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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 23RD JUNE 2025
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

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

AGENDA

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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meetings of the Planning Committee held on 22nd May 2025 and 5th June 2025 (Pages 7 - 22)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 25/00529/S73 - Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):
FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033- SK-005 revision F AMEND TO: No more than 49 dwellings (of which, no more

than 30 shall be for private sale and no more than 19 shall be for affordable housing) shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033/SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE- ZZ XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02. Land At, Whitford Road, Bromsgrove, Worcestershire. Bellway Homes Ltd (Pages 23 - 62)

6. 24/00960/FUL - Proposed Battery Energy Storage System (BESS) and associated infrastructure. Land Off Illey Lane, Hunnington. Mr. G. Watson (Pages 63 - 122)
7. To consider any Urgent business, details of which have been notified to the Assistant Director of Legal, Democratic and Procurement Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

J. Leach
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

12th June 2025

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

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

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

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

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

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 19th June 2025.**
- 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 19th June 2025.

- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website www.bromsgrove.gov.uk**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**



INFORMATION FOR THE PUBLIC

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- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

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

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY 22ND MAY 2025, AT 6.43 P.M.

PRESENT: Councillors A. Bailes, S. J. Baxter, J. Clarke, D. J. A. Forsythe, E. M. S. Gray, H. J. Jones, P. M. McDonald (substituting for Councillor M. Marshall), J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain (during Minute no's 1/25 to 9/25), Mr. M. Howarth, Anthony Collins, Mr. G. Boyes, Mr. D. Whittles, Mr. D. Kelly, Mr. C Perkins and Mrs. P. Ross

The Council's Legal Advisor apologised to all those present for the meeting commencing late, which was due to some Members seeking further legal advice on a procedural query.

1/25 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor H. J. Jones be elected as Chairman of the Committee for the ensuing municipal year.

2/25 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor M. Marshall be elected as Vice-Chairman of the Committee for the ensuing municipal year.

3/25 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors C. A. Hotham, R. E. Lambert, and M. Marshall, with Councillors P. M. McDonald in attendance as the substitute Member for Councillor M. Marshall.

4/25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/25 **MINUTES**

The minutes of the Planning Committee meeting held on 22nd April 2025, were received.

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RESOLVED that the minutes of the Planning Committee meeting held on 22nd April 2025, be approved as a correct record.

6/25

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

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

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

7/25

TREE PRESERVATION ORDER (18 2024) TREE ON LAND AT 2 THE COPPICE, HAGLEY, WORCESTERSHIRE, DY8 2XZ

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (18) 2024, relating to a Tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ.

The Senior Arboricultural Officer provided a detailed presentation referring to the presentation slides, as detailed on page 29 to 43 of the main agenda pack. Members' attention was further drawn to the recommendation, as detailed on page 13 of the main agenda pack.

The Senior Arboricultural Officer further informed the Committee that the provisional order was raised on 19th December 2024, as detailed in Appendix 1 to the report, in response to an indication received by the Council that the owner of the tree at 2 The Coppice, Hagley, had intended to fell the Cedar tree at that property.

A Tree Evaluation Method for Preservation Orders (T.E.M.P.O) survey was carried out on the tree within the order by a Tree Officer on 10th December 2024, the findings were detailed in Appendix 2 (page 21 of the main agenda pack).

The Senior Arboricultural Officer further referred to the three objection letters received, and the officer's response to the issues raised in objection to the TPO, namely:-

- Public Amenity Value
- Safety Issues
- General Debris Fall Nuisance
- Risk of Root Invasion

as detailed on pages 14 to 15 of the main agenda pack.

The Senior Arboricultural Officer drew Members' attention to the conclusion and recommendations, as detailed on page 16 of the main agenda pack.

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The Cedar tree within the order offered a valuable level of visual amenity value, being visible from the local public road network and pathways and added considerably to the character of the estate and landscaping of the area. It had a considerable future life span and although it may need periodic crown management due to the constraints of the growing position and existing bracing, it was sustainable in the longer term within the infrastructure of the estate.

During the recent planning application there was no mention of removing the tree to facilitate an extension and indeed, the extension was designed to work with the tree, with pile and beam foundations to protect the root system. The attached tree survey from this application categorised the Cedar as “B1” under BS 5837:2012 (Trees in relation to design, demolition and construction). This classification also indicated that the tree was worthy of retention.

At the invitation of the Chairman, Mr. P. Collins, on whose land the tree was on, addressed the Committee in objection to TPO (18) 2024.

Members then considered the TPO.

Members commented that having carried out a Site Visit, the impression was that the tree was a healthy, strong tree which had been braced. However, the tree did look out of place in a small cul-de-sac. There was considerable foliage at the top of the tree and Members questioned if this was a cause for concern during strong windy weather conditions. Members had noted that all three objectors had referred to the considerable violent storm in December 2024 which had caused damage, due to a quantity of very large branches and debris being ripped from the tree, causing damage to property. Members further questioned if the height of the tree could be reduced?

In response the Senior Arboricultural Officer stated that some pruning could be carried out, however this was a typical Cedar tree with no branches on the lower end, and the crown spread out, which was not excessive. Any tree could be pruned within reason.

The Council's Legal Advisor informed Members that should Members be minded to confirm the TPO without modification, then the landowner could apply to the Council for permission to reduce the height of the tree.

Members sought clarity regarding the damage caused during the violent storm in December and the Council's liability in the future, with any potential damage or injury being caused during extreme weather conditions. Members were mindful that the objectors had indicated that major damage had been experienced during the storm in December, yet the Officer's report had indicated that there had been minor damage.

The Senior Arboricultural Officer stated that extreme weather conditions were not the responsibility of the Council, as this was out of their control. Should an application be made to manage a TPO tree with a disease

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issue or existing structural damage be refused by the Council they could be liable if a failure occurred associated to that cause.

The Council's Legal Advisor informed the Committee that minor / major damage was a matter of judgement. The landowner could appeal if the Council refused their request for work to be carried out. A dangerous tree was one that was an immediate risk of harm or injury, or a serious risk of immediate harm.

Members further commented that when considering climate change, further storms were more likely to happen and occur more frequently. Would any risk be reassessed with ongoing climate change?

In response the Senior Arboricultural Officer explained that climate change was a concern in certain tree species as was long dry spells. There was a set criteria for risk assessments with the condition of trees being assessed. With regards to some Members asking about removing the tree and replacing it. The Senior Arboricultural Officer highlighted that a TPO was being raised on a tree that was valuable in its own right, he would not consider removing and replacing the tree.

At the request of Members, the Senior Arboricultural Officer explained the reasons for bracing a tree and replacing a brace if required, however, Members were informed that Officers had never seen a modern brace fail.

Members considered the nearby residents, the proximity of the children's play area and the concerns raised by the objectors with regard to the large items that fell from the tree during the severe storm in December 2024. Members expressed their concerns with the potential of other violent storms, with potential injury to people and /or property. Members further commented that such trees were massive and that these trees were prone to having major branches falling off.

On being put to the vote, there was no proposer or seconder for the recommendation, as detailed on page 13 of the main agenda pack.

The Council's Legal Advisor drew Members' attention to the (laminated) TPO Information Sheet provided.

Some Members commented that they were struggling as the tree was a lovely tree. However, Members were worried about the concerns raised and highlighted by Mr. P Collins, the landowner, with regard to the large branches that had previously fell from the tree, and the potential risk to neighbours. Some Members further commented that there was little amenity value.

Councillor P. M. McDonald proposed an alternative recommendation which was seconded by Councillor E. M. S. Gray, that the tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ, should not be protected and that TPO (18) 2024 should not be confirmed.

On being put to the vote, the alternative recommendation was carried.

RESOLVED that provisional Tree Preservation Order (18) 2024, relating to the tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ, not be confirmed.

8/25

24/00816/FUL - INSTALLATION OF 40 SOLAR PANELS ON 5 GROUND MOUNTED FRAMES (RESUBMISSION OF APPLICATION 24/00192/FUL. CROSSBROOK HOUSE, DUSTHOUSE LANE, FINSTALL, WORCESTERSHIRE, B60 3AE. MR. A. BORTON

Further information was included in the Committee Update, with regard to a revised Biodiversity Net Gain (BNG) Metric submitted by the applicant on 13th May 2025, as detailed on page 3 of the Committee Update.

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

It was noted that the Application had been brought to the Planning Committee for consideration at the request of Councillor P. J. Whittaker, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the installation of 40 solar panels on 5 ground mounted frames (resubmission of application 24/00192/FUL).

Officers presented the presentation slides, as detailed on pages 83 to 91 of the main agenda pack.

Officers stated that, as detailed in the Recommendation to refuse Planning Permission, that by virtue of its position, the proposal would have a detrimental impact on the openness and purposes of the Green Belt.

At the invitation of the Chairman, Ms. J. Lodge, the Applicant addressed the Committee, and Councillor P. J. Whittaker, Ward Councillor also addressed the Committee. Having addressed the Committee, Councillor P. J. Whittaker left the meeting room.

Members then considered the application, which Officers had recommended that planning permission be refused.

Councillor E. M. S. Gray referred to page 79 of the main agenda pack, namely the closed list as referred to -

'Principle – Green Belt

In respect of Green Belt policy, it has been established through case law that the list of exceptions for 'appropriate development' set out in

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policy BDP4 of the Bromsgrove District Plan (BDP) and the National Planning Policy Framework (the Framework) amounts to a closed list. Thereby, proposals not included on the list are regarded as 'prima facia' inappropriate development.'

Officers explained that, as detailed in the report, Paragraph 153 of the Framework stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework stated that certain other forms of development were not inappropriate including engineering operations. The proposal would involve underground cabling to connect the panels to the dwellinghouse and these elements would not amount to inappropriate development and would have minimal impact on the openness of the site. However, Paragraph 160 of the Framework, in relation to renewable energy installations in Green Belts, stated that 'elements of renewable energy projects' would comprise inappropriate development.

Some Members commented that the proposal was not a substantial solar farm, as only 40 solar panels would be installed.

Officers stated that they did try and accommodate such proposals where possible as renewable energy generation was important but that an alternative siting within the curtilage of the dwellinghouse was possible which would limit the impact on the Green Belt.

Councillor P. M. McDonald stated that Members had carried out a Site Visit and that having read the Officer's report, there was no doubt that there was a considerable amount of land in the curtilage. However, the line of the sun was very important for a solar panels. With the number of solar panels being proposed it was not a commercial solar farm. The applicant had put forward considerations in support of their proposal, as detailed on page 79 of the main agenda pack, in that 'such a development would provide significant CO2 savings and would address in a small way the Council's Climate Emergency'.

On being put to the vote, there was no proposer or seconder for the recommendation, as detailed on page 82 of the main agenda pack.

The Council's Legal Advisor took the opportunity to remind Members that should they be minded to grant planning permission; they would need to provide the reasons for granting the application.

The Development Management Manager further reiterated that Members should refer to the reasons for refusal, as detailed on page 82 of the main agenda pack, and should Members be minded to grant planning permission, that any relevant conditions be considered.

Councillor S. J. Baxter referred to the Shading Assessment and that the applicant would not get the true benefits should the solar panels be

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repositioned; more sunlight was required in order to generate the required amount of electricity.

Councillor S. J. Baxter proposed an alternative recommendation which was seconded by Councillor P. M. McDonald, in that planning permission be granted.

Members were in agreement that with a Climate Emergency significant weight should be given for the use of renewable energy; and that Very Special Circumstances outweighed the harm to the Green Belt and that the proposal would not have a detrimental impact on the Green Belt or openness, as the proposal was within the applicant's grounds.

On being put to the vote, the alternative recommendation was carried.

RESOLVED that planning permission be granted, subject to

- a) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to determine the Conditions.

9/25

25/00106/FUL - FIRST FLOOR REAR EXTENSION AND ANNEX WITH ANCILLARY USE TO THE EXISTING DWELLING IN THE REAR GARDEN. 47 LODGE CRESCENT, HAGLEY, WORCESTERSHIRE, DY9 0ND. MRS. C. JONES

Further information on an additional representation, received on 22nd May 2025, from Worcestershire County Council (WCC), Highways, raising two points of objections to the application, were detailed on page 3 of the Committee Update.

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

It was noted that the Application had been brought to the Planning Committee for consideration at the request of Councillor R. E. Lambert, Ward Councillor.

Officers drew Members' attention to the presentation slides, as detailed on pages 97 to 104 of the main agenda pack.

Officers presented the report and in doing so highlighted that the application was for a first floor rear extension and annex with ancillary use to the existing dwelling in the rear garden.

By its nature as a rear extension, the proposal would not be visible from the street scene and therefore would not impact upon the character of Lodge Crescent. Officers were content that the proposal was compliant

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with the 45 degree guidelines set out in the Council's adopted High Quality Supplementary Planning Document (SPD).

At the invitation of the Chairman, Mr. L. Billingham, speaking on behalf of local neighbours, addressed the Committee in objection to the Application. Mrs. C. Jones, the Applicant addressed the Committee (via Microsoft Teams). Having submitted their apologies, the Council's Legal Advisor, read out a speech provided by Councillor R. E. Lambert, Ward Councillor.

Members then considered the application, which Officers had recommended that planning permission be granted.

Councillor A. Bailes then referred to the following:-

- Page 95 – 'The use of this structure is considered acceptable'. There was no information as to what the proposed structure would be used for.
- Bromsgrove Development Plan - BDP 8.198 Development in residential gardens.
- BDP19 n. - High Quality Design, Development of garden land.
- BDP SPD section 3.17 – Overbearance, dominating extension contrary to BDP High Quality SPD.
- Parking – Was there any evidence to show that 3 cars could park safely on the existing driveway without reversing onto the highway?
- WCC, Streetscape Design Guide – with 6 or more bedrooms more car parking spaces were required.

Councillor A. Bailes further referred to the objections from WCC, Highways, as detailed on pages 93 and 95 of the main agenda pack, and an additional representation, as detailed on page 3 of the Committee Update.

In response Officers stated that the use of the proposed annexe would be ancillary, with no facilities for cooking, washing or washing clothes. As stated on page 95 of the main agenda report, a building of this type could be constructed under permitted development rights with a reduced height of 2.5m. The concerns raised had been considered against the planning balance.

The Highways Officer was consulted with and had provided comments, and in doing so had quoted paragraph 116 of the National Planning Policy Framework (NPPF), which stated that there would need to be an unacceptable impact on highway safety and that the impacts on the road network would be severe. However, Officers were of a different opinion, in that the proposed extension would not be contrary to paragraph 116 of the NPPF.

The Development Management Manager took the opportunity to explain that 3 vehicles could be parked on the existing driveway. The requirement with the proposed extension would be 4 vehicles. As seen

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during the Site Visit, there was unrestricted parking on Lodge Crescent. One vehicle parked on the highway would not cause significant harm to the road network.

Members commented that at previous Planning Committee meetings they were told to listen to WCC, Highways as they are the experts, and yet Members were in this instance being asked to ignore their objections.

The Development Management Manager stated that Officers would struggle at an appeal on the grounds of the application being refused due to the lack of one parking space.

Councillor E. M. S. Gray stated that after listening to the Applicant and with the curvature of the road being explained, Councillor E. M. S. Gray stated that she did not have a problem with the proposed annexe being on the side and rear garden of the existing property. The proposed extension would not have an impact upon the character of the area.

Councillor A. Bailes further reiterated that in his opinion there were several reasons to refuse planning permission.

In response to a query from Councillor J. Clarke with regards to the images showing the orientation of the sun, as referred to by the Applicant during her address to the Committee; the Chairman took the opportunity to announce a comfort break whilst Officers directed Councillor J. Clarke to the images.

The meeting stood adjourned from 20:24 pm to 20:30 pm.

Having reconvened, the Chairman read out the recommendation, as detailed on page 96 of the main agenda report.

On being out to the vote, with four Members voting in favour of the recommendation and four Members voting against the recommendation; under the Council Procedural Rules, the Chairman used their casting vote, to vote in favour of the recommendation.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 96 of the main agenda pack.

10/25

PLANNING PERFORMANCE INFORMATION QUARTER 4

The Chairman took the opportunity to remind the Committee that the report was for noting only.

The Development Management Manager explained that the Planning Performance Information was for Quarter 4 – 1st January 2025 to 31st March 2025. As requested by the Committee the report also contained a list of the recent cost award outcomes relating to planning appeals.

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Members expressed their thanks.

RESOLVED that the Planning Performance Information report, Quarter 4 – 1st January 2025 to 31st March 2025, be noted.

11/25

TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROCUREMENT SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.

There was no urgent business on this occasion.

The meeting closed at 8.33 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY 5TH JUNE 2025, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman),
A. Bailes, J. Clarke, D. J. A. Forsythe, E. M. S. Gray,
R. E. Lambert, J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. M. Howarth, Anthony Collins,
Mr. A. Hussain (via Microsoft Teams), Mr. S. Edden,
Miss C. Gilbert and Mrs. P. Ross

12/25 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF
SUBSTITUTES**

Apologies for absence were received from Councillors S. J. Baxter and
C. A. Hotham.

13/25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14/25 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE
MEETING**

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

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

15/25 **22/01431/FUL - IMPORTATION OF MATERIAL TO RE-PROFILE AND
LEVEL LAND (RETROSPECTIVE). SUMACH, PRIORY ROAD,
DODFORD, BROMSGROVE, B61 9DA. MR. C. RUDGE**

The application was brought to Planning Committee for consideration at
the request of Councillor K. Taylor, Ward Councillor.

Officers presented their report and in doing so drew Members' attention
to the presentation slides, also detailed on pages 16 to 22 of the main
agenda pack. Members were informed that the presentation slides also
included some recent photographs taken two weeks previously. The site
had changed considerably during recent works and post works.

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The application was retrospective and was for the importation of material to re-profile and level land at Sumach, Priory Road, Dodford, Bromsgrove, B61 9DA.

The site lay to the northern side of Priory Road within the Dodford Conservation Area. The site was situated within the Green Belt.

Officers referred to the relevant planning history, as detailed on pages 9 and 10 of the main agenda pack.

Members' attention was drawn to page 10 of the main agenda pack, which detailed 'Background' information.

The application site was located within the Green Belt. Paragraph 142 of the National Planning Policy Framework (NPPF) highlighted that the Government attached great importance to Green Belts, and this was further emphasised within Paragraph 153, which stated that local planning authorities should ensure that substantial weight was given to any harm to the Green Belt.

Policy BDP4.4 of the Bromsgrove District Plan and Paragraphs 154 and 155 of the NPPF set out exceptions to inappropriate development.

The works which had taken place were considered to constitute engineering operations. It was considered that whilst land levels had been raised in the rear garden area serving the property Sumach, the engineering operations did not in themselves result in harm to the openness of the Green Belt.

The five purposes of the Green Belt, as set out at paragraph 143 of the NPPF, were detailed on page 11 of the main agenda pack.

Officers highlighted that this retrospective application would not conflict with any of the five purposes of the Green Belt.

Worcestershire Archive and Archaeological Service had raised no concerns, with their comments being included on pages 8 and 12 of the main agenda pack.

Members' attention was further drawn to the comments received from North Worcestershire Water Management (NWWM), in respect of drainage and contamination matters. They had referred the Parish Council and Ward Member for the area to the Environment Agency since any issues related to contamination of the watercourse was a matter for the Environment Agency to investigate. The Environment Agency were consulted with on the application and having visited the site, had commented that materials imported into the site were not contaminated, as detailed on page 12 of the main agenda pack.

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As highlighted in the Officers conclusion, in the report, the largely completed works were not considered to result in harm to the openness of the Green Belt or harm to the character of the Conservation Area. The resultant works were not considered harmful in terms of heritage matters, residential amenity or drainage. The seeding of the site had served to soften the appearance of the imported material and the tree cover would further naturalise the site. The planning condition, as detailed on page 13 of the main agenda pack, had been included to ensure that the landscaping works were completed to the Council's satisfaction.

At the invitation of the Chairman, Councillor R. Jennings addressed the Committee on behalf of Dodford with Grafton Parish Council.

Members then considered the application, which Officers had recommended that planning permission be granted.

RESOLVED that planning permission be granted, subject to the Condition as detailed on page 13 of the main agenda pack.

