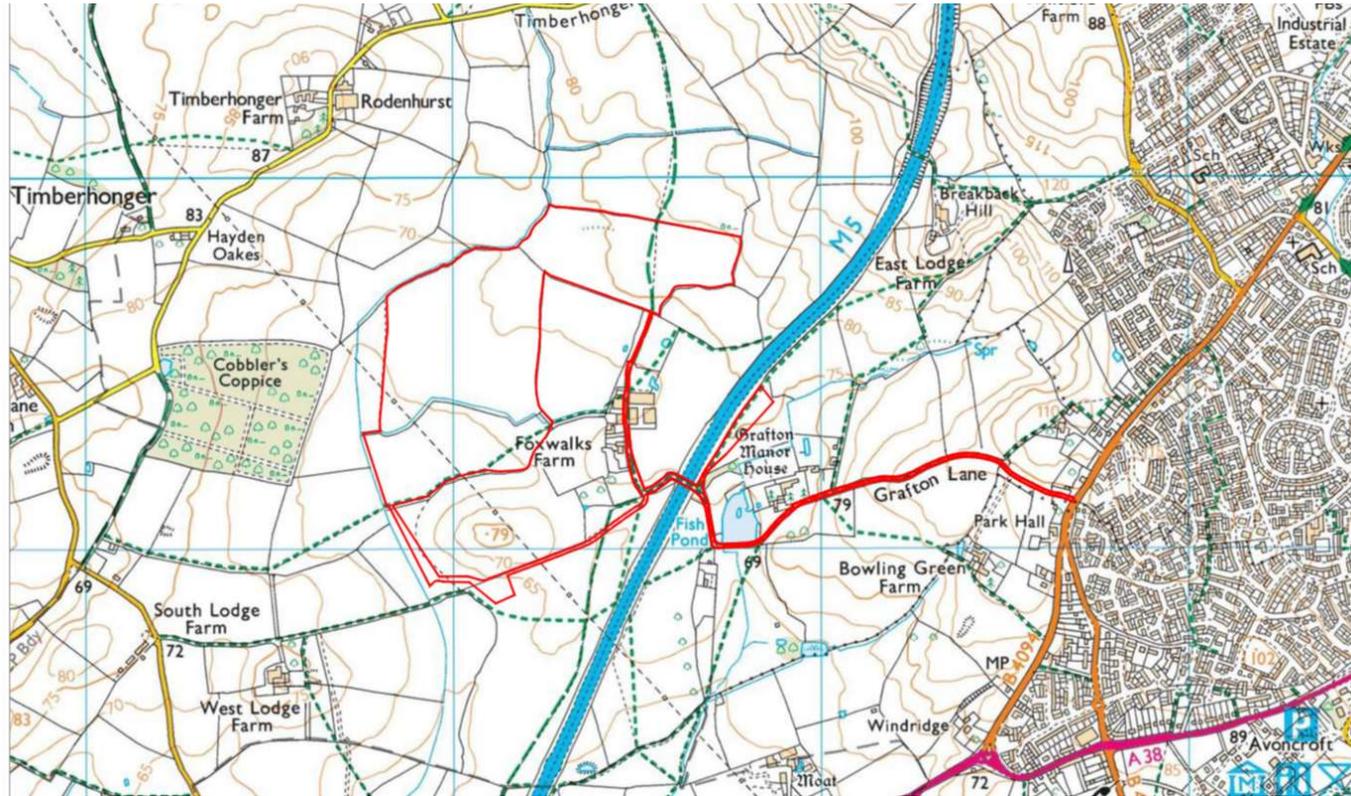
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23/00896/FUL

Foxwalks Farm, Grafton Lane Bromsgrove
Worcestershire B61 7HB

Proposed solar farm development comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements

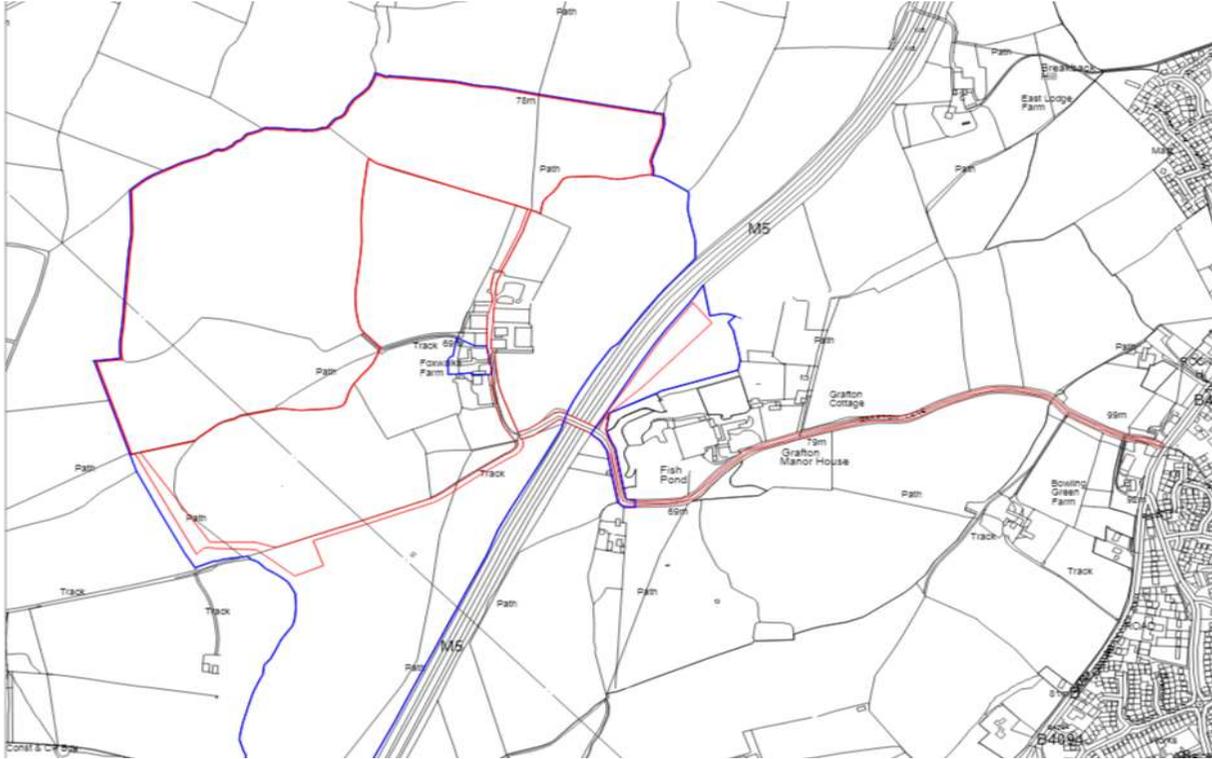
Site Location Plan



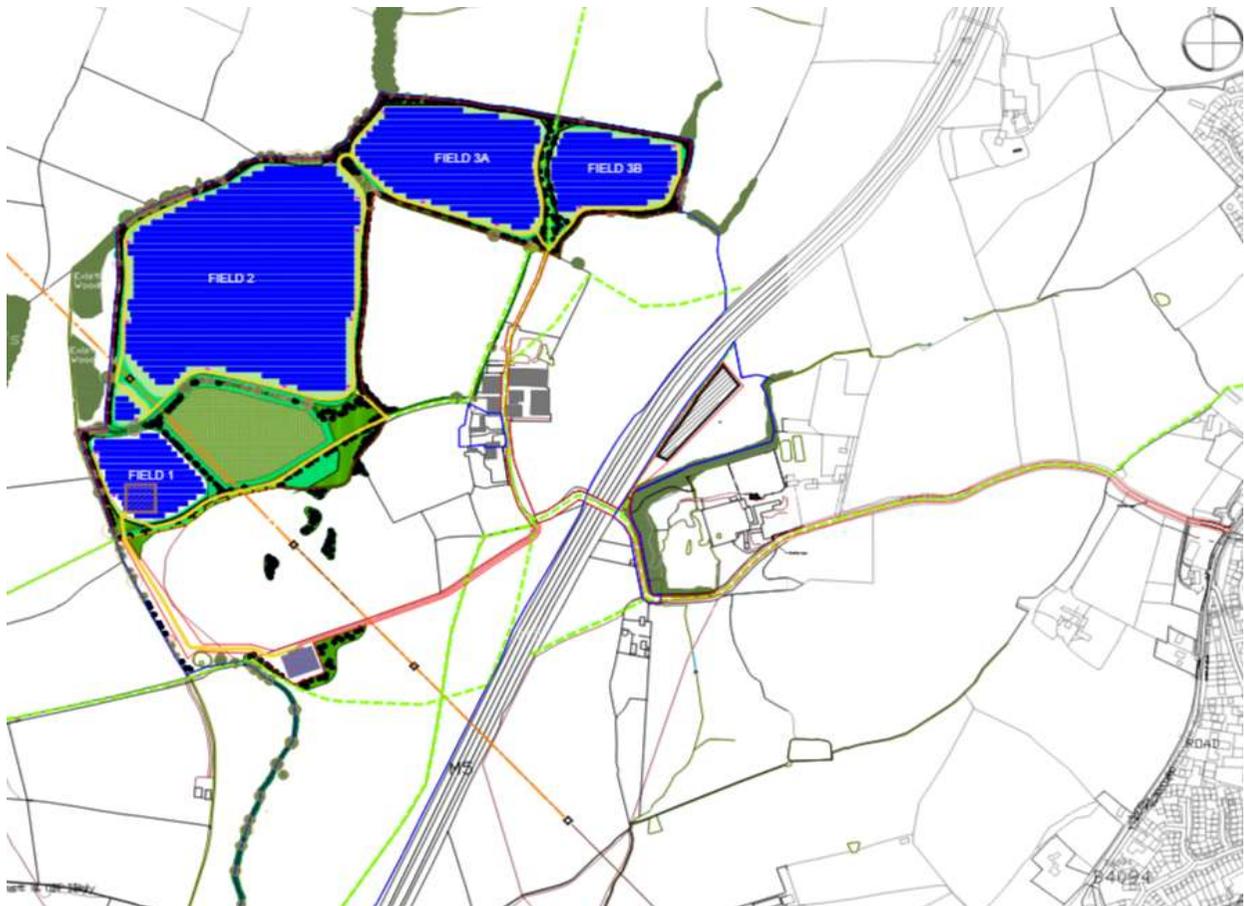
Context Plan



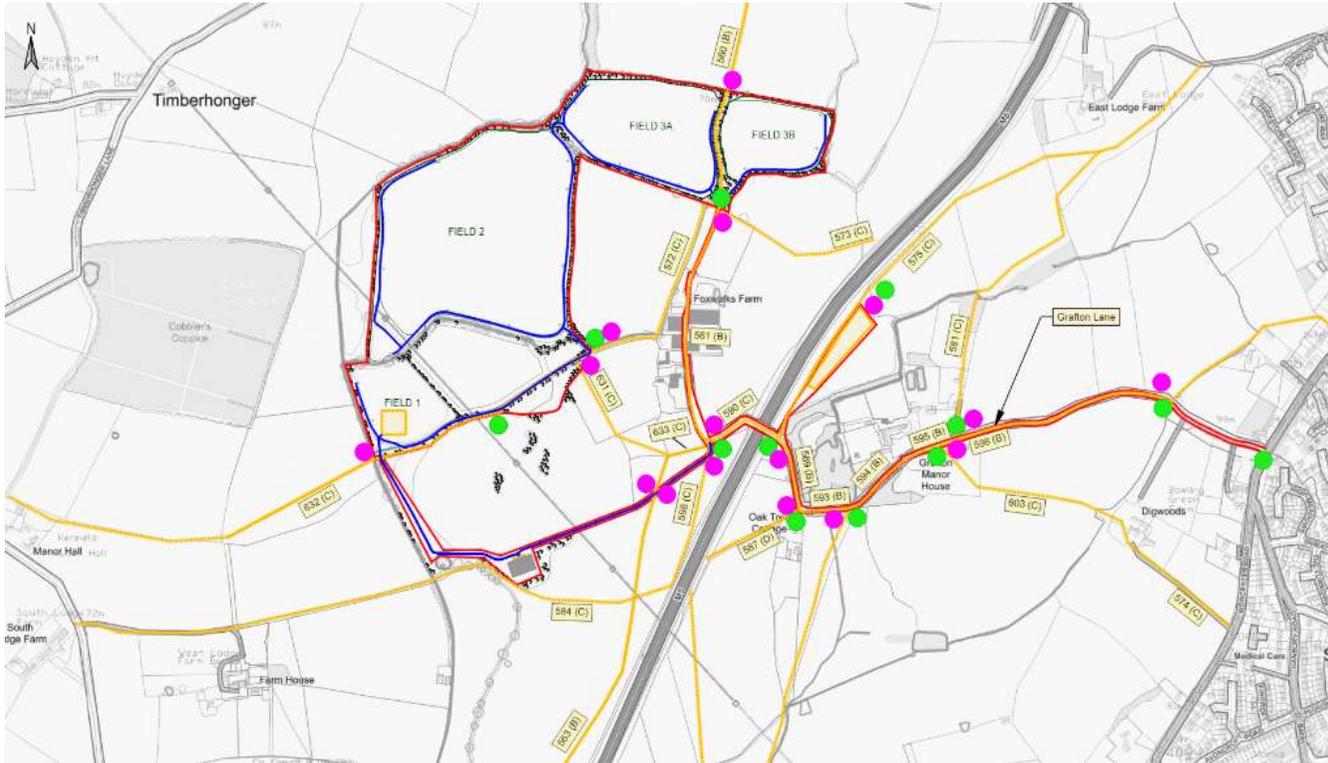
Existing Site Plan



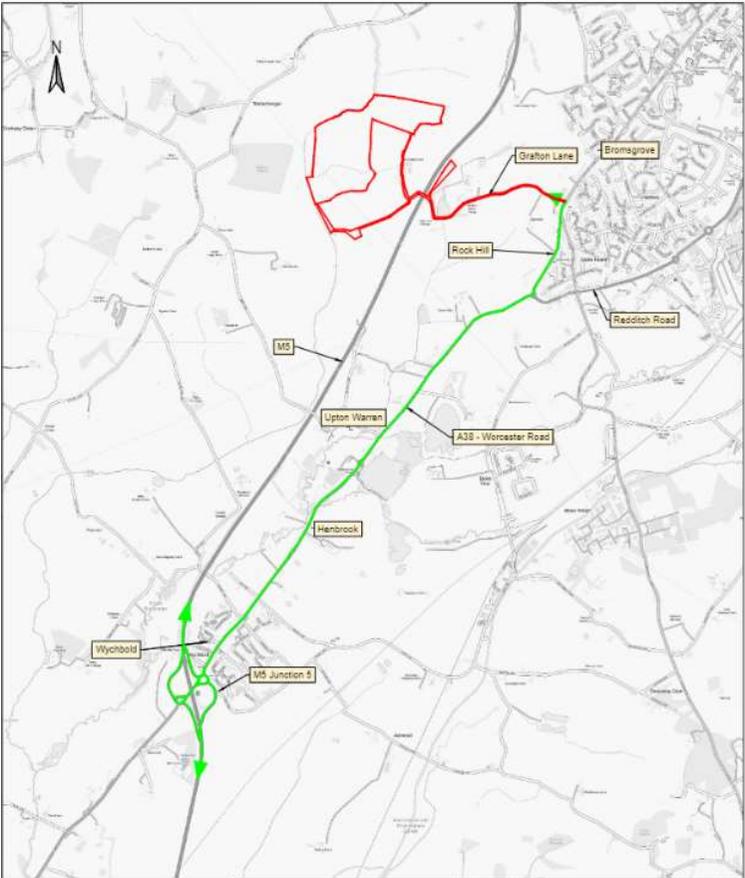
Proposed Site Plan



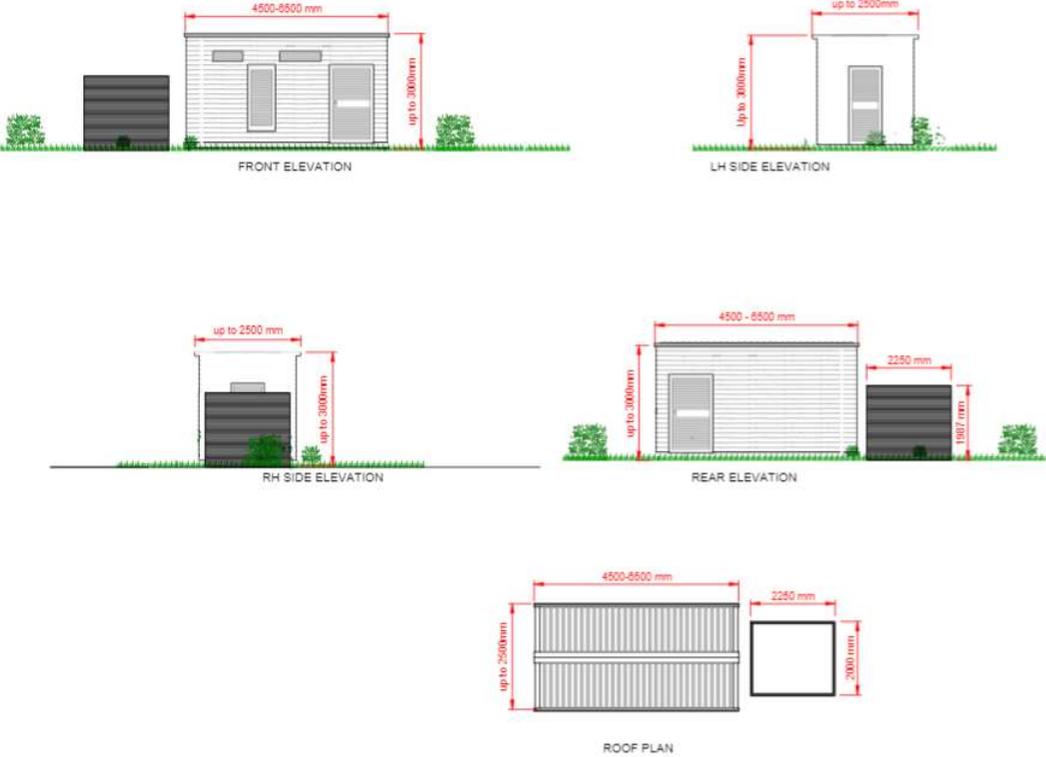
PROW Mitigation Plan



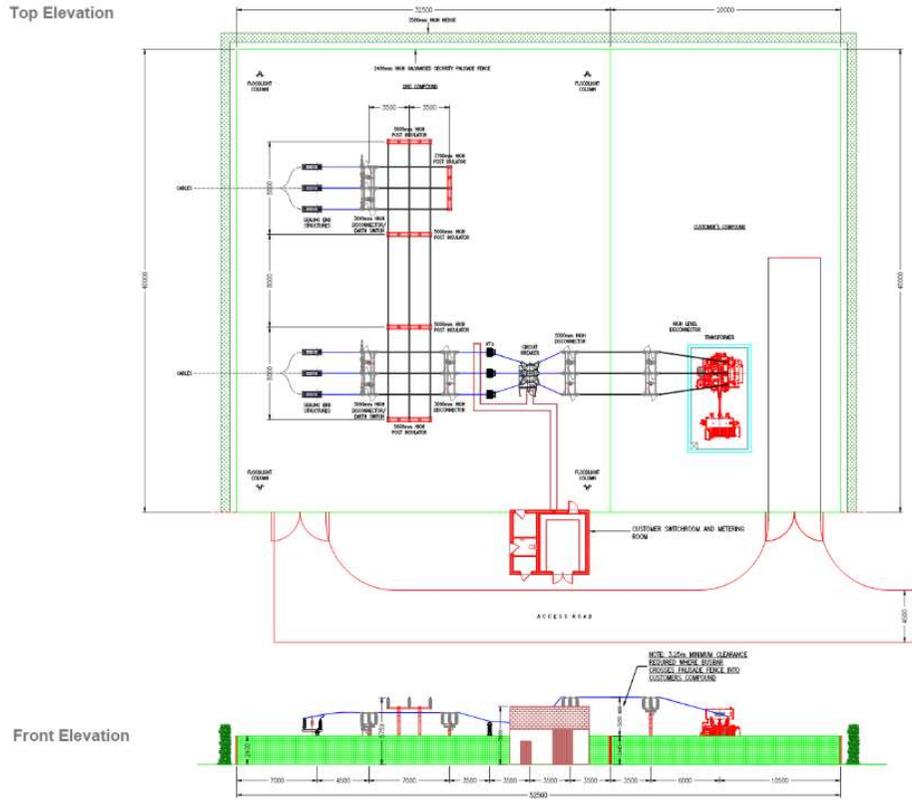
Construction Traffic Routing Plan



Transformer Housing Plans

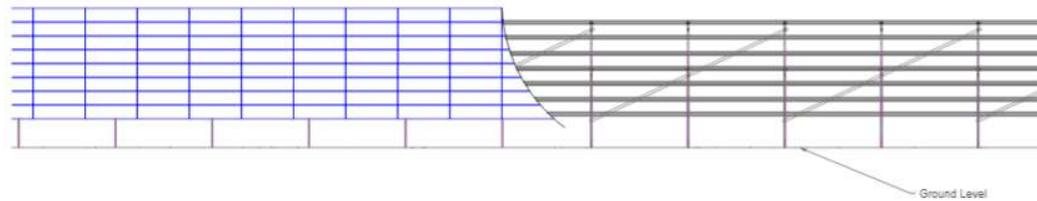


Proposed Substation

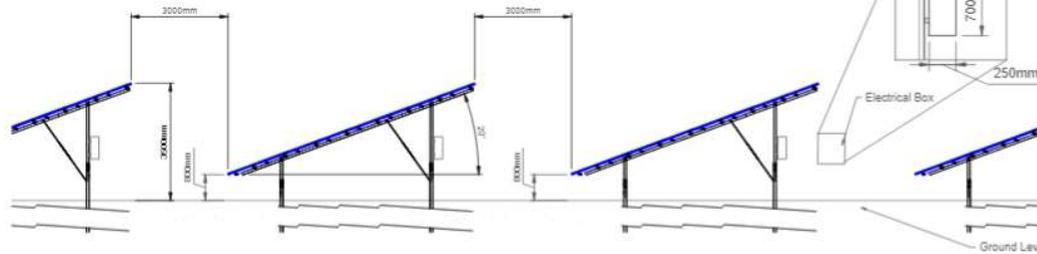


Proposed Panel Elevations and Cross Sections

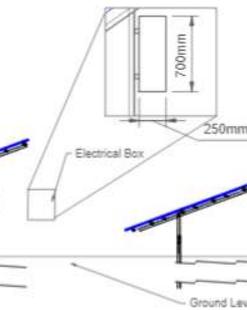
Front Elevation
Panels and Frame



Cross Section
Panels and Frame



Electrical Box Detail



Photographs

Site looking west from
footpath 579B



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View looking south from
Timberhonger Lane



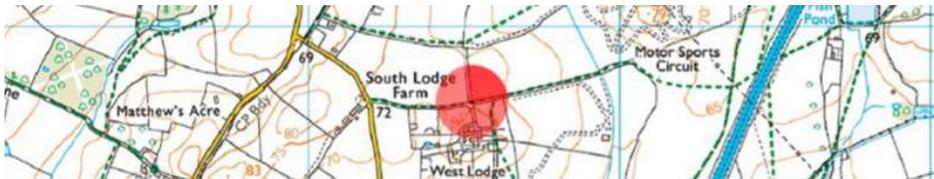
Agenda Item 4

Photographs

- View SW towards proposed Substation from PROW 598C



- View NNE towards site from West Lodge and PROW 583C



Photographs

- Views from PROW 572C at Foxwalks Farm looking West