16/25

24/00960/FUL - PROPOSED BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE. LAND OFF ILLEY LANE, HUNNINGTON. MR. G. WATSON

It was noted that Planning Application 24/00960/FUL had been withdrawn from the agenda and would be considered at a future meeting of the Planning Committee.

17/25

25/00372/FUL - DEMOLITION OF THE EXISTING COVERED YARD AND TIMBER SHED AND REPLACEMENT WITH A NEW TIMBER BUILDING TO CREATE NEW RESTAURANT AREA AND INTERNAL ALTERATIONS INCLUDING THE CONVERSION OF EXISTING STORAGE AREA TO KITCHEN. THE NAILERS ARMS, 62 DOCTORS HILL, BOURNHEATH, WORCESTERSHIRE, B61 9JE. MRS. P. KAU

The application was brought to Planning Committee for consideration at the request of Councillor K. J. May, Ward Councillor.

Officers drew Members' attention to pages 3 and 4 of the Committee Update, which detailed further comments from Worcestershire County Council (WCC), Highways, with regards to footways, speed concerns, impact on the highway, and car parking. Further comments from Worcestershire Regulatory Services (WRS) in respect of noise and odour. Amended Plans received for this proposal, which had resulted in Condition 2 being updated, as two of the Plans previously stated in Condition 2 needed to be substituted.

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

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Officers presented their report and in doing so drew Members' attention to the presentation slides, also detailed on pages 90 to 92 of the main agenda pack. It was noted that the presentation slides, shown at the meeting, had been updated to include the amended plans.

The application was for the demolition of the existing covered yard and timber shed to be replaced with a new timber building to create a new restaurant area and internal alterations which included the conversion of an existing storage area to a kitchen.

As detailed in the Committee Update, the amended plans and amendments related to the existing fencing that currently surrounded the covered courtyard and timber shed, where the proposed extension would be sited. It was unclear from the proposed plans, whether this fencing would be retained. The plans had now been amended so that it was now clear that the fencing surrounding this area would be removed. The fencing would only be retained around the bin storage area to the rear of the proposed extension.

Officers informed the Committee that 8 representations, in objection to the application had been received, the reasons for the objections were detailed on page 83 of the main agenda pack. Bournheath Parish Council had also submitted a representation in objection to the application, as detailed on pages 82 and 83 of the main agenda pack.

The comments received from WCC Highways and WRS, who had raised no objections, were detailed on pages 81 and 82 of the main agenda pack.

Concerns over highways safety, traffic and parking provision had been received from neighbouring occupiers and Bournheath Parish Council. Members were asked to note, that WCC, Highways had raised no objection to the proposal. Having noted that the site currently had 85 car parking spaces, which was considered to be more than sufficient for the existing and proposed floor areas.

Having received notification that one of the Public Speakers was unable to attend the meeting, the Chairman invited the Council's Legal Advisor to read out the statement received from Mrs. L. Danckert-Curtis, in objection to the application.

At the invitation of the Chairman, Councillor S. T. Nock, Ward Councillor also addressed the Committee. Having addressed the Committee, Councillor S. T. Nock then left the meeting room.

Members then considered the application, which Officers had recommended be granted.

Members raised questions on the amount of car parking spaces, whereby Officers explained that the information received from the applicant had indicated that there were 85 car parking spaces. The car

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parking spaces were not marked out on the site but had been marked out on information submitted with the application. Officers further stated that, as detailed in the Committee Update, that WCC, Highways had visited the site on two occasions during its busiest periods.

Some Members further commented that having attended a Site Visit, that there was extensive car parking on the site. No changes were being proposed to the entrance to the site, so there would be no impact on the highway. A dilapidated building would be turned into a smart addition to the area.

Members queried the concerns raised in respect of a change of use, and that some of the representations received referred to a change of use, with the premises being used as a shop and takeaway.

Officers clarified that although the proposed description did not contain any reference to a change of use of the premises to a shop or takeaway, the plans originally submitted with the application did incorrectly label the existing bar area as a 'retail Shop Area.' These plans had since been superseded and amended plans submitted. These amended plans now showed this area of the building to be retained as a 'Bar Area.' There was no reference within the application that the proposed restaurant would be used as a takeaway.

Members further commented that there were no reasons to refuse the application on highways grounds, since WCC, Highways had not raised any concerns or objections to the application. There was ample car parking at the premises, there would be no significant increase in traffic or any severe impact on the highway.

RESOLVED that planning permission be granted, subject to

- a) Conditions 1, 3 and 4, as detailed on page 88 of the main agenda report, and
- b) Amended Condition 2 – that the development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Drawing No. 15013778-1 Location Plan
 - Drawing No. 06 Existing Block Plan
 - Drawing No. 2 Rev. A Proposed Ground Floor Plan
 - Drawing No. 4 Rev. A Existing and Proposed Front and Side Elevations
 - Drawing No. 5 Existing and Proposed Side Elevations

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

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TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROCUREMENT SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.

There was no urgent business on this occasion.

The meeting closed at 6.30 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bellway Homes Ltd (Chris O' Hanlon)	<p>Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033- SK-005 revision F</p> <p>AMEND TO: No more than 49 dwellings (of which, no more than 30 shall be for private sale and no more than 19 shall be for affordable housing) shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE- ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02.</p> <p>Land At, Whitford Road, Bromsgrove, Worcestershire,</p>	05.08.2025	25/00529/S73

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

No objection – comments on proposal are provided in full:

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

Recent History [application 24/00117/S73]

A planning application for the same site was validated in 2024 (24/0017/S73). The Highway Authority were consulted by the Local Planning Authority during the

consideration of the 2024 planning application. A summary of the previous responses to this application are set out below: -

- The Highway Authority previously responded to this application in formal observations dated 16th June 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 115 of the National Planning Policy Framework (December 2023). At that time, the application sought to vary the trigger point of the mitigation works at the B4091 Rock Hill/ Fox Lane junction from the trigger of zero dwelling occupations to no more than 75 dwelling occupations. Traffic modelling submitted for this application was based upon 2017 data and tested the implication of 75 dwellings.
- A further consultation was received from the Local Planning Authority where the Applicant proposed to alter the condition to allow up to 39 occupations. The Highway Authority reviewed this and responded to this application in formal observations dated 2nd October 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 115 of the National Planning Policy Framework (December 2023). Traffic modelling submitted for this application was based upon 2017 data and tested the implication of 39 dwellings.
- A further consultation was received from the Local Planning Authority where the Applicant proposed to alter the condition to allow up to 49 occupations. The Highway Authority reviewed this and responded to this application in formal observations dated 17th February 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 116 of the National Planning Policy Framework (December 2024). Traffic modelling submitted for this application was based upon 2024 data and tested the implications of 100 dwellings noting the description of the application was for 49 dwellings.
- The [final] consultation received [under application 24/00117/S73] from the Local Planning Authority was a proposal to alter the condition to allow up to 49 occupations. Traffic modelling submitted for this application was based upon 2024 data and tested the implications of 8, 20, 30, 40 and 49 dwellings. The Highway Authority advised no objection in formal observations dated 19/03/2025.

Application 24/0017/S73 was refused as the proposed amendment to condition 25 of planning permission APP/P1805/W/20/3245111 (16/1132) would result in severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme contrary to paragraph 116 of the NPPF, as noted in the Decision Notice dated 25/04/25.

Current consultation [25/00529/S73]

At present, the planning condition (25) requires this scheme to be in place prior to the consented development site being occupied. The scheme comprises of the conversion of the current priority junction arrangement to a 3-arm roundabout. The general arrangement of the works is shown in supporting drawing 7033-SK-005 revision F. This variation of condition application now seeks to vary the trigger point for the improvement scheme, allowing for no more than 49 dwelling occupations prior to implementation. In support of this planning application, the following highway information has been submitted by the Applicant:-

- 2017 ATC SUMMARY;
- 2024 ATC SUMMARY
- 2024 MCC DATA;
- Non-Technical Summary, WSP, 7th March 2025;
- FOX LANE / ROCK HILL SCHEMATIC PROPOSED ARRANGEMENT, 7033- SK-005 REV G, Rev G; and,
- Technical Note 4, WSP, 1st May 2025.

In addition to the above a series of ancillary drawings 7033-s278-701 rev C02, 2015804 AGE-ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02 are included. The latter of these appear to relate to a retaining wall. The description of this current application, in addition to the proposed variation of the timing/ trigger, relates to the substitution of the scheme of works drawing Revision F to Revision G. Revision G shows the location of the proposed retaining wall. From a highway and transportation perspective, there are no proposed changes to the form, scale and footprint of the roundabout scheme when comparing Revision F and Revision G.

Impact Assessment

Supporting Technical Note 4 states that WSP has:-

- Commissioned September 2024 Manual Classified Counts (MMC) traffic counts at the Fox Lane / Rock Hill junction
- Commissioned September 2024 Automatic Traffic Counts (ATC) traffic counts on Fox Lane and various other links in the local area
- Generate forecast development traffic flows for 8, 20, 30, 40, and 49 dwellings
- Undertake updated traffic junction assessment at Fox Lane Rock Hill using 2024 survey data
- Consider the impacts of the additional 49 residential units on the existing junction arrangement and surrounding network.
- Consider potential impacts upon 'rat running' through the Millfield area – a known concern for residents.

Trip Generation

Applying previously agreed trip rates, it is predicted that 49 occupied dwellings would generate approximately 33 two-way trips during the AM peak hour (08:00 – 09:00) and 35 two-way trips during the PM peak hour (17:00 – 18:00).

Traffic Distribution

Using the previously agreed traffic distribution and assignment assumptions, it is anticipated that during the AM peak hour, 49 occupied dwellings would result in 18 two-way trips travelling through the B4091 Rock Hill/ Fox Lane junction. During the PM peak hour, it is predicted that 18 two-way trips would travel through the junction.

Junction Impact Assessment

Junction modelling has been undertaken using Junctions 11. The Applicant has undertaken the following modelling scenarios: -

- 2024 Baseline
- 2024 Baseline + 8 dwellings
- 2024 Baseline + 20 dwellings
- 2024 Baseline + 30 dwellings • 2024 Baseline + 40 dwellings
- 2024 Baseline + 49 dwellings

Technical Note 4 states:-

When using Junctions 11, a DIRECT profile is to be used when you have detailed, specific traffic data for a junction. This profile allows the user to input precise traffic counts for vehicles entering and exiting the junction at different times, typically broken down into 15-minute intervals. Given that this is an existing junction and traffic surveys of an appropriate level of detail have been obtained, the DIRECT profile has been used in all scenarios to ensure that the model reflects real-world conditions as closely as possible, leading to more reliable results

The table below summarises the modelling results: -

	AM			PM		
2024 Baseline						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.2	81.68	0.92	1.9	23.96	0.66
Rock Hill	0.7	6.62	0.30	1.9	9.45	0.54
2024 Baseline + 8 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.1	81.72	0.92	1.9	24.86	0.67
Rock Hill	0.7	6.62	0.30	1.8	9.48	0.54
2024 Baseline + 20 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.6	85.17	0.93	2.0	26.06	0.69
Rock Hill	0.7	6.62	0.30	1.9	9.70	0.55

2024 Baseline + 30 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.7	87.01	0.93	2.0	26.27	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.94	0.56
2024 Baseline + 40 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	9.5	94.53	0.94	2.0	26.27	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.97	0.56
2024 Baseline + 49 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	9.5	94.60	0.94	2.0	26.50	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.98	0.56

A summary of the key outputs is presented below: -

- The 2024 junction model currently operates over capacity during the AM peak hour;
- Comparing 2017 and 2024 traffic volumes, the data indicates that traffic volumes have generally reduced across the relevant network;
- The predicted current (2024) delay experienced by drivers on Fox Lane (the minor arm which gives-way to the Rock Hill) during the AM peak is 82 seconds (1 minute 22 seconds). Average queuing on this arm is approximately 47m;
- Following the introduction of development traffic (49 dwellings), the junction experiences further deterioration in performance; and,
- Average delays on Fox Lane increase to 95 seconds (1 minute 35 seconds); a total increase in an average delay experienced by drivers of 13 seconds during the AM peak. Queuing on Fox Lane is predicted to reach a length of 55m (an increase of 8m).

2024 Data Collection

As noted in Technical Note 4, the Applicant commissioned traffic count surveys conducted in September 2024:-

- Manual Classified Counts (MCC) at the Fox Lane / Rock Hill junction; and,
- Automatic Traffic Counts (ATC) on the following links:-
 - o Fox Lane
 - o Whitfield Road
 - o A448 Kidderminster Road
 - o St John Street
 - o Worcester Road; and
 - o Charfield Road

The data and analysis are presented in Technical Note 4.

As the original data used to assess the development impact associated with planning permission APP/P1805/W/20/3245111 (allowed on appeal 09/02/2021, LPA 16/1132)

was from 2017, it is considered reasonable to collect updated data to evaluate the current planning application's impact on the highway network.

For both the previous planning application [24/0017/S73] and this current application, the Highway Authority has verified the data collection methodology.

This includes:-

- Parallel axle sensors (tubes) for the ATC data; and,
- Camera installation at the Fox Lane/Rock Hill junction for the MCC video survey.

The methodologies align with industry practice and are deemed acceptable.

Surveys typically occur during a 'neutral' or representative period, depending on the model's purpose. The Highway Authority's review of live traffic management schemes during the data collection period revealed telecommunications work on Fox Lane was undertaken on 11th September 2024, lasting approximately 3 hours. This work occurred outside peak hours, with no traffic operating under temporary signal control on Fox Lane during the peak hours which have been modelled.

Implication of Impact

Supporting Technical Note 4 presents a commentary of the Applicant's view on the implication of the impact of development traffic at the B4091 Rock Hill/ Fox Lane junction. It is noted that: -

To conclude, the traffic modelling has been completed and reviewed, showing that during the worst observed period (8:45 to 9:00) the maximum delay in the 49-dwelling scenario is only 13 seconds. This delay occurs only during a brief part of the 8:45 to 9:00 period. Therefore, it is considered that the additional delay generated by the occupied dwellings is considered to be negligible. For example, at 20 dwellings occupied, there will only be a 3.5 second increase in delay. The peak hour (8:45am to 9:00am) has been identified as the period with the highest delays and serves as a summary of the daily queuing trends, demonstrating that congestion is limited at other times of the day.

As noted in the original Transport Assessment and the Transport Assessment Addendum submitted to support the outline application, "it was identified that improvements to the Rock Hill / Fox Lane junction would be required for any future development at Whitford Road and therefore should be offered by the proposed development to mitigate its impact on the already at capacity junction arrangement"¹.

¹ Land at Whitford, Transport Assessment Addendum, WSP, January 2018, paragraph 5.2.30

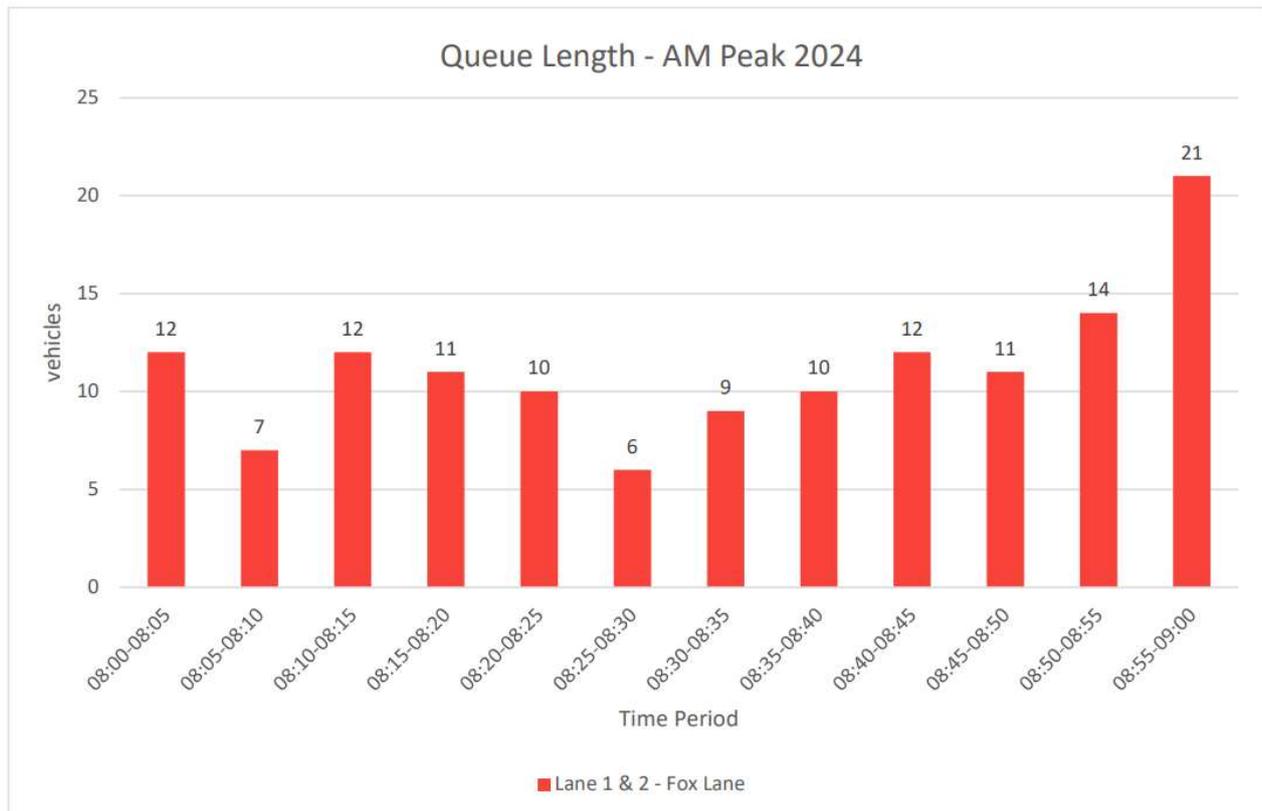
Turning to the specific impacts of the operation of the junction as a result of this current proposal, drivers are anticipated to experience an average increase in delay on Fox Lane during the AM peak of 13 seconds compared to the 2024 baseline situation. The modelling shows that queuing is forecast to increase by 8m with a predicted queue length on Fox Lane of 55m.

The proposed junction improvement scheme, in addition to providing capacity relief, seeks to change the priorities at the junction where traffic demand on the minor arm (Fox Lane) is forecast to increase as a result of the overall development. Based on the current

arrangement, where the minor arm (Fox Lane) gives-way to Rock Hill, the modelling evidence presented predicts increases in delay some 16% greater than those currently experienced in 2024.

The Highway Authority has reviewed the performance of the model to replicate observed queues. The Applicant presents an assessment of the observed queuing on Fox Lane in Technical Note 4. Figure 4 [2024 Baseline Recorded Queue Lengths] is extracted and replicated below: -

Figure 4- 2024 Baseline Recorded Queue Lengths



Technical Note 4 states: -

As shown, the between 8:00 and 8:55 the maximum queue observed was 14 vehicles which results in 77m queue based on a 5.5m PCU value per vehicle and average being 11 vehicles. The queue is then observed to increase to 21 vehicles between 8:55 to 9:00 time period. The 21 vehicle queue at 8.55am which only occurs in that one 5 minute period appears to be an anomaly compared to the rest of the recorded hour, a review of the camera footage has been completed which indicated this was just a short period of queueing that was cleared within 1 minute.

It goes on to state: -

While the model forecasts 8 vehicles in the queue, the average maximum recorded queue over the AM hour is 11 vehicles, whilst the average queue record at the end of each five-minute period over the hour is 4 vehicles. As such, the model queue forecast of 8 vehicles provides an appropriate balance between representing the maximum queues and also recognising the fluctuations in queuing across the hour. This must be considered as there are clear periods

across the hour where there are no queues present at the junction, and artificially 'throttling the junction to reflect a maximum queue in likely to lead to unrealistic results.

JUNCTIONS 11 modelling software is a widely used software for analysing priority junctions. But like all models, there are limitations. One of these is the ability of the model to accurately represent actual fluctuations in traffic volume, as evidenced by the queue survey data provided. The model is also not able to quantify the impacts of redistribution/ demand responses as a result of congestion on the network. The Highway Authority does not accept a PCU value of 5.5m and instead has used a PCU value of 5.75m.

Based upon the submission, the Highway Authority does not consider the model an unrealistic representation of network conditions where congestion, queuing and delays do occur and are shown to in the model outputs.

Based upon the information presented, the deterioration in network performance cannot reasonably be considered severe in accordance with the National Planning Policy Framework. Since development was planned to be supported by this infrastructure from first occupation but this has not happened, the impacts of development are shown to lead to further deterioration of network performance, increasing queuing and delay and therefore associated inconvenience to road users where the junction is shown to operate over capacity. The scale and duration of the impacts of this development at this junction are not considered to meet the severity threshold.

The analysis presented in the most recent supporting Technical Note 4 demonstrates the need to deliver the scheme at no later than the 49th dwelling occupation.

In its consideration of the impacts of the development, the Highway Authority has also given due consideration to viable alternatives or transport options for residents. The Highway Authority can confirm that there is a new toucan crossing on Whitford Road close to the site access providing an active travel connection to Sanders Park towards the town centre. As a minimum, this offers a viable alternative to car use in light of existing congestion.

Timing for the proposed scheme of works

The modelling scenarios indicate a programme where an incremental/ phased approach to understanding the implications of development has been taken by the Applicant. This represents a build and occupation trajectory for the housing, and timeline for the completion of the proposed scheme of works: -

- 2024 Baseline
- 2024 Baseline + 8 dwellings (end of February)
- 2024 Baseline + 20 dwellings (End of June)
- 2024 Baseline + 30 dwellings (End of August)
- 2024 Baseline + 40 dwellings (end of November) – at which point the roundabout works should be completed
- 2024 Baseline + 49 dwellings (end of January 2026)

Technical Note 4 states:-

As noted, it is anticipated that no more than 40 dwellings would be in place by the completion of the highway works, however by the end of December 2025, it is anticipated that the full 49 units could be occupied.

However, the timing and coordination of works to the public highway is subject to separate permissions/ agreements in accordance with the New Roads and Streetworks Act and Highways Act.

A Section 278 (S278) road space permit is required to work on the public highway to alter the layout of the highway in line with a signed S278 legal agreement. Work on the public highway cannot lawfully commence until a permit has been issued and the signed permit has been received. The necessary Temporary Traffic Management Permits must also be received in suitable time to allow all phases of the works to be completed.

At the time of writing, the Highway Authority can confirm: -

1. There is a S278 legal agreement for the scheme of works; and,
2. The Promoter does not currently have a S278 road space permit.

The Highway Development Management Team cannot confirm that the scheme of works will be completed by November 2025 as indicated in Technical Note 4 and cannot confirm when works will commence, the duration of the works programme nor the anticipated completion date without a S278 road space permit.

Network Safety Review

The Highway Authority has reviewed the most up-to-date Personal Injury Collision (PIC) data available covering a period between 1st December 2021 and 30th November 2024. The analysis area covers the Fox Lane/ Rock Hill junction, Rock Hill, Fox Lane and the Millfield area including Millfield Road, Shrubbery Road, Dovecote Road and the local residential side roads.

Between that period, there have been a total of six PICs all of which have been classified as slight. A summary is provided below :-

- A PIC occurred approximately 30m east of the Fox Lane/ Rock Hill junction;
- A PIC occurred on Fox Lane approximately 70m north of the Fox Lane/ Rock Hill junction;
- One PIC occurred at the Charford Road mini-roundabout;
- One PIC occurred close to the Shrubbery Road junction where Rock Hill becomes Worcester Road;
- Two PICs occurred close to the Worcester Road/ Ford Road junction; and,
- No PICS have occurred in the Millfield area.

Considering the frequency of collisions across the study area, the data does not indicate a year-on-year increase in the number of collisions occurring annually.

Conclusion

The Highway Authority has undertaken a robust assessment of the application. Based on analysis of the information provided, the Highway Authority does not consider the impacts

of the development to be severe in accordance with the National Planning Policy Framework (December 2024).

Mott MacDonald

Full comments are available to view on the Council's website and Members are encouraged to review these.

The modest scale of additional traffic associated with the current Section 73 application reinforces the conclusion that the modelling remains proportionate, and a sound basis for decision-making.

In review of the junction modelling, we find no disagreement with the updated position of WCC that: "The scale and duration of the impacts of this development at this junction are not considered to meet the severity threshold.". In our view the increases in queuing and delays associated with small changes in traffic flows therefore do not appear to be 'severe'. This takes into account the context of lower levels of traffic present in the 2024 assessment when compared to the 2017 assessment. This is not to say that development would not have some degree of worsening of queuing at the junction with an average increase in delay for southbound turning traffic from Fox Lane of 13 seconds per vehicle during the morning peak hour.

We agree with the conclusions of the applicant's assessment and WCC that the traffic impacts generated by a first phase of 49 dwellings would not be severe in the context of the assessment of the existing junction, given the new evidence arising from the 2024 base year modelling.

There is a reasonable basis however for BDC to have concerns about the cumulative impact of construction-related disruption and development traffic, which does not appear to have been fully considered at the point that the application was put before the Planning Committee. This does not however imply that such temporary disruptions would, by default, be severe but this point should be appropriately addressed.

Further traffic modelling, e.g. of the temporary traffic management system, are not recommended by this review as this would appear to be disproportionate. Further written evidence however could be provided to clarify the anticipated scale and duration of the temporary works so as to confirm that any cumulative impact with the additional development traffic would not be severe. The position of WCC, as highway authority responsible for managing the network and entering into the Section 278 agreement for the works, remains highly material in consideration of these impacts.

As it remains the responsibility of WCC to agree traffic management plans, including any mitigations that could reduce the impacts of disruption during peak periods, it is recommended that WCC should offer further comment on this matter to ensure their position as to the cumulative impacts of the temporary traffic management scheme and the first phase of development has been adequately considered.

Strategic Housing & Business Support Manager Bromsgrove District & Redditch Borough Councils

I can confirm that the need for this affordable housing is significant. The Council has large numbers of households residing in temporary accommodation for lengthening periods which could be housed in the affordable housing from this development or it can provide move on accommodation to those housed in unsuitable accommodation on the housing register, thus freeing up additional affordable accommodation in the district. Given the significant need for affordable housing and the evidenced detrimental impacts on households living in unsuitable accommodation the Strategic Housing Team would support the variation should it be amended to provide for the occupation of the affordable housing in this instance. Our preference would be for the social rented to be prioritised for this.

Publicity

Site Notice posted (expires 30.05.2025)

Press Notice published (expires 02.06.2025)

14 objections have been received raising the following concerns:

- Infrastructure not provided to support additional residents
- Submitted data not take account of various road closures and traffic lights in vicinity
- No date for completion of roundabout
- Planning Inspector imposed the condition
- Developer showing contempt.
- Proposed is unnecessary and to the detriment of local residents and those using Fox Lane/Rock Hill junction.
- The tenure of housing proposed makes no difference – variation is unacceptable.
- Should use existing vacant houses
- Some houses already occupied contrary to the condition.
- Traffic data flawed.
- Approval will remove pressure to complete the roundabout.

11 letters of support have been received raising the following matters:

- Concerns at impact on purchasers that have sold houses and awaiting to move into new homes on site
- Concern at impact on children enrolled in schools for September unable to move into new home
- Homes standing empty and people needing homes at a time of housing crisis.
- Proposal will result in 13 seconds of delay – not a severe impact
- The condition does not reflect the current traffic. Traffic patterns have changed since the appeal decision – many people now work at home, fewer cars at peak times.
- Planning conditions are designed to be flexible when circumstances change - and in this case, not allowing 49 homes to be occupied causes significant harm and would not help meet urgent housing needs.

- The developer cannot build the roundabout right now without adding to congestion and disruption, yet it is residents - particularly those waiting for homes - who are bearing the brunt of a rigid response.
- Refusal will impact more on those needing homes than on the developer.
- Ordinary families facing distress, housing chains about to collapse, families facing homelessness.

The Bromsgrove Society

- Objects to the application
- The applicant's model cannot be relied upon (observed queue lengths greater than modelled queue lengths)
- Prefer sight of any traffic management plan linked to application for permit/temporary traffic Regulation Order (TTRO)
- The Applicant not having modelled the queues and delays for the junction layout constrained by traffic management measures necessary to complete construction of the roundabout scheme: and
- The likely increased risk of accidents while traffic management measures are in place at the junction.
- 'Lived experience' that traffic management measures for junction improvement schemes add queuing and delays to vehicular journeys. This expected to lead to driver frustration and increased risks
- Application does not provide the necessary information for decision makers to assess highway safety and residual cumulative impacts on highway network (NPPF para 116)

Bromsgrove District Housing Trust

- urgent need for increased social housing in Bromsgrove: current shortage of affordable housing options has left 37 households homeless and living in temporary accommodation. Additionally, over 2000 households are on the Bromsgrove District Council waiting list, needing to move.
- significantly affects individual families' lives but also increases the council's financial expenditure on temporary accommodation, which is at its highest level in over a decade.
- increased pressure on families living in unsuitable conditions.
- worsens social inequality but also affects the overall well-being and economic stability of Bromsgrove residents.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Development
BDP5A Bromsgrove Town Expansion Sites
BDP16 Sustainable Transport
BDP19 High Quality Design

Others

National Planning Policy Framework (2024)
National Planning Practice Guidance

Relevant Planning History

24/00117/S73	<p>Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision F.</p> <p>AMEND TO: No more than 49 dwellings shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE-ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02.</p>	<p>Refused</p> <p>Appeal in progress</p>	25.04.2025
24/00516/S73	<p>Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>FROM: 22) No dwelling shall be occupied until the acoustic fencing on the north western part of the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter.</p> <p>AMEND TO: 22) No dwelling shall be occupied in relation to the reserved matters 23/00993/REM (Miller Homes phase) including plots 291 to 293 & plots 342 to 353 only of the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof until the acoustic fencing</p>	Granted	12.12.2024

on the north-western part of the site, has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. The noise mitigation measures of glazing, ventilation and garden fences referred to in the Environmental Noise Assessment (22336-1- R8) prepared by Noise.co.uk dated 25 October 2024 shall be applied to the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof in accordance with the following details: the Glazing and Ventilator Performance table version 4 submitted on 09/12/24 and Acoustic Private Garden Fence drawing number SD-9-03 dated October 2024 unless alternative other minor variations of these details are submitted to and agreed in writing by the Local Planning Authority prior to installation.

24/00150/REM	Reserved Matters application (Layout, Scale, Appearance and Landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of a retail unit and associated infrastructure within Site A.	Approved S106 Legal Agreement	23.05.2025
25/00027/ADV	Advertisements for a new Sainsbury's Local convenience store including, 3no. Fascia Advertisements, 1no. Wall Advertisement for ATM, 1no. Hanging Sign, 1no. Freestanding Totem and 4no. Pole Mounted Advertisements.	Granted	05.03.2025

Agenda Item 5

Plan reference

23/00993/REM	Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A.	Approved S106 Legal Agreement	06.02.2025
22/00090/REM	Reserved Matters (layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) - for the erection of 370 dwellings with associated car parking, landscaping and other infrastructure within the southern section of Site A Non Material Amendment to condition 1 landscaping drawings of Reserved Matters approval 22/00090/REM: Replacement of translocated hedge. New hedge planting along Whitford Road	Approved	08.07.2022
16/1132	Outline Planning Application for: Site A (Land off Whitford Road) Provision of up to 490 dwellings, Class A1 retail local shop (up to 400 sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and Site B (Land off Albert Road) Demolition of Greyhound Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage.	Allowed at appeal APP/P1805/W/20/324511 s106 Legal Agreement	09.02.2021
13/0479	Residential development comprising up to 490 dwellings and small retail (Class A1) shop; together with two new accesses onto Whitford Road; provision of new public open space; landscaping; and sustainable urban drainage	Refused Dismissed at Appeal	21.08.2014 03.08.2015

Assessment of Proposal

Background

This application follows the refusal of application 24/00117/S73 by Planning Committee at its meeting on 22nd April 2025 for the following reason:

- 1) *The proposed amendment to condition 25 of planning permission APP/P1805/W/20/3245111 (16/1132) would result in severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme contrary to paragraph 116 of the NPPF.*

That refusal has been appealed. An appeal hearing date has been set by PINS for 27th August with a decision date no later than 11th November 2025.

Proposal

Condition 25 prevents the lawful occupation of any of the 490 dwellings granted planning permission under the allowed appeal APP/P1805/W/20/3245111, until the junction at Fox Lane/Rock Hill has been altered in accordance with the roundabout details shown on drawing 7033-SK-005 revision F. The current application seeks to vary this in 2 respects:

- To amend the drawing details to also include a retaining wall required to support the adjoining land at the former Greyhound Pub site.
- To allow occupation of 49 dwellings (no more than 30 market housing; no more than 19 affordable housing) before the new roundabout at Fox Lane/Rock Hill is altered.

The current application specifies the split in the number of market and affordable housing units (the type of affordable units is not specified) proposed to be occupied within the 49 dwellings. This distinction of tenure did not form part of the previous refused application.

The current proposal is supported by survey data from 2024 and further modelling information (including a non-technical summary). The applicant has submitted Technical Note 4 providing an explanation of the proposal and provided a response to the comments made by The Bromsgrove Society. Members are encouraged to review the submitted information which is available to view under the application reference on the Council's website.

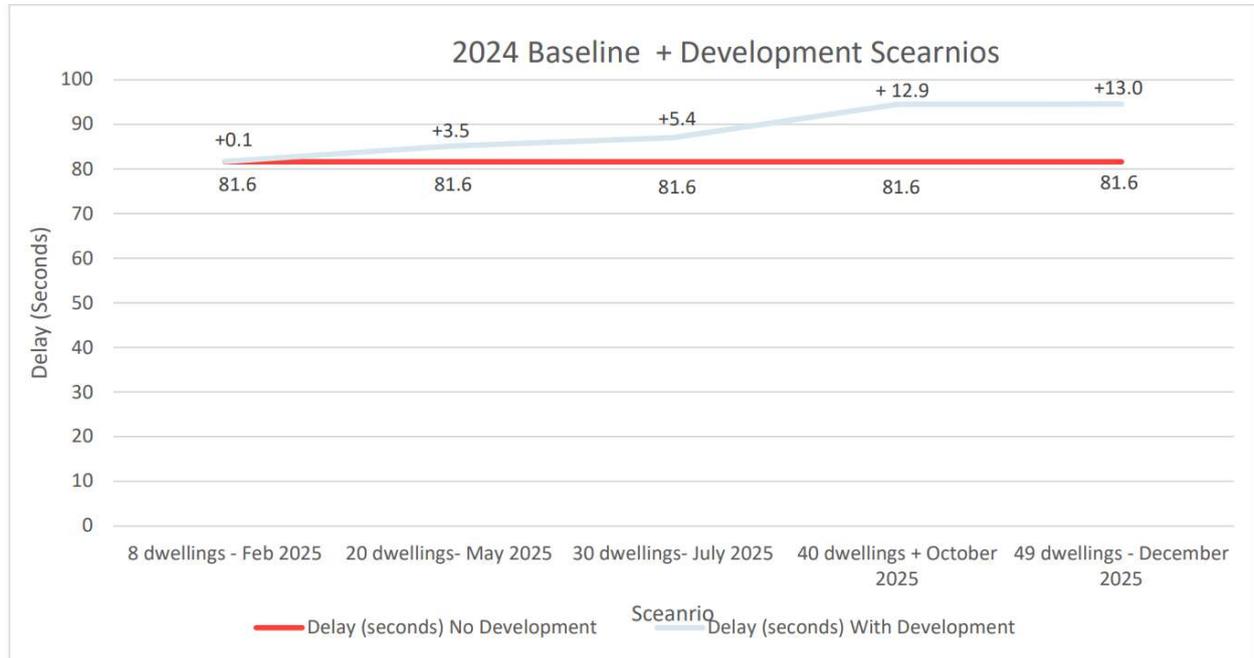
Highway Matters

The highway information submitted with the application tests the following occupation scenarios:

- +8 dwellings (end of February)
- +20 dwellings (end of June)
- +30 dwellings (end of August)
- +40 dwellings (end of November)
- +49 dwellings (end of January 2026)

The impact of these various scenarios on the Fox Lane / Rock Hill junction is presented in 15-minute intervals during the peak period. The image below shows the baseline queueing and provides a visual comparison of how the junction performs over the peak hour.

The table below shows a visual perspective of the additional queuing over the worst 15 minutes of the baseline.



Reviewing the impact of the development scenarios during the observed worst 15-minute period (8:45- 9:00) where the baseline queueing is at highest the following impact is added:

- 8 dwellings + 0.1 of a second
- 20 dwellings + 3.5 seconds
- 30 dwellings + 5.4 seconds
- 40 dwellings + 12.9 seconds
- 49 dwellings + 13 seconds

The submission was supported by video surveys.

The National Planning Policy Framework states at paragraph 116 that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

WCC is the statutory consultee on the planning application providing specialist advice on Highway related matters.

WCC Highways comments confirm that the approach taken in the information submitted is considered acceptable with regard to the data collection and modelling; methodologies align with industry practice.

Drivers are anticipated to experience an average delay on Fox Lane of 95 seconds (1 minute 35 seconds); a total increase in an average delay experienced by drivers of 13

seconds during the AM peak, compared to the 2024 baseline situation. The modelling shows that queuing is forecast to increase by 8m with a predicted queue length on Fox Lane of 55m. The WCC Highway comments advise that based upon the information presented, the deterioration in network performance cannot reasonably be considered severe in accordance with the National Planning Policy Framework. It also advises that consideration has been given to viable alternatives or transport options for residents. Highways comments conclude that the impact of the proposal is not considered to be severe in accordance with NPPF paragraph 116.

In addition, the Highway Authority has reviewed the most up-to-date Personal Injury Collision (PIC) data available covering a period between 1st December 2021 and 30th November 2024 (including Fox Lane/ Rock Hill junction, Rock Hill, Fox Lane and the Millfield area including Millfield Road, Shrubbery Road, Dovecote Road and the local residential side roads). The data does not indicate a year-on-year increase in the number of collisions occurring annually. No highway safety concern has been identified. Thus no conflict has been found with regard to paragraph 116 and highway safety is not considered to be a reason for refusal.

The Highway Authority has concluded that there is no highway objection and there is no highway related reason for refusal.

Your officers have sought an independent review of the application from Mott MacDonald. This same company provided advice to the Council on the original Outline planning application and appeal. Mott MacDonald has advised that it agrees with the conclusion of WCC Highways that the severity threshold is not met.

The Mott MacDonald review confirms that the modelling is a sound basis for decision-making. It has also confirmed that the 2017 and 2024 baseline PICADY assessments, and the key input parameters are equivalent between the two models. In neither the 2017 nor 2024 base year assessment are traffic congestion issues demonstrated to be significant in the PM peak period. Mott MacDonald's review points out that in deriving the 'with development' assessments, the 2024-year assessment also remains consistent with the other core principles and assumptions agreed in assessment of the original development. This includes the development trip rates and distribution and assignment of traffic from the development, as accepted through the appeal process.

Mott MacDonald points out that the submission includes highly detailed technical analysis - the review advises that this introduces a risk of too much emphasis being placed on very small changes in the overall results. There is a concern that undue weight could unintentionally be placed on the individual steps within the junction modelling results. These steps should be ignored, and the relevant question relates to how the junction arm currently operates (at 0.92 RFC) and how material the increases in development traffic are to its future operation (at a max of 0.94 RFC) over the period prior to opening of the roundabout scheme.

Mott MacDonald points out that the observed queue data is derived from five-minute maximums, whereas the PICADY model outputs represent average queue lengths at the start and end of each 15-minute period. This distinction is important in understanding the nature of the comparison and the potential for isolated peaks in observed data to appear more significant than they are in operational terms. The applicant has supplemented the

model outputs with a review of video survey footage to contextualise these observations, identifying the most extreme queue lengths as short-lived and not representative of typical junction operation. This approach is consistent with good practice and allows for a more balanced interpretation of junction performance over the full peak hour.