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bromsgrove School	Demolition of the existing building and erection of a new teaching facility for Bromsgrove School together with associated car parking, landscaping, drainage and access Former Altered Images, 80 Worcester Road, Bromsgrove, Worcestershire, B61 7AG	02.05.2024	24/00110/FUL

RECOMMENDATION:

- (a) **MINDED** to **GRANT** Full planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - i) A financial contribution of £4,500 for Traffic Regulation Order for puffin crossing.
 - ii) A financial contribution of £19,000 for puffin crossing maintenance.
 - iii) A planning obligation monitoring fee.
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Consultations

Worcestershire Highways

No highway objection subject to conditions and planning obligations.

Conditions

Approved Plans – Layout works

Approved Plans –Highways works

Construction Environmental Management Plan

Planning obligation

A financial contribution of £4,500 for Traffic Regulation Order for puffin crossing.

A financial contribution of £19,000 for puffin crossing maintenance.

Conservation Officer

The proposed site lies to the north west of the Worcester Road and comprises a modern building of little architectural merit. Directly opposite the site is Thomas Cookes House (Grade II), in a raised position above Worcester Road and part of Bromsgrove School. It forms part of the original school and dates to the late 17th century. It is three storeys with attics, constructed in brick, with stone detailing, timber sash windows beneath a pitched slate roof. Its significance is derived not only from its architectural interest but also its historic interest linked with the development of Bromsgrove School. Adjacent to Thomas

Cookes House and located back of pavement is 87 & 87A Worcester Road (Grade II). A two storey building with attics, now two dwellings, constructed in red brick with stone detailing, beneath pitched tiled roofs. Its significance is derived from its architectural and historic interest as part of the development of the town.

The existing building is of no architectural merit and there is no objection from a conservation perspective to its demolition. The proposed building draws some design details from Thomas Cooke House opposite. The entrance to the building is opposite the steps up to Thomas Cookes House, but due to the topography of the site, the older building will still dominate the new building. The scheme is in accordance with heritage policies set out in the Bromsgrove District Plan and the NPPF.

Recommend conditions in respect to materials, and submission of details in respect to boundary treatment.