In review of the junction modelling, Mott MacDonald find no disagreement with the updated position of WCC that: “The scale and duration of the impacts of this development at this junction are not considered to meet the severity threshold” and confirms that no further modelling is necessary (as has been suggested by The Bromsgrove Society) – it would be disproportionate.

Mott MacDonald acknowledges that temporary disruptions caused by highway works are an ordinary impact typically expected to arise during such works and can reasonably be understood to have been anticipated and accepted in the original grant of planning permission. It also states that the detailed management of such impacts is a matter for WCC’s agreement under the Section 278 process. Your officers agree.

It goes on to suggest that further information could be submitted to clarify the anticipated scale and duration of the temporary works so as to confirm that any cumulative impact with the additional development traffic would not be severe. Whilst the detailed management is considered to lay with the Highway Authority as part of the S278 process, a further response has been requested from both WCC and the applicant. The responses provided by both WCC and the applicant have been added to public access and Members are encouraged to review the submitted information prior to the Committee meeting.

WCC concurs that:

- the developer requires a Section 278 road space permit to work on the public highway to alter the layout of the highway in line with that signed S278 legal agreement.
- temporary disruptions caused by highway works are an ordinary impact and can typically be expected to arise during such works

It explains that permit schemes provide for better co-ordination of all works, monitoring and to ensure that disruption to local communities and road users are reduced. These well-established processes were introduced by Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and are regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007.

Each permit application is scrutinised by the Highway Authority to reduce the impact upon the existing highway by means of the scheme programme, clarification of working arrangements, safety management to both the public and contractors as well as reviewing temporary traffic management proposals. The contractor undertaking the works will need to provide accreditation to verify their suitability to implement the relevant scheme meeting safety and constructional expectations.

The safety and coordination of these works at this particular location are of paramount importance, given the traffic volumes that extends beyond that attributed to the 49 dwellings. The nature of this route necessitates careful consideration of traffic management to ensure minimal disruption and maximum safety for all road users and established processes will be utilised to ensure this is effectively managed. Thus, your officers advise

that this falls within the remit of the Highway Authority and can be satisfactorily addressed within established processes and associated legislation.

The applicant has provided for following response. A significant element of the roundabout works has been completed offline within the land controlled by the applicant. The remaining works at the roundabout, which will require some temporary traffic management. Bellway estimates that the work can be completed within approximately 15 weeks. The planned works will see the temporary closure of a short section of Fox Lane and implement a two-phased temporary traffic signal on Rock Hill. This will reduce traffic on Fox Lane to levels residents experienced during previous closures for site access construction. Bellway and WCC are still discussing the timings for road space to minimise disruption to local residents as much as possible.

It is considered that the impact of development traffic and co-ordination related to the alteration of the roundabout falls to be addressed under relevant highway related legislation and does not constitute a matter to be resolved as part of the determination of the current planning application.

Both WCC Highway Authority as the statutory consultee and Mott MacDonald agree that the proposal would not meet the severity threshold for refusal referred to in paragraph 116 of the NPPF.

The applicant is seeking permission to vary the timing of occupancy related to the alteration of the Fox Lane / Rock Hill junction. This would allow a maximum of 49 units to be occupied. It is acknowledged in the submitted details and in consultation responses that there would be a worsening in queuing at the junction. A worsening of the existing situation does not automatically mean that the proposal is unacceptable. 49 occupied dwellings would result in 18 two-way trips travelling through the Fox Lane/Rock Hill junction. A delay of 13 seconds would be added at the morning peak hour with queues forecast to increase by 8 metres on the occupation of 49 dwellings. Both the Highway Authority and Mott MacDonald agree that this would not meet the 'severity test' set out in paragraph 116 of the NPPF. Your officers have no reason to disagree with this conclusion.

The applicant's submission includes some commentary on when the roundabout might be completed however, this will be dependent on the issuing of a permit by WCC to allow access to the necessary road space. At the current time no permit has been issued. Further advice from WCC has been sought on this issue.

The earliest road space availability for the permanent Rock Hill roundabout works is now Summer 2026 (it has always been 2026). It is acknowledged by WCC that Bellway Homes have worked very hard in exploring options to deliver this scheme and have carried out all preliminary works that can be achieved off-line. However, the nature of this scheme is that once final construction starts there is no ability to postpone and reinstate the original junction.

A road space permit application in relation to the Rock Hill scheme was detailed sufficiently in February 2025 by Bellway. This application offered two options to deliver the scheme, one with a 14-week programme, the other with a 17-week programme. Neither of these are achievable before Summer 2026 because of the adjacent A38 BREP works, which has the road space booked with permits in place up until 31 May 2026.

The significant delay to the permitting of developer works in Bromsgrove is due to there being no possibility for permitting significant roadworks that impact traffic flow on both the A38 and B4091 concurrently. These parallel routes carry 20,000 and 16,000 vehicles per day respectively and any capacity constraint on both at the same time carries a high risk of critical loss of access to essential services for residents and businesses in Bromsgrove. There is additional risk with the A38 being the diversion route for M5 and Rock Hill acting as a release for local essential access during such an incident. Allowing these works concurrently would constitute a major failure of Worcestershire County Council's (WCC) Network Management Duty.

It is accepted that the increase in traffic flow from development overloads the current priority junction at Fox Lane/Rock Hill, however the temporary congestion on Fox Lane, although undesirable and inconvenient to those using the junction, is not near the scale of highway network capacity overload of concurrent works on A38 and B4091 and does not carry the high impact/high probability risk to critical and essential access.

At the very least, the works on A38 BREP must be north of New Road junction prior to any major works on Rock Hill. There is no possibility of a pause to A38 BREP works to accommodate the Fox Lane/Rock Hill roundabout, and there is no requirement for WCC to offer this as A38 BREP is an existing scheme with a programme for delivery and has permits in place for works to the south of New Rd.

This is a major infrastructure project of regional importance on a strategic road and is government funded. WCC cannot afford to underwrite additional costs now and in the future from slippages in the programme. In addition there are a number of major utility upgrades along the A38 route that are on hold for the area and must start immediately after BREP. Included in this is the national gas main replacement programme as the metal gas mains have expired their lifespan and are at high risk of leaks and a risk to public safety. Those within 30 metres of buildings must be upgraded to plastic within the timescale mandated by the Health & Safety Executive (HSE).

WCC can issue the permit to Bellway for summer 2026 (pending a full application from Bellway with defined and an updated achievable programme) as currently the road space is available. However, WCC Street Works cannot guarantee the progress of schemes currently working on the highways and therefore can never guarantee the road space even when a permit has been granted. However, if the A38 BREP scheme overruns, the advanced detailed works permit and road space booking for Summer 2026 at Fox Lane/Rock Hill provides more opportunity to negotiate a programme amendment with BREP.

In concluding on highway matters, the amended condition continues to require the provision of the roundabout and limits the occupation to a maximum of 49 dwellings. The submitted information has been found to demonstrate severity threshold has not been met and the Highway Authority (and Mott MacDonald) have confirmed that there is no concern regarding highway safety. The proposal is considered to be acceptable. To be clear, although Members have been provided with detailed information on road space for clarity, it is not necessary for the date of completion of the junction alteration to be confirmed in order to make a decision on this planning application.

Retaining Wall

The Highway Authority has confirmed that from a highway and transportation perspective, there are no changes to the form, scale and footprint of the roundabout when comparing 7033-SK-005 revision F and 7033- SK-005 REV G. Revision G includes a retaining wall.

The position of the retaining wall is shown to extend close to a TPO Willow tree within the site of the former Greyhound PH. A tree work application has previously been granted for work to the tree. The Tree Officer has previously confirmed that there are no concerns arising from the proposed amendment to condition 25 regarding the impact on the TPO tree.

The retaining wall has a stepped design acknowledging the topography of the adjoining land and has been constructed with the installation of Tobermore Country Stone facing brick in colour type Bracken. This is considered to reflect the appearance of existing retaining walls in the vicinity of the site and is considered acceptable.

Housing Delivery / Affordable Housing

The proposed amended condition sets out that the 49 units would comprise no more than 30 no. private market dwellings and no more than 19 no. affordable dwellings (no information has been provided regarding the split between social rent/shared ownership affordable).

The Council's Strategic Housing and Business Support Manager has confirmed that the need for affordable housing is significant. These are reinforced by comments Bromsgrove District Housing Trust.

A number of letters have been received in support of the proposal and that it would help towards mitigating the existing housing need in the District. A number of purchasers have advised of the particular difficulties they are facing with regard to delays in the delivery of housing with consequences for social cohesion, health and well-being, housing chains and potential homelessness.

The thrust of the 2024 NPPF is to encourage the provision of housing. NPPF paragraph 79 states that where housing delivery falls below 75% over the previous 3 years, the presumption in favour of sustainable development applies.

Given that there is an identified need for housing in the District, that this site is part of an allocated site, that the Council has not met its housing delivery target, and in particular that the effect of the proposed amended condition would not result in concerns of highway safety or result in severe harm (NPPF paragraph 116) as expressed in comments received from both the Highway Authority and Mott McDonald, the NPPF supports the approval of the application.

Other Matters

Some objections suggest that the application should be refused on principle (e.g. planning condition is long standing, imposed by PINS and would mean that suitable infrastructure is not provided, condition has been breached). Planning legislation requires the proper consideration of a valid planning application. It does not prohibit the consideration of retrospective or part retrospective proposals and there is a requirement for the Local Planning Authority to be positive and proactive. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the development plan, national planning policy and is considered acceptable with regard to material planning matters.

Conclusion

The Highway Authority has advised that there is no concern regarding highway safety and that although the amendment would result in a delay of 13 seconds and an additional 8 metre queuing, this cannot reasonable be considered severe. The Mott MacDonald review agrees with the conclusion. Therefore, the threshold for refusing the application on highway grounds is not met; the proposal does not conflict with paragraph 116 of the NPPF. The application is considered acceptable.

The appearance of the retaining wall is considered satisfactory.

The proposed amended condition continues to secure the provision of the roundabout. Other conditions attached to the outline planning permission will be applied to the s73 decision to ensure satisfactory development is achieved. The requirements of the s106 Legal Agreement attached to the original appeal decision continue to apply to any planning permission granted as a result of this S73 application and thereby ensure that the impact of the development is satisfactory mitigated. To conclude, the occupation of 49 dwellings prior to the alteration of the Fox Lane / Rock Hill junction is considered acceptable with regards to planning policy and other material planning considerations.

RECOMMENDATION: That planning permission be granted subject to conditions.

Conditions

Re-impose conditions attached to APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132) and amended by 24/005176/S73 (condition 22):

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

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25/00529/S73

Land At Whitford Road Bromsgrove

Proposal to amend condition 25 No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision.

Recommendation: Grant

Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):

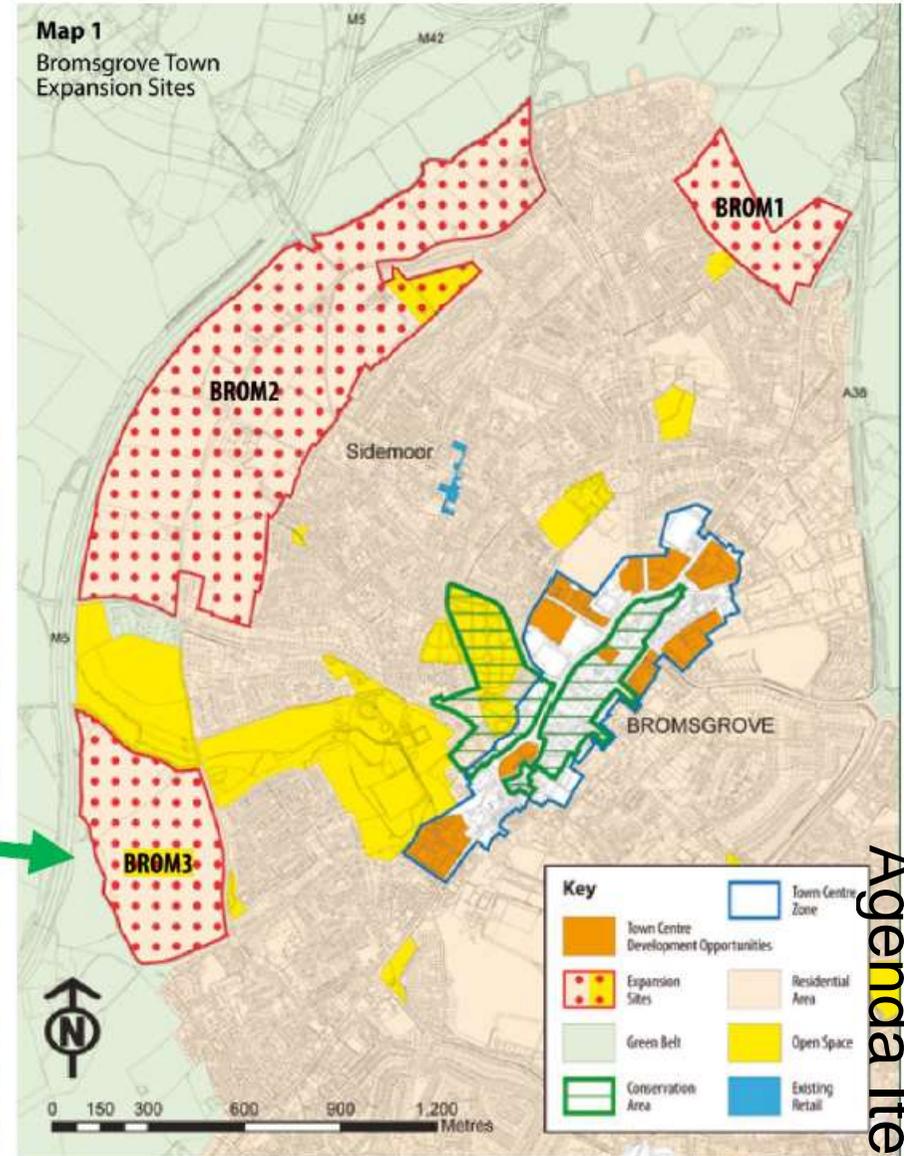
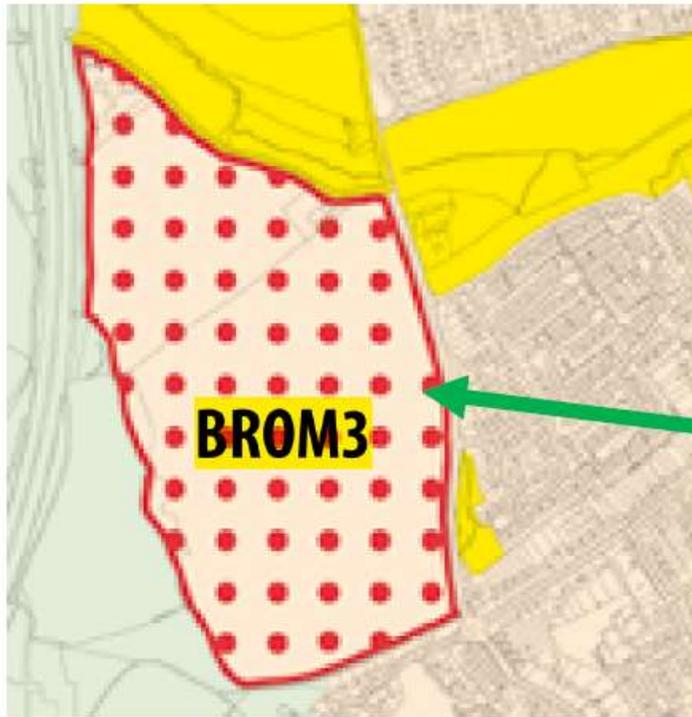
FROM:

No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision F.

TO:

No more than 49 dwellings (of which, no more than 30 shall be for private sale and no more than 19 shall be for affordable housing) shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE- ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02.

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



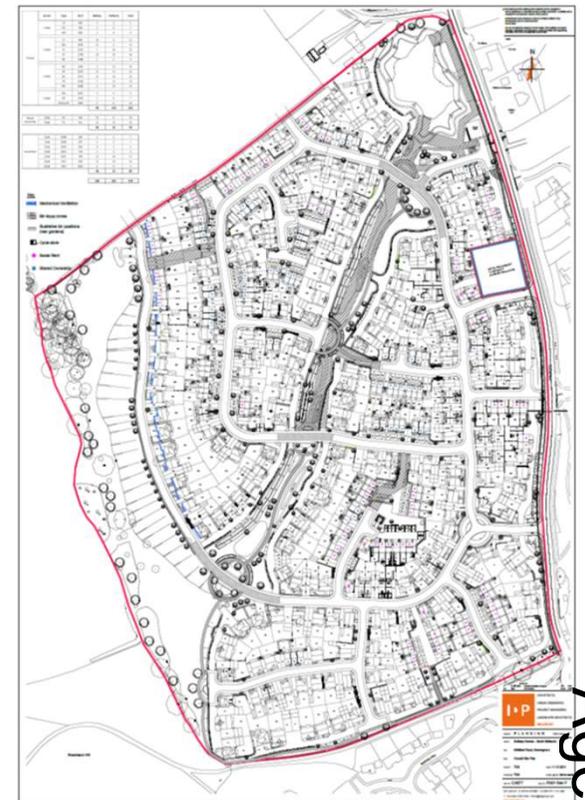
Aerial View



Site A



Bellway Layout (ph 1)



7033-S278-701-C02



- NOTES
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
 2. ALL WORKS SHALL BE COMPLETED TO THE SATISFACTION OF THE WORCESTERSHIRE COUNTY COUNCIL (WCC) REPRESENTATIVE.
 3. THIS DRAWING IS TO BE PRINTED IN COLOUR AND READ IN CONJUNCTION WITH ALL DRAWINGS AND NOTES FROM THE WCC DESIGN PACK 7033/S278. THE CONTRACTOR IS TO SATISFY THEMSELVES THAT THERE ARE NO DISCREPANCIES WITHIN THE DESIGN PACK BEFORE COMMENCING ON SITE. IF IN DOUBT ASK.
 4. ALL FOUNDATIONS WILL REQUIRE INSPECTION BY ENGINEER AND WCC 2017 SPDS IN SURFACES TO BE FINISHED AND FILLED WITH CARBON/TYPE 1 (CL 803) MATERIAL TO WCC REPRESENTATIVE REQUIREMENTS.
 5. CROSS SECTIONS DETAILING TO THIS DRAWING CAN BE FOUND ON WPP DRAWING NO. 7033/S278/140-145.
 6. CONTRACTOR TO UNDERPANE WORKS IN ACCORDANCE TO THE SPECIFICATION AND PROVIDED SHOWN DETAILS.
 7. FOR PAVEMENT FINISH DETAILS, REFER TO DRAWING NO. 7033/S20/01.
 8. FOR JOINING INTO EXISTING ROAD SURFACE REFER TO WCC SD WCC-2017-400-07 CONTAINED WITHIN 7033/S20/005.
- 101 KERB LINED IN EXISTING & PROPOSED CARRIAGEWAY WITH 125mm UPSTAND REFER TO WCC SD WCC-2017-400-02 CONTAINED WITHIN 7033/S20/005
- 102 KERB LINED AT BACK OF FOOTWAY REFER TO WCC SD WCC-2017-400-06 CONTAINED WITHIN 7033/S20/005
- 103 KERB LINED WITH 60mm UPSTAND AT DROPPED PAVEMENT CROSSING AND 25mm UPSTAND UNDER ACCESS, WITH TRANSITION KERB WHERE APPROPRIATE. REFER TO WCC SD WCC-2017-400-08 CONTAINED WITHIN 7033/S20/005
- 104 225mm DEEP EDGING FOR VEHICLE OVERHANG AREAS. REFER TO WCC SD WCC-2017-400-05 CONTAINED WITHIN 7033/S20/005
- 105 KERB LINED WITH 125mm UPSTAND TO WCC SD WCC-2017-400-02 EXCEPT WITH:
 - 500mm DIA CONCRETE BACKING FINISHED 80mm BELOW TOP OF KERB FOR CONCRETE ISLAND KERB AND FLUSH WITH TOP KERB FOR FOX LANE KERB.
 - BRUSHED FINISH TO TOP OF BRICKS CONCRETE WITH 150mm WIDE FLOAT FINISH TO THE FRONT AND BACK.
 - FIBREGLASS EXPANSION JOINTS TO THE BACKING CONCRETE AT 5M INTERVALS.
- 106 EBN FOOTWAY EDGING. REFER TO WCC SD WCC-2017-400-04 CONTAINED WITHIN 7033/S20/005
- 107 GRASS 200mm DEEP, LAY WITH 25mm UPSTAND BETWEEN ACCESS DRIVEWAY AND FOOTWAY TO CHANNEL WATER AWAY FROM FOOTWAY. FOOTWAY ON HIGH SIDE. REFER TO 2020A WCC-2017-400-09 CONTAINED WITHIN 7033/S20/005.
- 108 500 225mm DEEP GRAY KERB UNIT LAY WITH 75mm UPSTAND WITH BED AND BENCHING IN ACCORDANCE WITH WCC-2017-400-02 CONTAINED WITHIN 7033/S20/005.

KEY: DO NOT SCALE

- EXTENT OF S278 WORKS
- CALL LEVEL CARRIAGEWAY / CONCRETED IN EXISTING VERGE / FOOTWAY / DRIVEWAY TO BE LIFT TO DESIGN LEVELS REFER TO WPP DRAWING NO. 11 TO FOX LANE ROUNDABOUT SECTION
- CARRIAGEWAY TO BE LIFTED INTO EXISTING IN ACCORDANCE WITH WCC SD WCC-2017-400-07 REFER TO DRAWING 7033/S20/002 FOR PAVEMENT DETAILS
- PAVING AND RESURFACE SURFACE COURSE REFER TO DRAWING 7033/S20/002 FOR MATERIAL SPECIFICATION
- SURFACE COURSE AND BINDER. REFER TO DRAWING 7033/S20/002 FOR MATERIAL SPECIFICATION
- FULL DEPTH EDGING
- FULL DEPTH ASPHALT FOOTWAY CONSTRUCTION TO SD-042
- LEVELS TO THE INTO EXISTING FOOTWAYS AT ENDS.
- CARRIAGEWAY CONSTRUCTION AT SPALTER ISLANDS PROPOSED SPALTER ISLANDS CONCRETED AS PART OF SURROUNDING CARRIAGEWAY AND FINISHED WITH 125mm OF FOOTWAY CONSTRUCTION WITH 25mm REGULARITY IN BINDER COURSE
- VEHICULAR CROSSOVER CONSTRUCTION REFER TO WCC SD WCC-2017-200-03
- GRASS/VERGE REFER TO WCC SD WCC-2017-200-08
- GRASS/ORETTE. REFER TO WCC SD WCC-2017-400-02
- BUFF TACTILE PAVING SLABS REFER TO WCC SD WCC-2017-300-01, 02 & 03
- RED TACTILE PAVING SLABS AT CONTROLLED PEDESTRIAN CROSSING CONSTRUCTION BUILD UP TO BE AS PER BUFF TACTILE PAVING TO WCC SD WCC-2017-300-01 BUT WITH RED TACTILE UNITS ARRANGED AS PER THIS DRAWING
- RED PEDESTRIAN TACTILE PAVING MARBOLITE LAMBERT DETENTED PAVING OR SIMILAR TO BE INSTALLED TO MANUFACTURERS RECOMMENDATION
- RED COLOURED HMA WITH CHIPPINGS SURFACE COURSE. REFER TO DRAWINGS SD-002.

CODE	ISSUES	REV	REVISED FOR PLANNING	DATE	BY
S	-/SD20	MC	SUBWAYWAY NUMBER	28	JA
F	SD/ML79	MC	WCC SD COMMENTS R4/9/19	3	JA
E	14/9/19	MC	WCC SD COMMENTS R4/9/19	10	JA
S	16/12/19	MC	ISSUES TO WCC & WCCSD COMMENTS	14	JA
C	24/01/20	MC	GENERAL AREA ASSESS TO RESURFACE AND DRAINAGE AREAS FOR COMMENTS	14	JA
B	16/06/20	MC	NEW 200g SURFACE ASSESS	14	JA
A	16/06/20	MC	FINAL ISSUE	14	JA
REV	DATE	BY	DESCRIPTION	DATE	APP

DRAWING DETAILS

A - FIT FOR CONSTRUCTION

wsp

Manchester House, Bourg / Ave, Southampton, SO2 4AU, UK
 T: +44 (0) 1203 391303, F: +44 (0) 1203 391700
 www.wsp.com

CLIENT: CATESBY ESTATES PLC

PROJECT: .

PROJECT ADDRESS: WHITFORD ROAD, BROMSGROVE

DESCRIPTION: ROCK HILL FOX LANE ROUNDABOUT SURFACING & KERBS

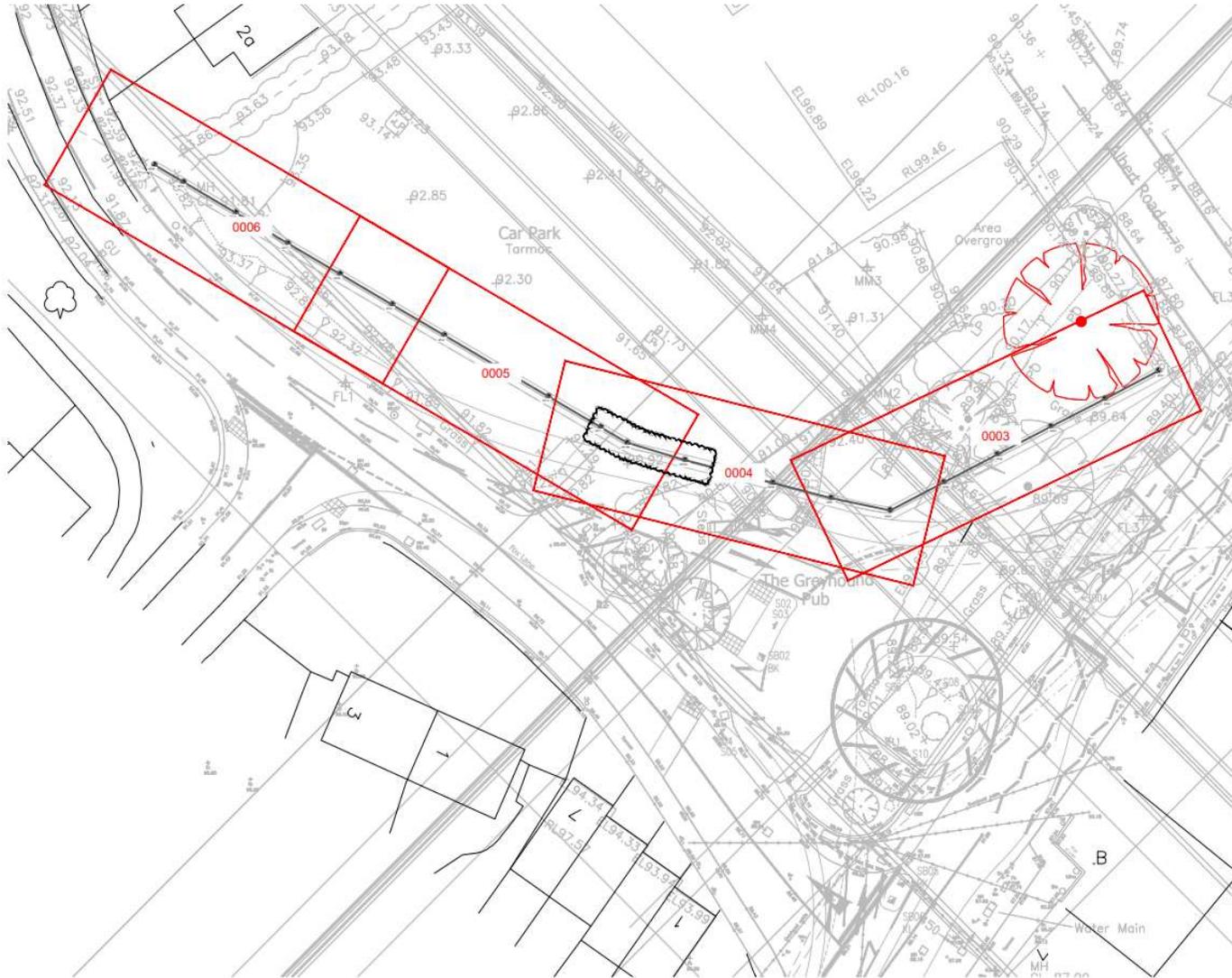
DATE	ISSUED	BY	FOR	PROCESSED	BY
70033/S278	ISSUED	MC	FOR	DATE	BY
70033/S278	ISSUED	MC	FOR	DATE	BY

7033-S278-701 C02

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2015804-AGE-ZZ-XX-DR-X -0002_C02



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6. SETTING OUT BY OTHERS
7. ANY DISCREPANCIES TO GROUND INVESTIGATION DATA STATED, MUST BE REPORTED IMMEDIATELY TO THE SITE ENGINEER.

DRAWING TO READ IN CONJUNCTION WITH GDR REPORT REF "2015804-AGE-01-00-RP-X-0001-A02"

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0P03	200x200x46	0.45	5
0P04	200x200x46	0.45	5
0P05	200x200x46	0.45	5
0P06	200x200x46	0.45	5
0P07	200x200x46	0.45	5
0P08	200x200x46	0.45	5
0P09	200x200x46	0.45	5
0P10	200x200x46	0.45	5
0P11	200x200x46	0.45	5
0P12	200x200x46	0.45	5
0P13	200x200x46	0.45	5
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0P16	200x200x46	0.45	5
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0P18	200x200x46	0.45	5
0P19	200x200x46	0.45	5
0P20	200x200x46	0.45	5

PANEL REF	PANEL SPEC	PANEL HEIGHT (m)	PANEL WIDTH (m)	TOTAL No.
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B	KK0600/S	0.6	2.75	3
C	KK0600/S	0.6	2.45	6

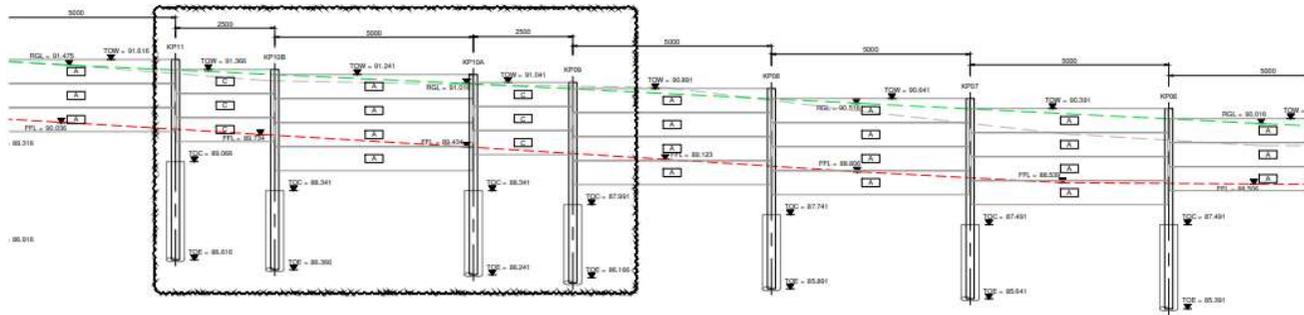
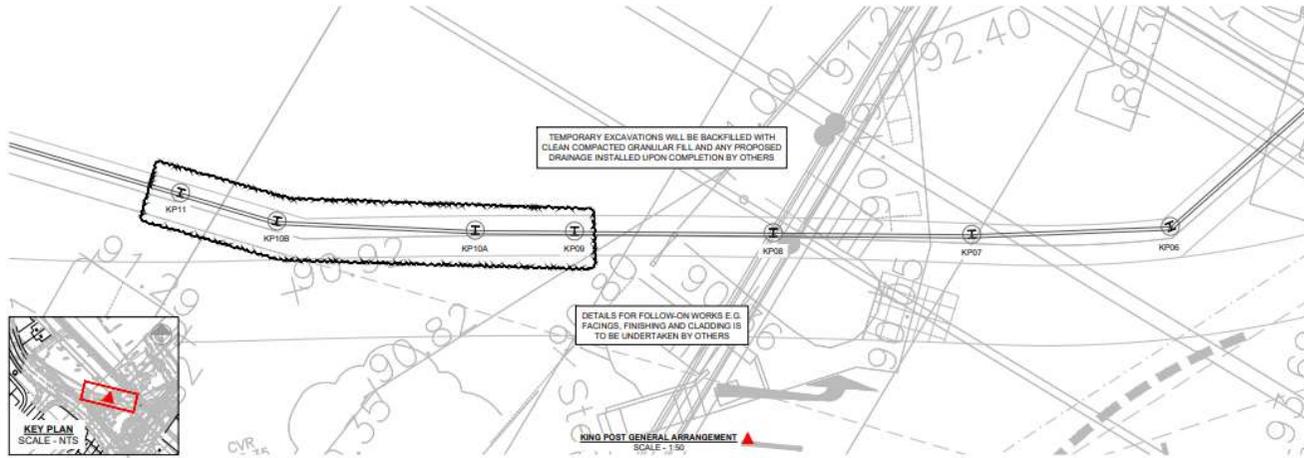
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105	051104	CD	200	REVISION NUMBER
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108	051104	CD	200	REVISION NUMBER
109	051104	CD	200	REVISION NUMBER
110	051104	CD	200	REVISION NUMBER

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 www.arsleff.co.uk

Bellway

Client	BELLWAY HOMES LIMITED					
Project	ROCK HILL, BROMSGROVE					
Drawing Title	KING POST WALL DRAWING OVERVIEW					
PROJECT	GRID	VOL	LEVEL	TYPE	ROLE	NUMBER
2015804	AGE	ZZ	XX	DR	X	0002
Scale	1:150 @ A1	Date	JUNE 2023	By	CD	CHA. MVE
Status	A1 - APPROVED	Classification	C02			

2015804-AGE-ZZ-XX-DR-X-0004_C02



KEY	
	FINISHED FORMATION LEVEL (FFL)
	RETAINED GROUND LEVEL (RGL)
	PILE PLATFORM LEVEL
	TOW TOP OF WALL
	TOC TOP OF CONCRETE LEVEL
	TOE MINIMUM EMBEDMENT LEVEL

5. PRESENCE OF EXISTING SERVICES AND STRUCTURES SHOULD BE INVESTIGATED PRIOR TO COMMENCEMENT OF WORK ON SITE. ADEQUATE MEASURES SHOULD BE MADE TO PROTECT OR DIVERT AS APPROPRIATE.
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DRAWING TO READ IN CONJUNCTION WITH IQR REPORT REF: "2015804-AGE-01-00-RP-X-0001-A02"

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KP03	203x203x48	0.85	5
KP04	203x203x48	0.85	5
KP05	203x203x48	0.85	5
KP06	203x203x48	0.85	5
KP07	203x203x48	0.85	5
KP08	203x203x48	0.85	5
KP09	203x203x48	0.85	5
KP10	203x203x48	0.85	5
KP11	203x203x48	0.85	5

PANEL REF	PANEL SPEC	PANEL HEIGHT (m)	PANEL WIDTH (m)	TOTAL No.
A	KK1000/E	0.6	4.95	16
B	KK1000/E	0.9	2.75	8
C	KK1000/E	0.9	2.45	6

REV	DATE	BY	CHK	DESCRIPTION
001	2024/10/01	CD	CD	REVISED SHEET CLADDING
002	2024/10/01	CD	CD	REVISED SHEET CLADDING & SOLE FOR CONSTRUCTION
003	2024/10/01	CD	CD	REVISED SHEET CLADDING
004	2024/10/01	CD	CD	REVISED SHEET CLADDING

AARSLEFF GROUP LIMITED
WATER LAKE BUSINESS CENTRE
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AARSLEFF

Bellway

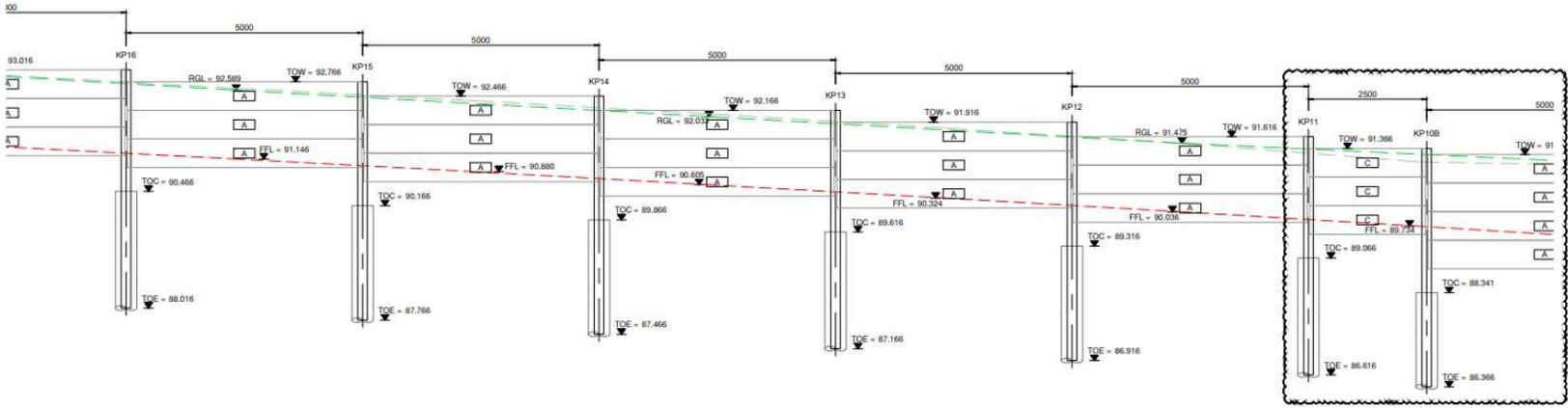
Client	BELLWAY HOMES LIMITED
Project	ROCK HILL, BROMSGROVE
Drawing Title	KING POST WALL GA & ELEVATION SHEET 2 OF 4
PROJECT ORIGIN VOL. LEVEL TYPE NUMBER	2015804 - AGE - ZZ - XX - DR - X - 0004
Scale	1:50 @ A1
Date	OCTOBER 2024
By	CD
Chk	MV
Rev	002
Rev	002
Chk	CD
Rev	002

2015804-AGE-ZZ-XX-DR-X-0005_C02



POST REF	SECTION SIZE	SPACING (m)	DIAM. (m)	DEPTH (m)
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KP02	203x203x46	0.45	5	
KP03	203x203x46	0.45	5	
KP04	203x203x46	0.45	5	
KP05	203x203x46	0.45	5	
KP06	203x203x46	0.45	5	
KP07	203x203x46	0.45	5	
KP08	203x203x46	0.45	5	
KP09	203x203x46	0.45	5	
KP10A	203x203x46	0.45	5	
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KP11	203x203x46	0.45	5	
KP12	203x203x46	0.45	5	
KP13	203x203x46	0.45	5	
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KP19	203x203x46	0.45	5	
KP20	203x203x46	0.45	5	

PANEL REF	PANEL SPEC	PANEL HEIGHT (m)	PANEL WIDTH (m)	TOTAL No.
A	KKD600/8	0.6	4.95	56
B	KKD600/8	0.6	2.75	3
C	KKD600/8	0.6	2.45	6



KING POST ELEVATION
SCALE - 1:50

KEY	
---	FINISHED FORMATION LEVEL (FFL)
- - -	RETAINED GROUND LEVEL (RGL)
---	PILING PLATFORM LEVEL
---	TOP OF WALL
---	TOP OF CONCRETE LEVEL
---	MINIMUM EMBEDMENT LEVEL