Worcestershire Archive and Archaeological Service

The proposed development area (PDA) has moderate potential for below ground archaeological remains of local significance. Set within an area of post-medieval expansion, the 1839 Bromsgrove Tithe records a large L shaped building, recorded as house and garden, within the plot. The PDA also bounds the mapped alignment of Roman Road from Worcester to Lickey, which formed the road system of the medieval town, and therefore there is potential for surviving archaeology associated with both the road itself, as well as earlier settlement.

The application has potential to impact heritage assets of archaeological interest that would be significantly altered or lost through development. It is recommended that a programme of archaeological works should be secured and implemented by means of conditions to ensure evaluation by trial trench initially followed by any mitigation measures required subject to the results of the evaluation.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding) and is at very low risk of surface water flooding. We hold no reports of flooding on site, but we are aware of flooding in the nearby vicinity.

The site is currently comprised almost entirely of impermeable surfaces, with the proposed development incorporating landscaped areas which will help to reduce the amount of runoff generated from the site.

Ground investigations details rule out infiltration drainage due to high groundwater levels, the drainage strategy therefore proposes permeable paving with a sub-base for attenuation, and an outfall to the adjacent Spadesbourne Brook. Whilst this may be acceptable, it is disappointing that no other above-ground SuDS have been considered as the site lends itself to the use of swales, bioretention areas and raingardens as part of the landscaped areas, and this would ensure compliance with our SuDS design and evaluation guide.

A revised drainage strategy will need to be provided and include finished floor levels and key outside ground levels. A condition is recommended to for these details.

Arboricultural Officer

There are no trees within the site that will need either removal or be adversely influenced by the development. However, there are a mature off site trees standing close to the Northern and Western boundaries of the site. The proximity of these trees to the boundary means that a large proportion of RPA on the trees falls within the site beneath existing hard standing access road or car parking areas. Therefore, the initial demolition work can be done off these areas and would not be expected to have any detrimental influence on the trees which is recognised within the KEEN Tree Survey and Impact report submitted.

The Keen Tree Survey and Impact report also highlights that there are to be soft landscape features introduced to some areas of the boundaries to replace and reduce the existing hardstanding within the RPA of the boundary trees. This is welcomed even if only for a limited amount, as it will improve the growing environment for the trees. However, the work to remove the existing hardstanding will need to be sympathetically done by hand to ensure that no harm is caused to tree roots in those areas.

The proposed drainage scheme on the site highlights that there is an intension to install a new storm drainage water management system. However, sections of this drainage system will run within the RPA of the adjacent trees. Excavation work required to install such drainage has the high potential risk to cause extensive root damage to trees.

The proposal highlights an intension to prune the Leylandii hedge on the Southern boundary of the site to which I have no objection.

The drainage system needs to be redesigned to avoid conflict with the RPA of any tree standing within the adjacent properties.

Recommend that an Arboricultural Method Statement be provided to cover the points of the removal of the existing hardstanding and creation of new soft landscaping areas within the Root Protection Area of any trees.

WRS - Contaminated Land

Our records indicate that there is some industrial usage history on site, as well as an adjacent builder's yard and at 200m an area of unknown infill. Due to the unknowns that may appear with the demolition, and the potentially sensitive end use, WRS recommend a tiered mitigation condition in respect to unknown potential contaminants.

WRS - Noise

Recommend conditions for the following matters:

Noise: The submitted noise assessment (Hoare Lea Rev. 1 Dated 19th December 2023) appears satisfactory. The recommendations of the noise assessment in terms of the building construction, glazing and ventilation provision should be implemented, and the applicant should confirm that the cumulative impact of the proposed external plant will comply with noise limits detailed in the noise assessment.

Demolition / Construction Nuisance: The applicant should submit a Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction / demolition phase(s).

WRS - Air Quality

No objections.

Community Safety Manager

The site itself sits on one of the main roads through the centre of Bromsgrove. It has a high level of traffic that uses the road creating good natural surveillance. The area itself does have high reported incidence of crime especially around the nighttime economy with multi licensed premises being located close to the development. Locally schools have had incidents of ASB occurring on their grounds, alongside graffiti being installed on their buildings. The risk posed by each of these threats can be reduced through good design, contributing towards a more sustainable development. The submitted layout proposes a closed site, this is generally positive from a crime prevention point of view as hostile elements perceive there are reduced avenues of escape and that there is less opportunity for discreet reconnaissance.

The rear of the development has the Spadesbourne Brook run behind it and has a high tree row which borders the rear of the development and gives a good natural border to the site.

The design of one single entrance for cars is favourable for a secure site alongside a separate entrance for pedestrian. It is noted that the parking will be sited at the rear of the design this can often reduce the security for vehicles parked, through the current design, despite this being sited at the rear of the development it does still have natural surveillance from the classroom windows that overlook it alongside an outside seating area, this will all improve the security of the car park.

Cadent Gas Ltd

No objection.

Publicity

15 letters sent to neighbours 12th February 2024 expired 7th March 2024

Press advert 16th February 2024 expired 4th March 2024

Site notice displayed 12th February 2024 expired 14th March 2024

Three comments received; comments are summarised as follows:

- No objection to the proposal.
- Concerns relating to right of access, and access to historic car parking facilities.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP6 Infrastructure Contributions

BDP17 Town Centre Regeneration

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

Others

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

Relevant Planning History

B/18721/1989	Erection of two storey extensions, (as augmented by plan received 3.1.90).	Approved	12.02.1990
B/1992/0588	Change of use of shrub area to car parking (as amended by plan received 09.10.92).	Approved	12.10.1992

Assessment of Proposal

Site Description

The site comprises of the former Altered Images (private gym facility) located at No. 80 Worcester Road. Access to the site is via Worcester Road. The existing building is two storeys in height and includes a car park that wraps around the building. Mature tree planting and Spadesbourne Brook exist at the rear of the site.

The application site also includes an area of Worcester Road to provide a new puffin crossing.

Proposal

The applicant is proposing to demolish the existing building and construct a 2.5 storey building to provide sixteen classrooms with associated ancillary rooms intended predominantly for sixth form students. The wing at the rear would serve functions such as career/university advice, and student break out space for group work.

The proposed teaching facility for Bromsgrove School would support the main senior school campus at Worcester Road. The school is planning to increase boarding accommodation on the main school campus by altering some existing teaching accommodation. Therefore, replacement teaching facilities are required.

The building has been designed to be in keeping with the Bromsgrove School campus and would be finished in red brick, with stone detailing beneath a pitched slate roof together with landscaped grounds including tree planting on the frontage to further enhance Worcester Road.