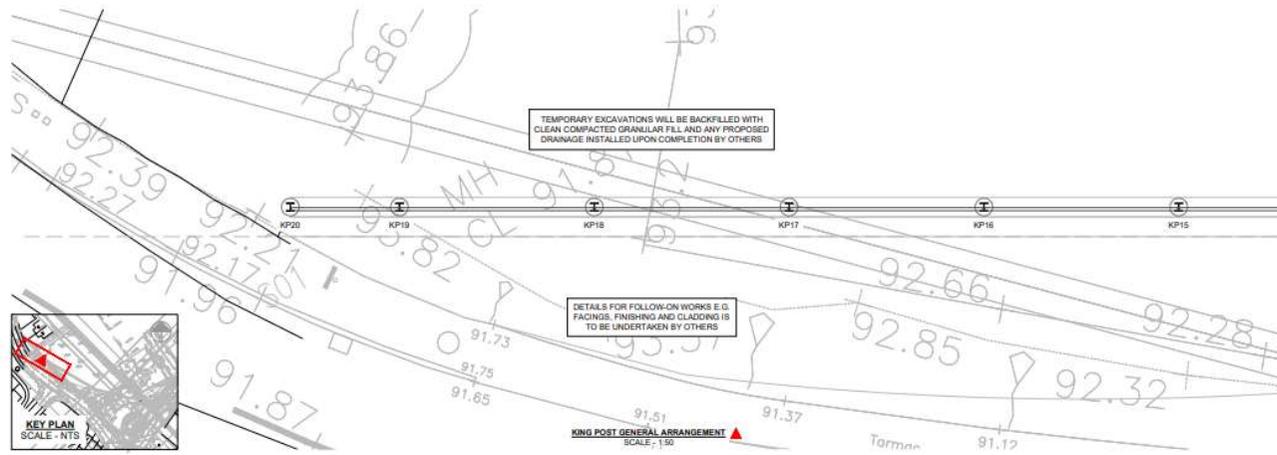
CD	REV	DATE	BY	CHK	REVISION
01					ISSUED FOR APPROVAL
02					REVISED POST SPACINGS & ISSUED FOR CONSTRUCTION
03					REVISED WHERE CLOUDED

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Client	BELLWAY HOMES LIMITED
Project	ROCK HILL, BROMSGROVE
Drawing Title	KING POST WALL GA & ELEVATION SHEET 3 OF 4
PROJECT NUMBER	2015804 - AGE - ZZ - XX - DR - X - 0005
Scale	1:50 @ A1
Date	OCTOBER 2024
By	CO
Chk	MV
Revision	C02
Classification	A1 - APPROVED

2015804-AGE-ZZ-XX-DR-X-0006_C02

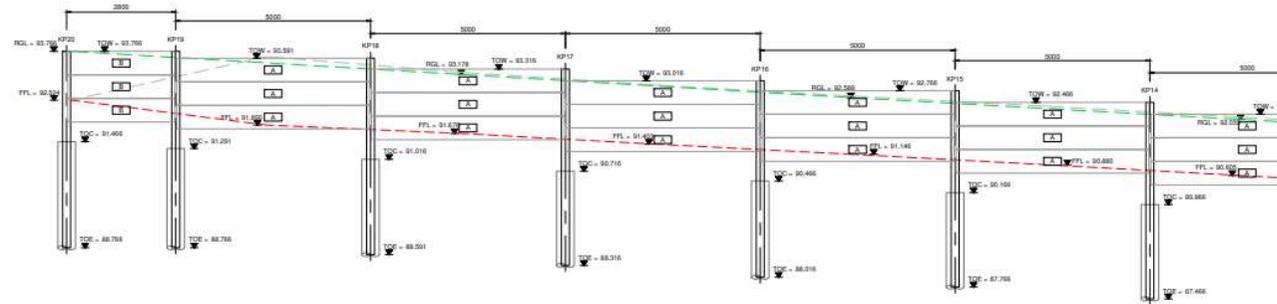


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5. PRESENCE OF EXISTING SERVICES AND STRUCTURES SHOULD BE INVESTIGATED PRIOR TO COMMENCEMENT OF WORK ON SITE. ADEQUATE MEASURES SHOULD BE MADE TO PROTECT OR DIVERT AS APPROPRIATE.
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DRAWING TO READ IN CONJUNCTION WITH IDR REPORT REF "2015804-AGE-01-00-RP-X-0001 A02"

POST REF	SECTION SIZE	BORE DIA. (m)	LENGTH (m)
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KP03	200x200x40	0.40	3
KP04	200x200x40	0.40	3
KP05	200x200x40	0.40	3
KP06	200x200x40	0.40	3
KP07	200x200x40	0.40	3
KP08	200x200x40	0.40	3
KP09	200x200x40	0.40	3
KP10	200x200x40	0.40	3
KP11	200x200x40	0.40	3
KP12	200x200x40	0.40	3
KP13	200x200x40	0.40	3
KP14	200x200x40	0.40	3
KP15	200x200x40	0.40	3
KP16	200x200x40	0.40	3
KP17	200x200x40	0.40	3
KP18	200x200x40	0.40	3
KP19	200x200x40	0.40	3
KP20	200x200x40	0.40	3

PANEL REF	PANEL SPEC	PANEL HEIGHT (m)	PANEL WIDTH (m)	TOTAL No.
A	KX060V3	0.6	4.55	56
B	KX050V3	0.6	2.75	3
C	KX060V3	0.6	2.45	0



NO.	REVISION	DATE	BY	REASON
001	ISSUED	03/10/24	COG	ISSUED FOR CONSTRUCTION
002	ISSUED	03/10/24	COG	AS PER PDP OPERATIONS & ISSUES FOR CONSTRUCTION
003	ISSUED	03/10/24	COG	ISSUED FOR WORKING
004	ISSUED	03/10/24	COG	ISSUED

AARSLEFF

Client	BELLWAY HOMES LIMITED
Project	ROCK HILL, BROMSGROVE
Drawing Title	KING POST WALL GA & ELEVATION SHEET 4 OF 4
Project Origin	PROJECT ORIGIN VOL. LEVEL TYPE ROLE NUMBER
2015804 - AGE - ZZ - XX - DR - X - 0006	
Scale: 1:50 @ A1	Check: OCTOBER 2024 By: COG CDR MVE
Issue:	Revision: 002
A1 - APPROVED	

KEY	
---	FINISHED FORMATION LEVEL (PFL)
---	RETAINED GROUND LEVEL (RGL)
---	PILING PLATFORM LEVEL
---	TOP OF WALL
---	TOP OF CONCRETE LEVEL
---	MINIMUM EMBEDMENT LEVEL

Retaining Wall Facing Brick Tobermore Country Stone in Bracken



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Applicant's images

Agenda Item 5

Photos Rock Hill / Fox Lane: extent of works 11/03/2025



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← Extracts google streetview →



Agenda Item 5

Photos Rock Hill / Fox Lane: extent of works April 2025



Page 60



← Extracts google streetview →



Agenda Item 5

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr George Watson (Greenergy Renewables UK)	Proposed Battery Energy Storage System (BESS) and associated infrastructure Land Off Illey Lane, Hunnington		24/00960/FUL

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions.

Consultations

Worcestershire Highways - Bromsgrove

Following clarification on several matters, no objection subject conditions

- Vehicular access
- Site Access and Signing:
- Conformity with Submitted Details
- Vehicular visibility splays approved plan
- Highway Condition Survey

Conservation Officer

- In terms of heritage, as confirmed in the submitted Heritage Statement, there are numerous heritage assets within the localised area, including the Grade I Listed Sy Mar's Abbey Ruins and the associated SM of the Halesowen Abbey and associated water control features, lying some 600m to the north-east; the Grade II listed Oatenfields Farmhouse, lying some 150m to the west, with additional historic barns which may be considered as being curtilage listed; Illey Mill (NDHA) lying adjacent to the proposed site entrance; and Goodrest Farm (NDHA), lying to the south of the site, which dates at least to 1831, being evident on the First Ed of the OS mapping, but most likely has earlier origins, and is characterised by a loose courtyard farmstead.
- I agree with the HS that there will be a degree of less than substantial harm to the significance and setting of the Grade II Oatenfields Farmhouse through the proposed development, resulting from both the alteration of the agricultural nature of the Site, as well as the visual prominence of elements of the scheme, including the scale and size of elements such as the transformer and the high level disconnectors, and that this would be at the low end of the scale of LTS. In line with the NPPF, and with the intentions of S.66 of the P(LBCA)A 1990, such harm should be afforded great weight in undertaking a tilted balance of the harm against the public benefits of the scheme, and that clear and convincing justification has to be provided. In terms of the provision of such, this is set out in the Planning Statement in terms of the need for renewable energy storage
- I disagree that there would be no harm to the setting, insofar as this contributes to significance, of Illey Mill, as part of the rural character of this setting, which does contribute to its significance, would be altered. I consider that this would be a low level of harm to significance, where a balanced judgement has to be given to the scale of harm and the significance of the asset.

- I also agree that there would be some limited harm to the setting and significance (insofar as the former contributes to the latter) of the Goodrest Farm complex, again resulting in the need for a balanced judgement to the given to the scale of harm against the significance of the asset.

Worcestershire Archive and Archaeological Service

- The Proposed Development Site is situated on the eastern-facing slopes of a shallow valley formed by the Illey Brook, which approaches the Site from the southeast and joins with the watercourse that runs through the Site just to the east of the Site boundary. The red line boundary of the proposed development site appears to have been reduced in scale, from that assessed as part of the geophysical survey and Desk Based Assessment.
- Historic cultivation marks ('ridge and furrow') and earthworks of former field boundaries are evident on Environment Agency LiDAR, within the red line boundary. The 'ridge and furrow' is narrow and relatively straight; it does not have the appearance of medieval cultivation and appears post-medieval/modern in date.
- Earthworks potentially associated with the vast estate of the scheduled and Grade I listed St Mary's Abbey, (c. 800m northeast of the site), are recorded along the Illey Brook, c. 215m northeast of the site (HER ref. WSM36168). Deep curvilinear earthworks c.50m east of the site (WSM36170), along the Illey Brook, may be associated with Illey Mill, which is situated c. 30m east of the site's eastern boundary.
- The Worcestershire Historic Environment Record records an area of Palaeolithic Potential, Head Deposits comprising possible deposits of unknown potential for Palaeolithic unstratified and paleoenvironmental remains (HER ref. WSM56936), directly south of the proposed development boundary.
- The Desk Based Assessment (DBA) submitted with application, which considers evidence from both the Worcestershire and Dudley Historic Environment Records, assesses the potential for prehistoric archaeological remains across the site as medium. I would agree with this assessment given the identification of worked lithics, cropmarks, including possible ring ditches and enclosures, and concentrations of heat crazed pebbles (pot boilers) suggestive of burnt mound material, identified within the sites wider setting, and often concentrated around watercourses. As noted in the DBA this may represent dispersed prehistoric settlement and/or funerary activity.
- The DBA considers it unlikely that significant Roman remains will be present on the site. It also assesses the potential for medieval and post medieval activity across the site to be medium, and likely related to agriculture, drainage and enclosure.
- The geophysical (magnetometer) survey undertaken in February 2024 ' during which data was collected at a traversal interval of 2m and sample interval of 0.50m - recorded several anomalies across the survey area, some of which were identified as possibly archaeological (strong and weak possibility) in origin, others of undetermined origin. This included a large series of anomalies in Area B (F12) which cover the length of the area from north to south. As noted in the geophysical survey the exact interpretation of these anomalies is difficult to determine given the size and form, only an archaeological investigation will characterise what these anomalies are.
- The DBA notes that the nature and date of anomalies, recorded during the geophysical survey, is currently undetermined. It tentatively theorises that anomalies could relate to agricultural practices (i.e. ridge-and-furrow agriculture). The DBA also suggests that given the lack of nearby corresponding prehistoric/Roman features, it is improbable that the anomalies are related to these periods. However, given the identification and extent of worked lithics, cropmarks and concentrations of heat

crazed pebbles suggestive of burnt mound material, identified within the sites wider setting, I would tentatively theorise that anomalies may alternatively relate to prehistoric activity along the valley of the Illey Brook. As referenced in the DBA, we can only theorise as to what these anomalies attest too, and only further archaeological investigation through evaluation will confirm their nature.

- The areas showing the strongest concentration of anomalies appear to have largely been removed from the red line boundary of the proposed development site. However, given the results of the geophysical survey and medium potential for subtle prehistoric archaeological remains across the site in general ' that would be truncated or totally removed should groundworks be undertaken ' I would suggest that further archaeological investigation is undertaken pre determination, to identify the presence or absence of archaeological remains their character and significance, within the area of the current red line boundary, that may not have been picked up by geophysical survey due to their more subtle, discrete nature.
- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- The application is judged to have the potential to impact heritage assets of archaeological interest that would be significantly altered or lost through development. Further archaeological investigation is recommended within the area of the red line boundary to determine the presence or absence of archaeological remains their character and significance. This should take the form of evaluation predetermination, with a sample rate of 2%. A written scheme of investigation should be submitted to the archaeological advisor for the district for approval prior to any intrusive investigation. Trial trenching predetermination will inform the decision making process and should the application ultimately be approved, the requirement for and scheme for any further archaeological works by condition.
- Should you be minded to grant planning permission for this scheme, without further archaeological investigation predetermination, a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This would take the form of evaluation by trial trench initially (at a sample rate to be discussed). This could be followed by further mitigation should the results of the evaluation find evidence to justify further stages.

North Worcestershire Water Management

Following clarification on several matters, no objection subject to conditions:

- Detailed surface water drainage scheme design, including maintenance
- Construction surface water management plan
- Buffering of the watercourse
- Permeable access to remain permeable

Environment Agency

- Whilst we note the reason for your consultation being an application for a Battery Energy Storage Systems (BESS) site, based on the sites constraints this does not fall within our checklist and would not be a reason for consulting us, therefore we would have no bespoke comment to make.
- We have recently produced some guidance to assist with applications involving BESS that I have attached for your consideration, alongside our checklist for when to consult us on planning applications which we would appreciate being review and filled out on receipt of any future applications.

WRS - Contaminated Land

- No objection

WRS - Noise

No objection subject to conditions

- Pre-occupation noise assessment
- Construction and Environmental Management Plan (CEMP)

WRS - Air Quality

- No objection

Consultant Conservation And Landscape Officer

- No objection
- I have no objection to the scheme on landscape grounds providing opportunities for mitigation are maximised and managed to ensure net gains for landscape character are delivered and sustainably managed. Should you be minded to grant the scheme permission then I recommend that landscape and habitat mitigation and BNG objectives are delivered in the context of a Landscape and Ecological Management Plan (LEMP).

Natural England

- No objection
- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and has no objection.

Ecology (Thompson Environmental Consultants – Bromsgrove DC appointed ecology consultant)

- No objection
- Following receipt of an updated PEA and GCN Survey, these documents are considered sufficient to address the comments raised in the original response. The LPA should note the recommended conditions in the original response.

Worcestershire County Council Countryside Service

- Following information from the applicant, it is confirmed that there is separate access for the PROW. No further information is required in this instance, but applicant should note the general comments made.

Arboricultural Officer

- No objection subject to conditions
- Adherence with The submitted Arboricultural Method Statement
- Should any tree, existing or planted as part of the landscaping proposals, die or become diseased within 5 years of completion of the development they are to be replaced like-for-like within 1 year.
- Should any pruning to retained trees, be necessary to facilitate the development, they are to be done in accordance with BS3998:2010

Hereford & Worcester Fire And Rescue

- Whilst Hereford & Worcester Fire and Rescue Service (HWFRS) are not a statutory consultee under the Town & Country Planning Act 1990, or the Regulatory Reform (Fire Safety) Order 2005 on such planning applications, you have requested comments in relation to this particular planning application.
- The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005.
- We would also expect that safety measures and risk mitigation is developed in collaboration with the Service. The strategy should cover the construction, operational and decommissioning phases of the project.
- HWFRS recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.
- A comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed.

Birmingham City Council

- No comments received

Dudley Metropolitan Council (Neighbouring authority)

- Object to the application on the following grounds:
 1. Area of High Historic Landscape Value
 - The submitted Landscape and Visual Appraisal prepared by Stephen Halliday and the Historic Environment Desk-Based Assessment prepared by SLR both fail to acknowledge and assess the impact of the proposals on the significance and setting of the Illey and Lapal Area of High Historic Landscape Value (AHHLV), a non-designated heritage asset, located immediately adjacent to the application site within the Dudley Borough boundary.
 2. Designated heritage assets
 - Figure 4 of the Landscape and Visual Appraisal (considers the Zones of Theoretical Visibility, including screening (areas shaded purple below). It is noted that two designated heritage assets within Dudley's Borough boundary fall within these zones, the Leasowes Registered Park and Garden (Grade I listed) and Halesowen Abbey (Grade I listed and a scheduled Monument). The submitted Landscape and Visual Appraisal and the Historic Environment Desk-Based Assessment both fail to consider

the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 This is contrary to para 200 of the NPPF.

3. Cumulative Impact of BESS within the wider Green Belt

- Chapter 13 of the NPPF sets out the Government approach to Protecting Green Belt Land. Para 143 sets out the five main purposes of the Green Belt. As part of the supporting statements, no assessment has been made of the cumulative impact of the application site when considering it in conjunction with two other Battery Storage application sites) which fall within the Zones of Theoretical Visibility, identified in Fig 4 of the Landscape and Visual Appraisal. No assessment has been made regarding the cumulative impact of these schemes when considered holistically and how these developments collectively impact on the five main purposes of the Green Belt and its integrity. This cumulative impact also needs to be considered in respect of the Illey and Lapal Area of High Historic Landscape Value (AHHLV). All 3 sites are accessed directly off Illey Lane.

4. Highway Safety Implications

- As the proposed access point is immediately adjacent to Dudley MBC's Borough boundary, consultation has been undertaken with Dudley MBC Highway Engineers. On review of the submitted information the Highway Engineers share Worcestershire County Council's Highway Authorities view that the proposal should be refused on insufficient information.

In addition to the above, further comments have been raised regarding the following:

- Appropriate liaison should be undertaken around public rights of way (PROW) which runs through the application site, and an agreed solution would need to be secured to maintain accessibility over the PROW.
- The proposed access track should be of a sufficient width to allow two vehicles to pass and be of an appropriate construction.
- Details of the proposed junction onto Illey Lane should be provided, including details of gradients, radii and widths to allow for an informed assessment.
- Impact of the adjacent property and existing structures on visibility to the southeast of the access. This would need to be confirmed as part of any final access design.
- There are overhead wires within the vicinity of the access and associated track. This would need to be considered if development is to be supported.