In terms of access, it is proposed to relocate the existing vehicular access and construct a new puffin crossing to safely link the existing school campus on the south-east side of Worcester Road to the site.

Assessment

The site is located within the Bromsgrove Town Centre Zone as allocated within the Bromsgrove District Plan. Policy BDP17 of the District Plan would apply.

BDP17.1 of the District Plan refers to the Town Centre Zone as an area where significant change and conservation is needed to promote future development. All new development is required to be appropriate, in terms of scale, quantity and use, to the character and function of the Town Centre.

BDP17.2.2 of the policy states that Bromsgrove Town Centre will continue to be the main retail centre of the district with extended Primary and Secondary Shopping Zones being the focus for a range of retail, office and residential uses. The Secondary Shopping Zone stops at No. 78 Worcester Road meaning that the application site does not fall within these two designated zones, and as such the site is regarded as being within the periphery of the Town Centre Zone.

To the south west of the application site is the Worcester Road Employment Area. BDP17.17 of the policy refers to this area as 'TC10 Worcester Road Employment Area' and supports proposals for new employment uses within the existing employment allocation. Reference is made to Policy BDP14, and states that other uses may be acceptable where it can be demonstrated that they support the wider enhancement of the Town Centre and do not compromise the existing retail core of the Town Centre.

BDP17.18 of the policy affirms that any major redevelopment scheme proposed within the Worcester Road Employment Area should reflect the linear nature of the Town with active frontages along Worcester Road, although opportunities exist for a wide range and scale of design approaches on other areas of the site. The eastern edge of the site, bounded by the Spadesbourne Brook and Sanders Park must address these features whilst taking the risk of flooding into account and where possible look to use these features as a positive design element. Opportunities should also be sought through the design and layout for reducing the flood risk in the area.

Although the application site does not fall within a particular shopping zone nor the employment area of Worcester Road, it is considered that the principal of educational facilities in this location would be an enhancement to the Town Centre in an area that has established educational facilities. The relationship of the application site to the existing neighbouring Bromsgrove School buildings will be further enhanced with the provision of a puffin crossing on Worcester Road.

The former gym facilities have been closed for some time following on from a decline in gym membership and other gym facilities operating within the Town. The demolition of the building would enable the opportunity to provide a building that will add a visual enhancement to the Town including the provision of additional landscaping to soften the appearance of this part of Worcester Road.

Paragraph 131 of the NPPF (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF requires development to:

- a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 136 of the NPPF refers to trees and how they make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

It is considered that the scheme would not conflict with the existing retail core of the Town Centre and would support the wider enhancement of the Town Centre. The proposal would complement the linear nature of the Town Centre providing an accessible, attractive, active frontage, sympathetic to the local character of the area along Worcester Road. In addition, the provision of additional formal tree planting would be an enhancement and improve the visual appearance of this area of the town. As such the proposal would be in accordance with Policy BDP17 of the District Plan, and the NPPF.

Conservation Matters

The site does not fall within the Town Centre Conservation Area; however, it is near Thomas Cookes House and 87 & 87A Worcester Road, all Grade II listed. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy BDP20 of the District Plan states that development affecting heritage assets, including alterations or additions as well as development within the setting of heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets.

In addition, Paragraph 201 of the NPPF requires LPAs to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The proposed building clearly draws its inspiration from Thomas Cookes House opposite without slavishly copying it. The windows and dormers give the building a vertical emphasis and the stone detailing also reflects its prominent neighbour. The entrance is on axis with the steps up to Thomas Cookes House, but the topography will allow the older building to dominate the new building.

The existing former gym building is of limited architectural merit. The replacement building will complement the designated heritage assets close by. The Conservation Officer supports the proposal subject to conditions.

The County Archaeology Service advise that there is moderate potential for below ground archaeological remains of local significance due to the alignment of the Roman Road from Worcester to Lickey, as well as reference to an earlier settlement. There could be potential to impact heritage assets of archaeological interest because of the development. County Archaeological Service recommend conditions to secure a programme of archaeological works.

Highway Matters

As mentioned above, it is proposed to relocate the existing vehicular access and construct a new puffin crossing to safely link the existing school campus to the site. A Transport Statement has been provided as supporting information for the proposal and confirms that there would be no increase in either staff or student numbers associated with this proposal.

Access

Worcestershire Highways have considered the proposal and acknowledge that Worcester Road is lit, serves as a bus route, subject to a 30mph speed limit, and has footpaths on both sides of the road. The road is of a standard that is suitable to serve the various employment, residential and education uses in the area.

The Transport Statement advises it is proposed to relocate the existing vehicular access to the north-east edge of the site. The new access will be 5.0m wide with a footway crossover. The existing vehicular access will be closed, and the footway and kerb reinstated. A new, gated, pedestrian access is to be formed at the approximate location of the existing vehicular access. Worcestershire Highways has raised no objection to this element of the scheme.

Given the closure of existing access points and the creation of new ones, together with alterations to the existing kerbing, Worcestershire Highways will require the entire existing frontage footway to be resurfaced. This would be included within a separate S278 Agreement.

Puffin Crossing

The proposals also include the provision of a new puffin crossing that will link the main school campus and the site. There will be associated guard railing and tactile paving, the final details of which will be agreed at the appropriate time during the technical approval for the highway works. The form of crossing is in keeping with the existing crossings on Worcester Road. There is a puffin crossing at the intersection of Worcester Road and Hanover Street, as well as two zebra crossings which are approximately 100m north of the proposed crossing. There is a further pelican crossing approximately 300m south of

the site, near to the primary access into Bromsgrove School. The proposed puffin crossing position is located so there is a minimum 20m separation from the vehicular access.

Worcestershire Highways has no objection to the provision of a new puffin crossing in this location. Given that it would be predominantly used by students walking between the two school sites during the school day, it is accepted the potential benefit to highway safety would outweigh any nominal increase to journey times for traffic.

The following would be required for the new puffin crossing:-

- The associated zig zag markings will require an associated Traffic Regulation Order to be promoted and the Applicant would be liable for the £4,500 processing fee;
- Existing street lighting will need to be reviewed and potentially altered to ensure the crossing is sufficiently illuminated;
- High friction surfacing on the approaches should be laid; and
- Existing highway surface water drainage may need to be altered to ensure no drainage issues impact on the new pedestrian crossing point.

The applicant would be required to provide a commuted sum for future maintenance of the new crossing and be covered by a suitable legal agreement. For a new basic signal-controlled pedestrian crossing installation across a two-lane single carriageway, Worcestershire Highways propose the commuted sum of £19,000. The applicant has agreed to this.

Installation of the puffin crossing would require the applicant to enter into a separate S278 Agreement to cover these off-site highway works. The S278 Agreement would also cover:

- (i) the new vehicular access,
- (ii) the reinstatement of the footway and kerbs to full height at the location of the existing crossing and
- (iii) any other highway works identified during the detailed design stage.

These matters would be addressed during the detailed design stage covered by the S278 Agreement.

Layout and parking

The proposed site layout for the new building shows a reduced footprint, with vehicle access moved to the north-east, and separate secure pedestrian access maintained in the middle of the site frontage. Car and cycle parking would be located to the rear of the site, also accessed through a secure gate.

Access to two car parking spaces close to the entrance of the site is shown on the layout plan. These are for the adjacent premises, who have a historic legal right of access to the spaces.

16 car parking spaces, including two disabled bays, would be provided for the development. This is a reduction on the existing 44 spaces. The car parking is intended for those members of staff who would effectively transfer from the main campus, and park on the site instead. Alternatively, staff could continue to park on the main campus and

walk to the new building. Worcestershire Highways has no objection to the proposed layout and parking provision.

Servicing

All deliveries will be made to the main senior school campus and transported by the school to the site by a vehicle no greater than a 4.6T light van. Refuse will be collected by the school and transported to their central facility on the main school campus. Due to the current size of the school campus, waste and refuse is dealt in this way at present, with collections made internally from all the buildings to a central facility where it is collected by typical refuse collection vehicles. Therefore, no large delivery vehicles would be required to service the site.

Traffic Generation

Worcestershire Highways is content the development is likely to result in less traffic than the previous use and will not have any noticeable detrimental impact on any surrounding junctions or links. The site is in a sustainable location and can be accessed via variety of modes of transport.

Worcestershire Highways raise no objection to the proposal subject to conditions and a Planning Obligation for contributions towards highway works and the provision of a puffin crossing and its maintenance.

Planning Obligations

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

The Obligation in this case would cover:

Traffic Regulation Order

- Specific Purpose – A fee to process a TRO application is required in this location, in relation to the proposed puffin crossing and the need to amend the existing waiting restrictions TRO on Worcester Road to accommodate the zig zag markings.
- Contribution - £4,500.
- Trigger – Prior to occupation.

Puffin Crossing Maintenance

- Specific Purpose - The proposals will generate additional pedestrian movements in this locality and the Applicant proposes to install a new Puffin Crossing. The Highway Authority requires a contribution towards the future maintenance of this asset, as it will be adopted as it forms part of the adopted public highway.
- Contribution – £19,000.
- Trigger – Prior to occupation.

The applicant is agreeable to enter into a legal agreement to address the highway requirements for the development. On that basis, it is considered that this is in accordance with the aims of BDP6 and BDP16 of the Bromsgrove District Plan, which,

among other things, require financial contributions towards pedestrian, and highway infrastructure to ensure the sustainable movement of people.

Trees

There are mature trees adjacent to Spadesbourne Brook that are outside of the application site, however, the Root Protection Area (RPA) for the trees concerned will be within the site. Initially the Tree Officer raised concerns regarding impact of the proposed drainage system on the RPA of the adjacent trees. However, the submission of a revised drainage plan has addressed these concerns, and the Tree Officer has no objections to the proposal subject to conditions.

Drainage matters

The site falls within flood zone 1 and is at very low risk of surface water flooding in this area of the town. The site has some potential for above ground SuDS such as swales, bioretention areas and raingardens as part of the landscaped areas. This would ensure compliance with North Worcestershire Water Management's SuDS design and evaluation guide. Policy BDP17 refers to Spadesbourne Brook and the possibility of including features that can be a positive design element to address potential surface water flooding. No additional information has been submitted to address this matter. Therefore, a drainage condition is recommended.

Publicity

3 letters of comment have been received, one supports the proposal and other comments relate to historic rights of access. Whilst this issue would not be regarded as a material planning consideration, the provision of access and car parking has been addressed within the layout of the scheme.

Conclusion

The proposal would not conflict with the employment area on Worcester Road, or the existing retail core of the Town Centre. The proposal would complement the linear nature of the Town Centre providing an attractive, active frontage, that would enhance the local character of the area along Worcester Road. In addition, the provision of additional formal tree planting would improve the visual appearance of this area of the town. As such the proposal would be in accordance with Policies of the District Plan, and the NPPF. Having considered all material planning considerations, I am thus minded to recommend approval of the full planning application, subject to conditions and a Planning Obligation to cover highway matters.

RECOMMENDATION:

- (a) **MINDED to GRANT** Full planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - i) A financial contribution of £4,500 for Traffic Regulation Order for puffin crossing.
 - ii) A financial contribution of £19,000 for puffin crossing maintenance.
 - iii) A planning obligation monitoring fee.

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

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 plans to be defined.

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: In order to ensure that the setting character of the listed buildings is maintained as a result of the works in accordance with the 1990 Act, policy BDP20 of the Bromsgrove District Plan and the NPPF.

- 4) Prior to their first installation, details of the doors, door frames, window, window frames, rainwater goods to be used externally 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: In order to ensure that the setting character of the listed buildings is maintained as a result of the works in accordance with the 1990 Act, policy BDP20 of the Bromsgrove District Plan and the NPPF.

- 5) Prior to the commencement of the works, drawings of the proposed gates, brick piers, dwarf walls and railings at a scale of 1:20 showing the design and how the railings are proposed to be fixed to the dwarf wall, shall be submitted to and approved in writing by the LPA. The development shall then be carried out in accordance with the approved details.

Reason: In order to ensure that the setting character of the listed buildings is maintained as a result of the works in accordance with the 1990 Act, policy BDP20 of the Bromsgrove District Plan and the NPPF.

- 6) The Development hereby approved shall not be brought into use until the vehicular and pedestrian accesses has been provided as generally shown on the Robothams Drawing No. 4551-110/i.

REASON: To ensure conformity with submitted details.

- 7) The Development hereby approved shall not be brought into use until the following highway improvements works comprising:-
- The new vehicular access to serve the development.
 - The new pedestrian access to serve the development and any works that affect the existing public footway.
 - The new puffin pedestrian crossing on Worcester Road.
 - Closure of the existing vehicular access, resetting of the existing dropped kerbs to full height and reinstatement and resurfacing of the footway to suit the amended levels.

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

- 8) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
 - Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
 - Details of any temporary construction accesses and their reinstatement.
 - Details of how the existing school shall be kept open and how students, staff and visitors will be managed, in terms of avoiding conflict with construction traffic and the construction works.
 - A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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

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

- 9) 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). 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 and no increase in flood risk.

- 10) An undeveloped buffer strip of at least 5 meters wide shall be maintained alongside the Spadesbourne Brook for the lifetime of the development.