Hunnington Parish Council

- Hunnington Parish Council have submitted two objections as part of the application. In their objections that raised a wide range of issues and concerns with the proposed development including cumulative impacts. These issues include comments on the following matters:
 1. Hunnington in Context (Green Belt Designation)
 2. The planning application and BESS sites
 3. Lowlands Farm and Illey Brook Farm BESS sites
 4. Cumulative Effects
 5. Green Belt Status - Appropriateness
 6. Harm to the Green Belt
 7. Bess Sites and Renewable Energy
 8. The Surrounding Countryside of Hunnington
 9. Register of Public Rights of Way
 10. The Quality of the Hunnington Countryside (Illey and Hunnington Environment and Landscape Analysis)

11. Siting and Effects on Local Residences
12. Wildlife Impact and the Nature Friendly Farming Initiative
13. Noise pollution
14. Battery Plant Safety - Fire and Toxic Risk
15. Flood and Pollution Risk
16. Cyber and Terrorist Threat
17. Operational Impact
18. Forty Year Temporary Permission
19. Financial Status of Grenergy Renewables
20. Consultation With Residents (lack of support for development)

In conclusion that state the following:

- *“At the time of writing, two adjacent BESS sites have recently been approved and there is a potential for 3 significant BESS sites on the same tract of Green Belt land, and all within less than one mile of each other. The fact that two of these sites are within the Dudley Borough Council boundary is irrelevant, as Illey Brook Farm is less than half a mile from Goodrest Farm.*
- *We believe that this clearly demonstrates that the cumulative harm to the Green Belt significantly outweighs any benefits, of a third BESS site and that “very special circumstances” cannot be applied in these circumstances. Furthermore, HPC would argue that the current BESS commercial “free for all”, with lack of central control, is leading to decisions being made with absurd consequences.*
- *We believe that the close proximity to residential houses is the consequence the site selection process, and that Grenergy could not find any other suitable location. Furthermore, this presents a significant risk of harm to residents through fire and concomitant pollution. This is reiterated by HWFRS in their response, and we believe sets it apart from most other BESS Green Belt applications. This is further exacerbated by the lack of any detailed risk assessments by Grenergy or consultees, along with appropriate contingency plans should a serious fire or pollution incident occur.*
- *Hunnington is a semi-rural village within a widely recognised Green Belt area, popular with walkers and wildlife enthusiasts. To allow this to go ahead would lead to the spoliation of an historical and much-loved area.*
- *Grenergy state “This effect or harm (to the Green Belt) s however temporary given the limits of the lifetime of BESS developments (para 2.3.5). This temporary nature is 40 years, which is the lifetime of many residents.*
- *The Bluebird development alone is significant for a village of this size. This particular planning application represents the most serious issue to face the parish council and its residents since its formation and will trigger the demise of Hunnington as we know it. Hunnington Parish Council therefore strongly objects to this planning application”.*

Public comments

89 letters sent to neighbours 07.10.2024 (expired 31.10.2024)

Site notice displayed 12.10.2024 (expired 05.10.2024)

Press advert 04.10.2024 (expired 18.10.2024)

74 objections received

1 neutral comment received

Comments are summarised as follows:

Green Belt

- Harm to openness and visual amenity
- No very special circumstances
- No need for the proposed development
- Cumulative impact with other proposals

Highway matters

- Safety of access/egress onto the site in the context of prevailing traffic speed
- Restricted Emergency Access
- Safety issues given proximity of adjacent Public Right of Way
- Impact on Public Rights of Way

Design and appearance

- Development will be prominent in the context of surrounding views and will negatively impact upon those
- Mitigation measures, including planting, inadequate due to scale of development
- Unsightly appearance of proposal
- Impact upon character and setting of listed buildings

Other matters

- Battery fires, unsafe technology, decommissioning
- Infrastructure upgrade to facilitate development
- Impact on wildlife/biodiversity
- Loss of agricultural land
- Noise from BESS
- Construction noise
- Flooding/Drainage

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

Relevant Policies

Bromsgrove District Plan

- BDP1 – Sustainable Development Principles
- BDP2 – Settlement Hierarchy
- BDP3 – Future Housing and Employment Growth
- BDP4 – Green Belt
- BDP12 – Sustainable Communities
- BDP16 – Sustainable Transport
- BDP19 – High Quality Design
- BDP20 – Managing the Historic Environment
- BDP22 – Climate Change
- BDP23 – Water Management
- BDP24 – Green Infrastructure
- BDP25 – Health and Well Being

Others

NPPF – National Planning Policy Framework 2024
NPPG – Planning Practice Guidance
High Quality Design SPD

National Government Policy regarding Energy

National Policy Statement EN-1 (Overarching National Policy Statement for Energy)
National Policy Statement EN-5 (Electricity Networks Infrastructure)
Transitioning to a Net Zero Energy System, Smart Systems and Flexibility Plan 2021 (July 2021)
Energy white paper: Powering our net zero future (2020)
Clean Power 2030 Action Plan: A new era for clean electricity (December 2024)

Relevant Planning History

None

Nearby Planning History

Within the vicinity of the application site two Battery Energy Storage System (BESS) have been allowed following planning appeals since September 2024. Details of these decisions are summarised below:

Land at Illeybrook Farm, Illey Lane

Erection of a battery energy storage system (BESS) together with associated infrastructure, site levelling works, access onto Illey Lane and ancillary development at Land at Illeybrook Farm, Illey Lane (Dudley P23/0940) allowed following a planning hearing (APP/C4615/W/24/3345744). The decision was in April 2025, following an earlier decision being superseded.

The Planning Inspector considered that the proposal would constitute inappropriate development in the green belt which should not be approved except in very special circumstances, which national policy advises will not exist unless the potential harm to the green belt and any other harm is clearly outweighed by other considerations. In the green belt balance, the inspector decided the weight given to the contribution to mitigating climate change and to energy security, the absence of alternative sites taking into account a grid connection offer, and to the potential for permanent BNG, clearly outweighed the temporary harm to the character and appearance of the area. Accordingly, overall, very special circumstances existed which justified the development and the appeal was allowed.

Land at Lowlands Farm, Illey Lane, Halesowen

Provision of battery energy storage, substation compound with associated infrastructure, fencing, access road, drainage and landscaping at Lowlands Farm, Illey Lane, Halesowen, B62 0HJ (Dudley P22/1733) allowed following a planning hearing (APP/C4615/W/24/3341383) 4th September 2024.

The development would involve the provision of plant and equipment including a series of battery units around three metres in height, associated infrastructure, compound

buildings, palisade fencing, CCTV cameras as well as an access road. In the inspector's assessment, although the site was small in the context of the wider green belt, it made a strong contribution to the green belt and therefore the development would conflict with the purpose of safeguarding the countryside from encroachment as well as causing considerable harm to spatial and visual openness.

The field which comprised the site was visible from a number of locations, and from the motorway and a footbridge over it, the inspector identified, concluding that there would be additional harm to the character and appearance of an area of high historic landscape value but not to its heritage significance because ridge and furrow and old parish boundary hedgerows would be unaffected.

Under other consideration the inspector recorded that the development would facilitate greater use of renewable energy sources, give more flexibility to the energy system, benefit energy security and help meet net zero targets key to addressing climate change. He noted that national energy policy EN-1 states that electricity storage has a key role to play in achieving these objectives, and that this was consistent with the draft NPPF policy on low carbon development.

The Inspector concluded that these other considerations clearly outweighed the harms to the green belt and landscape. Therefore, very special circumstances existed which justified the development.

Assessment of Proposal

Site Description

The application site extends to approx. 3.8ha, lies to the south of Illey Lane and comprises agricultural land and encompasses several fields, with the proposed development situated towards the middle of the site area.

The site's immediate surrounding area is considered to be rural and agricultural, it is screened and surrounded by dense vegetation, tall trees and situated away from the primary residential areas located along Bromsgrove Road (approx. 120m from the western site boundary to the nearest dwelling). Site access will be taken via an existing private gate along Illey Lane.

The site is within Flood Zone 1 where the risk of flooding is at its lowest. Whilst the site does not lie within a Conservation Area and there are no listed buildings on the site, the nearest Grade II Listed Building (Oatenfields Farmhouse) is approximately 155m to the northwest of the site.

Proposal

Full planning permission is sought for the erection of Battery Energy Storage System (BESS) to provide energy balancing services to the National Grid. The application proposes the erection of storage containers, support infrastructure and security fencing along with landscaping and associated works.

The proposed development would comprise of the following equipment housed within a

fenced compound:

- 60no Battery Units 7.81m in length, 2.64m in height (2.79m on base) and 1.72m width
- 20no Power Stations *which contain two inverters
- 132kV Substation within a 52.7m by 28.9m compound
- 2no Switchgear
- Monitoring Room / Office 12.2m in length, 2.6m in height (2.75m on base) and 2.44m width
- Auxiliary Transformer
- DNO Control Room Building 7.5m in length, 5m in height and 6.7m width
- CCTV Cameras

The battery units are laid out in 5 rows of 12 battery units, with 2 sets of power stations within each row. At the frontage of the battery storage facility has a substation, switchgear buildings and monitoring room/office.

The compound surface would comprise primarily of type 1 aggregate surface, with the above equipment sitting on raised reinforced concrete foundations. Internal access tracks within the compound would consist of a tarmac/asphalt surfacing.

Access to the site will be taken via an existing access point located along Illey Lane and will be upgraded as required to provide suitable access. The compound would be surrounded by a fence, with an appropriate landscaping scheme around the perimeter and the BESS. Remaining spacing outside the fence line is to be utilised for new woodland, hedgerow and tree planting as well as rough/wildflower grassland.

The proposed development would be time-limited to 35 years, after which time all infrastructure would be removed from the site.

This type of facility operates by taking excess electricity from the Grid at times of low demand when energy would otherwise be lost, storing it in batteries, and releasing it back to the Grid when demand is high. Energy storage facilities therefore improve the efficiency of existing energy production facilities, notably from renewables where production is intermittent and based on external conditions. BESS can also operate in several different modes to provide grid stability services, such as managing voltage and frequency imbalances as renewable generation dips up and down. A battery energy storage facility does not itself generate renewable energy but provides storage capacity.

The point of connection (PoC) for the facility would be into the Kitwell Substation which is located approximately 2km east of the application site on Kitwell Lane. The connection would be made using underground cabling from the application site to the substation. This is outlined within the Alternative Site Assessment (ASA) document. There are no overhead power lines/pylons proposed. The underground cabling does not form part of this application and would be subject to a future planning application.

In relation to the point of connection an application for the spare capacity is then made to National Grid Electricity Distribution (NGED) at a cost to the applicant. If the application is successful, the grid connection offer is made exclusively available only from the site that it is applied for, with connection to the PoC. At this stage, and going forwards, the site cannot then be changed as this is the agreed and offered grid connection point.

The applicant is Greenergy Renewables UK Ltd they are an Independent Power Producer (IPP) that designs, develops, implements and operates renewable energy plants on a large-scale across the globe. Headquartered in Spain, Greenergy entered the international market in 2007 with the aim of producing clean, sustainable energy and are now present in 11 countries. As of 2020 Greenergy entered the UK market to support the Nation's shift to Net-Zero and protect the environment for future generations. To date, Greenergy has over 1.8 GW of renewable projects in operation or under construction across the globe through 80 connected plants, primarily in Spain and South America.

Assessment

The application site is located on land outside of a settlement hierarchy outside of the settlement hierarchy outlined in Policy BDP2 Settlement Hierarchy.

The proposed development is intended to serve as infrastructure supporting the National Grid network and therefore, it is considered the relationship with National Grid infrastructure (in this case the Kitwell substation) is the determining factor in identifying an appropriate location for this type of development. It is acknowledged that the location of a battery storage site is unlikely to be accommodated within designated settlement areas where the availability of land is typically more constrained. However, the requirement to be near National Grid infrastructure does not completely discount the possibility of a settlement location or serve to demonstrate a countryside location is inherently essential.

Potential of cumulative impact

The proposed scheme represents one of three similar developments in the surrounding area. Details of the other schemes are outlined in the Other Relevant Planning History section above,

The potential for all three battery storage sites to be delivered within the locality is acknowledged, however it is not considered this factor represents a justifiable basis as a reason for refusal for this application. For that to have any merit it would be important to capture what the impact might be from installing and operating all sites together. That said, it is important that every application is assessed on its own merits. Where it is possible to capture any in-combination effects such as the impact on the local road network or character and appearance of the area, this report assesses that impact in the relevant sections below

Green Belt

The application site is within the Green Belt. The main issue in establishing the principle of the development is firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of BDP 4 Green Belt and the NPPF. Secondly, if the development is inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 outlines a list of exceptions where development may be acceptable in the Green Belt, and these align with BDP4, it is noted that there are now further exemptions since the NPPF was amended in December 2024 in paragraph 155 which are not reflected in BDP4.

There are further potential exceptions to development being treated as defined as inappropriate with in the amended NPPF, namely whether the site amounts to 'Grey Belt' as defined in the NPPF and if so whether certain criteria are met. If met this means development is not inappropriate and there is no need to demonstrate very special circumstances.

In relation to BDP4, the proposed BESS facility would not fall within any exceptions listed within the policy criteria. In this regard the proposal is a departure from the development plan and on the basis that it would be considered inappropriate development in the Green Belt.

However, as explained the NPPF is a significant material planning consideration, and its policies and guidance must be applied in decision making as a matter of law. The amended NPPF published and adopted by the Government on 12 December 2024 introduced the concept of Grey Belt land as a further important material planning consideration when considering proposed development in the Green Belt. Policy BDP4 as it was adopted prior to the amended NPPF does not address Grey Belt as a potential exception and to that extent it no longer fully aligns with the NPPF.

In accordance with the guidance in the NPPF and caselaw this affects the weight that should be given to the fact that the application does not meet BDP4 which is a key relevant policy. Consideration must be given therefore to whether the Grey Belt exemption applies as well as other relevant policies and guidance within the NPPF.

Grey Belt

Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 of the NPPF applies. However, paragraph 155 indicates that:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan,
- b) there is a demonstrable unmet need for the type of development proposed,
- c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework, and
- d) where applicable the development proposed meets the "Golden Rules" requirements set out in Framework paragraphs 156 and 157.

The Glossary to the NPPF defines Grey Belt as,
"...Grey Belt is defined as land in the GB comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes

(a), (b), or (d) in NPPF paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas or assets in Footnote 7 (other than GB) would provide a strong reason for refusing or restricting development.”

Footnote 7 refers to NPPF policies, rather than those in development plans, relating to: habitats sites, and those sites listed in paragraph 1944, and/or designated as Sites of Special Scientific Interest; land designated as GB, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest referred to in Footnote 75; and areas at risk of flooding or coastal change.

In this case, the site is not PDL, however, to determine whether the site falls to be considered as Grey Belt, the site has to pass the test of whether the land, does not strongly contribute to Purpose a - to check the unrestricted sprawl of large built-up areas, Purpose b - to prevent neighbouring towns merging into one another listed in NPPF paragraph 143 and Purpose d - to preserve the setting and special character of historic towns.

Purpose a – Sprawl

The evidence base for the District Plan review, included a Green Belt Purposes Part One Assessment (2019) (GBPPOA), which assessed how land within the Green Belt contributes to the purposes of the Green Belt. The site is located within Parcel N5 named West of the M5, East of B4551 at Romsley. The assessment concluded that made a strong contribution to Purposes a, b and c and not applicable to purposes d and e. However, due to the size of the parcel this does not assist in assessing the effect of the development on Green Belt purposes.

The NPPF does not contain a definition of what might constitute sprawl. Concluding on whether the development would conflict with Purpose a, depends on the relationship of the site with the large built-up area. The GBPPOA 2019 refers to Halesowen and describes the A456 as a “strong defensible boundary.” The proposed development is in open countryside some 2km away from the A456 and therefore in spatial terms, is separated from an existing built-up area and does not present an extension of Halesowen beyond its current boundary. It is also physically separated from the ribbon development along the B4551 Bromsgrove Road (Hunnington), in both instances it cannot be described as urban sprawl. As such, the development would be physically and visually discrete from the large built-up area. In this context, the site does not strongly contribute to Purpose a.

Purpose b – Merging

The proposal would result in physical development in the N5 parcel. Therefore, in the strict sense of this purpose, the proposal would not in itself lead to the merging of neighbouring towns. The countryside and open land between towns (in this case Halesowen and Birmingham) is always under pressure from development and it is rarely the case that a single development, on its own, would cause neighbouring towns to merge. However, such areas could be lost incrementally and, over time, lead to the merging of neighbouring towns.

In this case, albeit temporarily, there would be a loss of GB land between the towns of Halesowen and Birmingham. This would result in a minor, temporary reduction, in the gap between these towns. Therefore, the proposal would not contribute to the possibility of these towns merging. However there is significant open land remaining between the site and these towns (even after taking into account the other approved schemes in the area). In both spatial and visual terms it is noted that the gap between Halesowen and Birmingham is made up of a combination of Parcel N5 and other adjoining parcels within the Green Belt which together prevent the merging of neighbouring settlements. The gap function of other parcels within the Green Belt will continue, regardless of the proposed development. There is very limited visibility of the site, and the BESS would have no material impact on the perception of the gap. In this context and given the proposal would be temporary and would not lead directly to the merging of neighbouring towns, the site does not strongly contribute to Purpose b.

Purpose D - To preserve the setting and special character of historic towns

This is not relevant.

Conclusion on Grey Belt Status

Based on the above assessment, the site is considered to be Grey Belt. However, for the proposal to be considered as not inappropriate development it must satisfy all of the criterion, a to d, listed in NPPF paragraph 155.

Paragraph 155 Grey Belt Criterion A

This criterion requires that the development proposed would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I take this to mean an assessment of the proposal against all 5 of the purposes of the Green Belt. Criteria a, b and d have already been assessed above however this leaves the other 2 criteria in paragraph 143 to be applied.

With regard to Green Belt purpose (c), namely, safeguarding from encroachment, it is accepted that the spatial occupation of the site would clearly encroach into the countryside. However, in relation to the wider parcel of Green Belt which forms the strategic function, within which the site lies, the comparatively small nature of the site itself is such that the harm resulting from encroachment would be negligible when tested against the contribution of the larger parcel to the Green Belt across the area of the Local Plan. Thus, the proposal would not undermine this purpose.

Regarding Green Belt purpose (e), namely, assisting urban regeneration by encouraging recycling of derelict and other urban land, reference should be made to an Alternative Site Assessment (ASA) submitted in support of this application. In the absence of an alternative site, there would be no conflict with Purpose e to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Whilst there is no requirement in local or national policy for an ASA, as each application is assessed on its own merits, it can form a basis for demonstrating 'very special

circumstances' to justify Green Belt development. This has been carried out by the applicant and submitted as part of this proposal.

Focus is given to deliverable and available sites, sites over 1ha in area to accommodate the development. A range of technical, environmental and economic factors were also utilised when assessing suitable sites for the proposed development. This included proximity to sensitive receptors, access and feasibility site size and shape, development plan policy, agricultural land quality, landscape and visual impact, nature conservation and potential for enhancement flood risk; land availability and ground conditions.

The starting point for this assessment is the connection point to the grid. In this case, the site is positioned adjacent to the substation, so requires minimal disturbance to connect to the grid. The ASA found that the sub-stations that are not in the Green Belt cannot support a BESS scheme. Further, out of the Green Belt options, the application site is identified to be free from substantial connection constraints and would be capable of suitably sized BESS development without the need for significant substation upgrades and reinforcement works. As such, this is a viable and suitable option.

When considering all the necessary requirements to facilitate the development of a BESS including proximity to a grid point of connection, commercial requirements, buildability considerations and planning restrictions, the selection of this site to accommodate the proposed development is a reasonable conclusion set against the criteria.

In these circumstances, the proposed development would not fundamentally undermine this purpose of Green Belt criterion (e) i.e. assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

Drawing all of the above matters together, it is concluded that the development would not fundamentally undermine, the purposes when taken together of the remaining GB in the plan area. Criterion A of paragraph 155 is met.

Paragraph 155 Green Belt Criterion B

This criterion requires that there is a demonstrable unmet need for the type of development proposed. The consideration that a BESS project fulfils this requirement and has been substantiated through appeal case law, including in local decisions as outlined above.

National Policy Statement EN-1 although it strictly relates to Nationally Significant Infrastructure Projects determined under the Planning Act 2008 as opposed to an application under the Town and Country Planning Act 1990, is relevant to this energy storage scheme.

EN-1 indicates that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and to increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various benefits, locally and nationally. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed

on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NESO) and Distribution Network Operators (DNO) to help operate the system, reduce constraints on the networks and help to defer or avoid the need for costly network upgrades as demand increases.

Furthermore, NPPF paragraph 161 indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure.

Further detail is provided in Very Special Circumstances section below and concludes there is a demonstrable need for the type of development proposed (BESS).

Paragraph 155 Grey Belt Criterion C

This criterion requires that the development would be in a sustainable location through limiting the need to travel and that sustainable transport modes are prioritised. This is in relation to development that would generate significant level of vehicle movements, particularly by car. As discussed in the Highway section of this report, this level of traffic movement is not significant, nor would it have an unacceptable effect of highway capacity or safety.

The location of the BESS facility is limited by the factors addressed in the Alternative Site Assessment and, as above, it is accepted that the proposed development site is the only appropriate location. In the context of the development type, the location is considered sustainable and meets this criterion.

Paragraph 155 Grey Belt Criteria D

Criterion D refers to housing development and the 'Golden Rule' does not apply.

Conclusions on Grey Belt Exemption

The relevant criteria contained in NPPF paragraph 155 are met and this development therefore does not fall to be considered as inappropriate development in the Green Belt. As the development is considered to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt (or to the purposes of including land within it, as explained).

However, for robustness and completeness, should Members disagree with the above assessment and conclude that the development does not fall within the Grey Belt exception and the development must therefore be treated as inappropriate development in the Green Belt, then the following assessments on impact on openness and landscape harm as well as whether very special circumstances can be demonstrated have been undertaken.