Reason: to protect the water environment.

- 11) 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 6 have been complied with:
 1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
 2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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.
 3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 5. 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.
 6. 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.
 7. 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.

- 12) No works or development above foundation level shall take place until full details of proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include glazing and ventilation provision, and cumulative impact of the proposed external plant. The details thus approved shall be fully implemented prior to first use or occupation of the development.

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

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

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

- 14) Notwithstanding the submitted details, prior to above ground works a scheme for biodiversity enhancement to include the incorporation of permanent bat roosting feature(s) and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained, and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
 - ii. Materials and construction to ensure long lifespan of the feature/measure
 - iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - iv. When the features or measures will be installed and made available.

Reason: To safeguard and to provide net gains for biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 15) The Development hereby approved shall not commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- i. Site construction access
 - ii. Contractor's car parking.
 - iii. Phasing of on-site operations.
 - iv. Welfare facilities (requirement and siting)
 - v. Storage and mixing areas.
 - vi. Tree Protection (barriers and ground protection specification)
 - vii. Tree Protection Plan (final version - if amendment is required)
 - viii. Installation of foundations within the RPAs
 - ix. Removal of the existing hardstanding
 - x. Creation of new soft landscaping areas
 - xi. Installation of hard surfaces within RPAs
 - xii. Installation of services within the RPA of trees to be retained
 - xiii. Removal of materials, facilities, and protective measures for the final phase
 - xiv. Post construction tree works and landscaping
 - xv. Monitoring

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

Reason:- To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 16) No development above foundation level of the scheme hereby approved shall take place until all soft landscaping details have been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use of any part of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.

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

- 17) No development above foundation level of the scheme hereby approved shall take place until all hard landscaping details have been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use of any part of the development.

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

- 18) With the exception of demolition of the current building to ground slab level, no development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 19) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (18) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 211 of the National Planning Policy Framework.

Case Officer: Sharron Williams Tel: 01527 534061 Ext 3372
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24/00110/FUL

Demolition of the existing building and erection of a new teaching facility for Bromsgrove School together with associated car parking, landscaping, drainage and access.

Former Altered Images, 80 Worcester Road, Bromsgrove

Recommendation: MINDED to GRANT planning permission and that DELEGATED POWERS be granted to the Head of Planning, Regeneration and Leisure to determine the application subject to a suitable legal agreement and conditions as set out in the report.



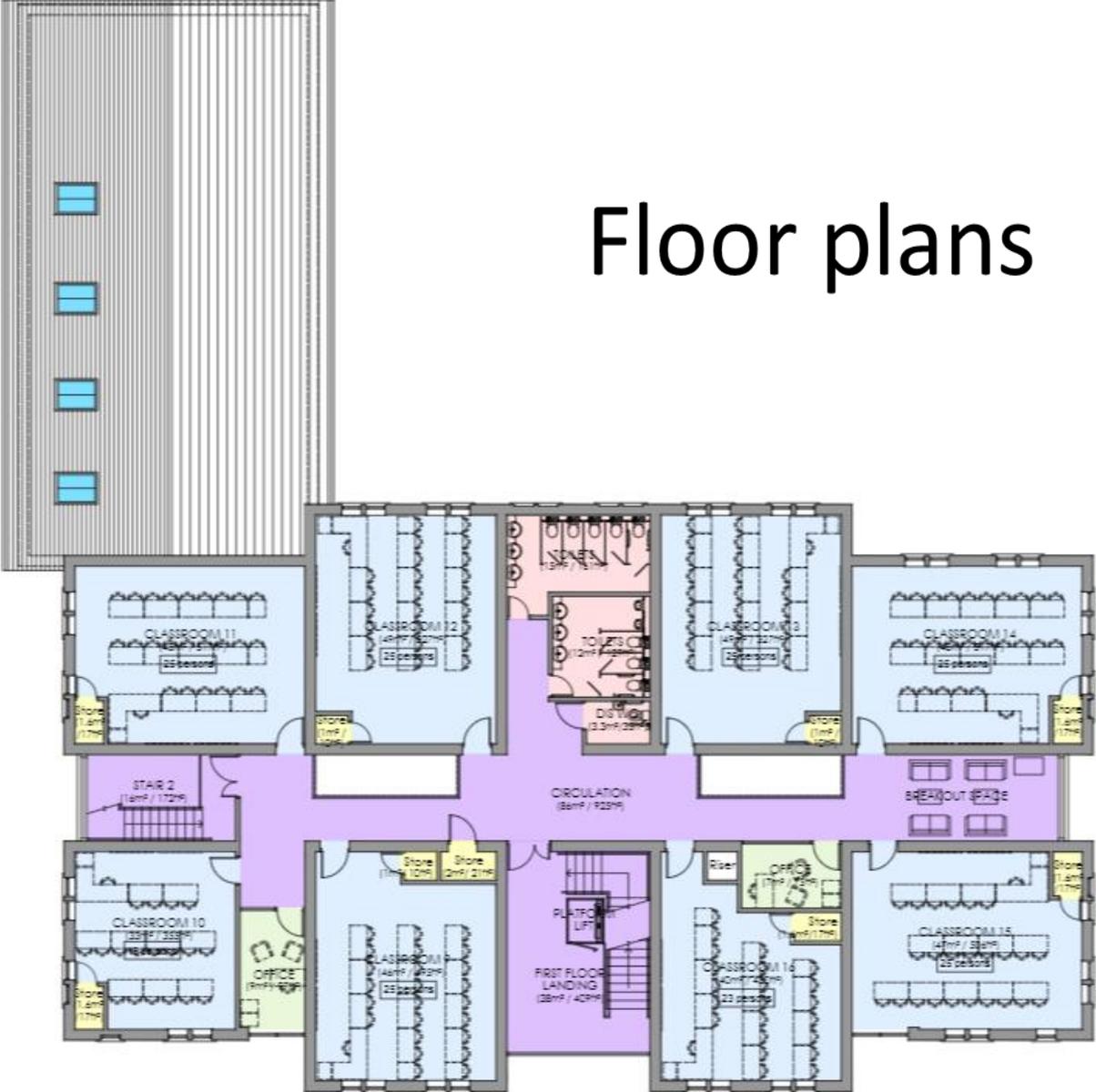
Existing site plan

Floor plans



Ground Floor Plan

Floor plans



First Floor Plan

Elevations



Front elevation



Rear elevation

Elevations



Side elevation close to 78 Worcester Road

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Proposed streetscene



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Streetview of building



Front elevation



View from Thomas Cooke House opposite



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Bird's eye view of building



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