Impact on Openness

Paragraph 142 of the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

The proposed development would occupy an area of undeveloped land. While some land will be used for landscape and ecological enhancement, the development is highly functional and utilitarian. Most structures will be below 3m in height. Although the development is contained within existing and proposed planting, including reinforced landscaped boundaries, it would result in a loss of spatial openness due to its extent and spread.

In terms of the visual dimension of openness, existing mature planting, although helping to filter views into the site, does not presently effectively screen the site and the proposal would represent a contrast to the undeveloped agrarian landscape, including a few glimpsed views through trees on Illey Lane and from the public footpath to the west and south of the site. The localised visual effect would increase during the winter months although the existing strong mature planting and its reinforcement and enhancement by new landscaping would mean that the development would be viewed through several layers of planting. Notwithstanding, from close distances, including along existing public footpaths, the visual effects would be considerable as it would still result in a change from an agricultural landscape to a more industrialised and utilitarian landscape.

From further afield, the proposal would occupy a relatively small area of land in the overall landscape.

Due to a mix of topography and existing and proposed planting, the effects of the development when viewed from the north and east would be relatively imperceptible. There would be inevitable glimpsed views from longer vantage points but these would be at a distance, and would be filtered through topography, existing vegetation and the increasing establishment of new planting over time.

In this context, the development would remain visible from a number of viewpoints and although the mitigation would temper the effects, due to the scale of the proposed development and its intermittent visibility particularly at certain times of the year, there would be a considerable loss of openness in terms of the visual and spatial dimensions of the Green Belt. Nevertheless, the impact on the Green Belt would not be permanent. However, if the site was no longer needed during the 35 years or at the end, it would be relatively straightforward to remediate the land to its existing state. This would be included as a condition to ensure the development would not become a permanent feature in the landscape if it no longer in use during the 35 years or at the end of the 35 years.

Overall, the proposal's effect on the openness of the Green Belt expressed in terms of its spatial and visual dimensions, despite the time limit of 35 years which in any event, would constitute a generational negative change, would amount to a considerable harm to loss of openness on a temporary but long-term basis. This would conflict with the Green Belt's purpose to safeguard the countryside from encroachment and conflict with policy BDP4.

As stated in paragraph 160 of the NPPF, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers 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 production of energy from renewable sources.

The proposal is inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. The development would also cause some harm to the openness of the Green Belt and by causing some degree of encroachment into the countryside would conflict with one of the purposes of including land in the Green Belt. In line with paragraph 153 of the NPPF, the harm to the Green Belt from these matters results in substantial weight against the proposal. The proposal would not accord with BDP4 or the NPPF outlined above.

Very Special Circumstances

It may be noted that the NPPF at paragraph 160 notes that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers 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 production of energy from renewable sources.

Consideration has been given earlier in respect of whether there is a demonstrable unmet need for the type of development proposed in the context of meeting Green Belt criterion B.

The battery units would store surplus electricity, including that produced from renewable technologies. Surplus power would be released to the electricity grid for consumption during times of under-production from renewable energy technologies. By storing electricity and facilitating a decrease in the need to produce energy from fossil fuels sources during periods of under supply. The proposed battery storage facility would align with the principles of low carbon technology. There is a clear relationship between the amount of renewable energy generation and energy storage contributing to a faster transition to Net Zero.

The UK is required under the Climate Change Act (2008) to reduce carbon emissions, and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. On 1 May 2019, the United Kingdom ('UK') Parliament declared a climate change emergency and on 27 June 2019 the UK became the first major economy in the world to legislate a legally binding target of net zero emissions by 2050. That year, Bromsgrove District Council and many other Councils across the country declared a climate emergency. The Council made a commitment to reduce carbon emissions by 50% by 2030 and achieve Net Zero by 2040¹. A Carbon Reduction Strategy and Action Plan has been produced by the Council with the latest version 6.1 being published in November 2024². Within this document one of the actions and measures is to: "Review Local Plan where there is particular reference to renewables /provision for renewables in the future or heat networks".

The Written Ministerial Statement³ "Building the homes we need" ("WMS") does not expressly mention BESS. However, it recognises that boosting the delivery of renewables will be critical to meeting the Government's commitment to zero carbon electricity

¹ <https://www.bromsgrove.gov.uk/council/policy/climate-emergency/>

² [Bromsgrove Carbon Reduction Strategy November 2024 10122024 Cabinet.pdf](#)

³ <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>

generation by 2030. BESS are essential for a net zero energy system and therefore are explicably linked.

In December 2024, the Government also released the Clean Power 2030 Action Plan: A new era of clean electricity. The Action Plan highlights that achieving clean power is now a broader goal and key to growing the economy and improving national security and standards of living. The document identifies urgency of enacting policy by “Sprinting to clean, homegrown energy”, placing delivering clean power by 2030 at the heart of one of the Prime Minister’s five missions and the Plan for Change.

Within this document the Government have specifically stated their target of 23-27 GW of battery capacity before 2030 within the Action Plan. The Government acknowledges the importance of battery storage schemes such as the proposed development, and they are going to become increasingly crucial for meeting national and international targets to reach net-zero.

In terms of the need to act immediately and take the opportunity for renewable energy where grid capacity is present, the Action plan states at page 50 “There is particular urgency to accelerate the planning process across Great Britain for energy infrastructure since we do not have long for many clean power projects to begin construction if they are to be operational for 2030”.

In line with the Government’s Overarching National Policy Statement for Energy (EN-1), different types of electricity infrastructure are needed to deliver national energy objectives, including storage which is required to reduce costs in support of an affordable supply. Storage can provide flexibility, meaning that less of the output of generation plant is wasted as it can be either stored or exported when there is excess production, and they can also supply electricity when domestic demand is higher than generation, supporting security of supply.

The Policy Statement (EN-1) explains that storage has a key role to play in achieving net zero and providing flexibility in the energy system so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4 GW of electricity storage operational in Great Britain of which about 1 GW is in the form of battery storage. Storage is needed to reduce the costs of the electricity system and increase reliability.

The development would support energy security and reduce exposure to volatile international fossil fuel prices, by harnessing abundant renewable and low carbon resources. The BESS facility would contribute to the UK’s target to decarbonise the power system supporting the aim of paragraph 161 of the NPPF which states that “the planning system should support the transition to net zero by 2050” and to support renewable and low carbon energy and associated infrastructure. Paragraph 168 of the NPPF outlines that when determining planning applications for all forms of renewable and low carbon energy developments and their infrastructure, the Local Planning Authority (LPA) should:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;

- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
- 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.

Policy BDP22 focuses on how the Council will deliver viable low carbon climate resilient developments. Specifically, the policy goes on and states that the Council will support low carbon energy generation schemes when adverse impacts are addressed satisfactorily.

The application states that the battery storage would contribute to energy security by providing a storage, import and export capacity. The facility would provide a means of storing energy, to be released when need arises and so provides a vital element of infrastructure which supports the use of intermittent renewable energy, allowing renewable power to be utilised when it would otherwise be wasted i.e. when generation exceeds demand.

The proposed scheme would therefore make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy. The national support for such schemes is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy benefits of proposal, both in terms of its contribution towards energy security and resilience and the reduction in greenhouse gas emissions, must be accorded very substantial weight.

There are other benefits in terms of comprehensive landscaping scheme which has a beneficial impact in terms of vegetation cover and landscape character for the area. The urgent need for battery energy storage technology across the grid and the locational constraints associated with this type of technology, which mean that points of connection are a rarity.

The applicant has also ensured that the proposed development has provided at least 10% Biodiversity Net Gain onsite. The proposed development will result in a net gain of 5.33 habitat units (46.44%), 1.87 hedgerow units (25.59%) and 0.30 watercourse units (14.24%).

The economic benefits of the proposal include a significant financial investment into the local and wider economy with jobs (both direct jobs on-site and indirect/induced roles) being created during the construction period.

As such, in line with the NPPF, very special circumstances have been demonstrated to outweigh any harm caused to the openness of the Green Belt, should the proposal be considered inappropriate development.

Impact upon Landscape Character

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy BDP1 Sustainable Development Principles seeks the quality of the natural environment including any potential impact on biodiversity, water quality, geodiversity,

landscape and the provision of/and links to green infrastructure (GI) networks. Policy BDP21 Natural Environment states that the Council will seek to achieve better management of Bromsgrove's natural environment by expecting developments to protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment, and take account of the Worcestershire Landscape Character Assessment Supplementary Guidance.

The site is situated in a single field between Goodrest Farm and Illey Lane, within a wider landscape east of Bromsgrove Road. The site is well-screened due to hedgerows, hedgerow trees, tree belts, and wooded streams. A dismantled railway forms a distinct sinuous feature, separating the site from residential properties on Bromsgrove Road and filtering direct views of the proposed development. Illey Lane, a minor road to the north and east, channels views due to roadside vegetation, with high hedges or tree belts restricting views towards the site. There are PRowS with potential visibility of the Site throughout the wider area occur. Where these occur they are likely to be on higher ground, above, over or between intervening features in the landscape. At lower levels, including views from close and medium range, are often contained by boundary hedgerows restricting visibility to a single field or the next. The proposed development would introduce battery units and a substation enclosed by fencing and tree/hedgerow buffer to provide screening to mitigate the visual impact.

A Landscape and Visual Appraisal (LVA) has been submitted. In terms of landscape effects on all the identified landscape receptors, these ranged between Negligible Adverse and Moderate Adverse. Moderate adverse effects are expected for the site and its immediate context during the construction and early operational phase of the proposed development in the short to medium term. The long-term landscape effect of the proposed development is assessed as no greater than Minor Adverse.

In relation to visual effects, for the construction phase these were assessed as Moderate Adverse, Minor Adverse in the early operational phase (with developing mitigation) and remaining at a Minor Adverse effect following mitigation. For medium and long-range receptors, the difference in effect between construction and operational phases would be less evident than close range receptors. For medium range receptors, long term effects were within the range of Minor to Negligible Adverse, for long range receptors would be no greater than Negligible Adverse.

All these matters have been assessed in detail in the LVA. The WCC Landscaping Adviser has reviewed the Landscape and Visual Appraisal and overall support the findings set out for landscape and visual impacts and consider the viewpoints selected for assessment to be appropriate. The Advisor does acknowledge the wider risk with this scheme and the potential for cumulative effects when it is considered in context with the similar developments along Illey Lane in short, there is a risk of the overall setting becoming urbanised. However, following the submission of further work regarding this matter (in the form of an Addendum to the LVA), given the scale and location of these approved developments the cumulative effects it is agreed that no cumulative landscape effects are expected between the proposed development other development nearby.

Overall, the proposed BESS would result in Moderate/Minor Adverse landscape and visual effects contrary to the objectives of development plan policy. These effects would be temporary and with mitigation would, in the short term, be materially reduced. In the

long term once the site had been restored, the mitigation planting would have beneficial landscape and visual effects.

Loss of Agricultural Land

Paragraph 187b of the NPPF states that decisions should “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

NPPF Paragraph 188 and associated footnote no.65 states that ‘plans should...distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this NPPF. 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. Whilst this paragraph relates specifically to allocating land for uses such as housing or employment as part of plan making, it is considered that it can equally apply to decision making, particularly for large developments. It is worthy of note that the latest version of the NPPF against which decisions are to be made has removed the availability of agricultural land use for food production to be considered against other relevant policies both nationally and locally.

Best and Most Versatile (or BMV) land is defined within the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. An Agricultural Land Classification and Soil Resources has been carried out by Reading Agricultural Consultants. This identifies that the site comprises 2.1ha (55%) of Grade 3a (good quality), 1.5ha (40%) of Grade 3b (moderate quality) land and 0.2ha (0.5%) as non-agricultural.

There is no definition of ‘significant development of agricultural land’ in planning guidance or legislation although it is noted that Natural England are only consulted where there would be a loss of more than 20ha of BMV land (DMPO 2015). The quantum of BMV within the site is 10.5% of the threshold which requires consultation with Natural England. It is therefore not considered to be significant development in that regard.

The development would therefore result in the temporary loss of 2.1ha of BMV. The site is agricultural fields in pastoral use and is not used for food production. There is no evidence that the land should be kept available for food production in Bromsgrove or the wider area.

Whilst there can be economic and other benefits of the best and most versatile agricultural land, in this case its loss would not cause harm to the overall supply or availability of land for food production and the proposed use is a form of rural land diversification that can complement or support farming of the wider area including the remaining fields within the applicants’ ownership.

It is considered that the proposed development, given that it is time limited and could be reversed in future, is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. Although it is accepted that the development would prevent any food production taking place on this particular site for the lifetime of

the development, it is not anticipated that the temporary loss of this land would compromise the District's overall farming ability.

Highways, Access and Parking

In line with paragraphs 111 and 112 of the NPPF, the impact of development proposals on the highway network should be considered. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy BDP16 Sustainable Transport requires that 'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'.

A Transport Statement (TS) has been prepared by Local Transport Projects Ltd to assess the impact of the proposed development on the local and wider highway network and to assess the safety and suitability of site access arrangements.

Vehicular access to the site is to be provided via an existing field access connecting with Illey Lane on the north-eastern site boundary, which is expected to be widened as part of the development to accommodate large construction vehicle movements. The access is expected to be utilised during the construction, installation, and maintenance periods. Vehicle parking for site workers during all stages of construction and operation will be accommodated on-site with no vehicles allowed to park or wait on the adjoining highway network during any stage of the development

The delivery and construction/installation period of the proposed BESS is expected to take place over a nine-month period. During this period, there would be trips associated with the arrival and departure of construction staff and the delivery of parts and construction materials. A Construction Traffic Management Plan has been as part of the application. The BESS would operate, generally, on an unmanned basis, however it is understood the facility will generate between 10 and 20 trips per month to support site operations and maintenance activities. These trips will be made by car and/or light vans.

The Highway Authority does not object to the proposals subject to conditions that: the site access arrangement be provided in accordance with full construction details to be submitted to and approved, a highway dilapidation survey, the suitable drainage and surfacing of roads, and adherence to the submitted CTMP. It is considered reasonable and necessary that these conditions should be attached to any permission

On the basis, it is considered that there would be an acceptable impact on highway safety subject to conditions, it is considered that there would not be an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

Neighbouring Amenity and Public Health

Policy BDP19 seeks to protect the amenity of nearby residents and requires that developments likely to generate noise are directed to appropriate locations away from noise sensitive areas. Paragraph 180 of the NPPF states that planning decisions should

contribute to and enhance the natural and local environment by (amongst others) preventing new development from contributing to unacceptable levels of soil, air, water or noise pollution.

NPPF Paragraph 198 states that, 'Planning policies and decisions should... a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life' and 'b), identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...'.

The application is supported by a noise assessment by e3P. This has been reviewed by WRS Noise. The output from the modelling indicates that daytime rated levels should not significantly impact on (Noise Sensitive Receptors) surrounding the development and that nighttime similarly should not be significant. As the predictions are based on assumed input levels, it is necessary to ensure that when constructed, that the actual noise levels are not higher than this. It is therefore suggested by WRS Noise that this be controlled by condition including the post installation verification of noise levels and amelioration measures if that is the case. As such, the distance of the nearby properties is considered sufficient to avoid any detrimental noise impacts arising from the proposal.

The application includes a Contaminated Land Report to provide advice regarding the nature and potential significance of contaminated land hazards which may be present at the study site. WRS Contamination have reviewed this and have no adverse comments to make.

Ecology and Biodiversity

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

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'.

The Biodiversity Metric Report indicates that BNG will be delivered wholly on site for this application, and the resultant expected gains that the proposed development a total gain of 5.33 habitat units (46.44%), 1.87 hedgerow units (25.59%) and 0.30 watercourse units (14.24%).

A Preliminary Ecological Assessment identified the ecological constraints of the site and recommended mitigation. A GCN eDNA survey also confirms that pond WB1 tested negative for the presence of great crested newts.

Implementation of these mitigation measures will ensure that there are no adverse ecological impacts from the proposed development.

The Council's Ecologist is satisfied with the assessment of impacts relating to protected species and designated wildlife sites. It is also considered that the biodiversity net gain can be achieved on site and constitutes a significant gain in relation to the baseline habitats. The Ecologist agrees with the measures detailed in the habitat management plan and would seek to secure the implementation of this plan. The Ecologist has also outlined relevant conditions relating to a species enhancement plan, the biodiversity net gain habitat management and monitoring plan, compliance with the CEMP and ensuring no lighting is erected without permission. Subject to the inclusion of these conditions, appropriate material planning weight must be given to this uplift in biodiversity within the planning balance.

Subject to implementation of appropriate mitigation measures, the proposed development would comply with Policy BDP21 and BDP24.

The views of the Council's appointed Ecological Consultant and no objection from Natural England 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.

Flood Risk and Drainage

The application site lies within Flood Zone 1 and is therefore at the lowest flood risk of flooding; the Environment Agency have not commented on the application.

The drainage strategy for the site indicates that the site will be constructed with permeable materials to allow rainwater to infiltrate into the underlying makeup where it will be intercepted by perforated pipework and feed into a SUDS pond located to the north of the site.

North Worcestershire Water Management (NWWM) have raised no objections to the scheme. However, they have recommended the imposition of a pre-commencement planning condition stipulating the provision of a detailed surface water drainage scheme and Construction Surface Water Management Plan. NWWM also recommended conditions regarding at least 5m Buffer strip should be maintained alongside any watercourse and a permeable access track.

Concerns have been raised by members of the public in relation to flooding, some in connection with leakage of chemicals from the facility. However, in the event of fire, water used to treat this will be fully contained in that surface water will drain, through the internal drainage basin into the attenuation basin on site. This basin will be lined to stop any water leaching into the ground and is also sealed by a firewater isolation valve.

Therefore it is considered that the proposal would not unacceptably increase levels of flood risk on site. The application is therefore deemed to comply with the NPPF and Policy BDP23 Water Management.

Trees

The Council's arboricultural Officer has commented on the application and has no objection. The arboricultural Implications Assessment (AIA) identifies that there are a number of category A arboricultural features, which are high quality and would be required to be retained, subject to adhering with the submitted Arboricultural Method Statement. The proposed does not require or intend the loss of any existing tree on site as detailed in the report and the development has been sympathetically designed with the existing tree stock in mind. The submitted landscaping scheme and proposed planting is welcomed and does well to include native mixes for thicket areas as well as the more formal hedging that surrounds the development

It is considered that the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are acceptable in relation to trees.

Heritage and Archaeology

The application site is in close proximity to a number of heritage assets, including the Grade I Listed Sy Mar's Abbey Ruins and the associated SM of the Halesowen Abbey and associated water control features, lying some 600m to the north-east; the Grade II listed Oatenfields Farmhouse, lying some 150m to the west, with additional historic barns which may be considered as being curtilage listed; Illey Mill (non-designated heritage asset NDHA) lying adjacent to the proposed site entrance; and Goodrest Farm (NDHA), lying to the south of the site, which dates at least to 1831, being evident on the First Edition of the OS Mapping.

In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard has been paid to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. Paragraph 200 of the NPPF states that in determining applications, local planning authorities should take into account the significance of heritage assets and how they may be affected by proposals. Policy BDP20 managing the Historic Environment is relevant in that it sets out a presumption in favour of "development proposals which sustain and enhance the significance of Heritage Assets including their setting."

The application is supported by a Historic Environment Desk Based Assessment (HEDA) the Council's Conservation Officer has assessed the proposal and HEDA and concurs that there will be a degree of less than substantial harm to the significance and setting of the Grade II Oatenfields Farmhouse through the proposed development, resulting from both the alteration of the agricultural nature of the site, as well as the visual prominence of elements of the scheme, including the scale and size of elements such as the transformer and the high level disconnectors, and that this would be at the lower end of the scale of less than substantial harm.

The officer also agrees that there would be some limited harm to the setting and significance (insofar as the former contributes to the latter) of the Goodrest Farm complex, again resulting in the need for a balanced judgement to be given to the scale of harm against the significance of the asset

However, the officer disagrees that there would be no harm to the setting, insofar as this contributes to significance, of Illey Mill, as part of the rural character of this setting, which does contribute to its significance, would be altered. It is considered that this would be a low level of harm to significance, where a balanced judgement has to be given to the scale of harm and the significance of the asset.

In relation to other matters raised and in particular to the consultation response by Dudley MBC, the following comments are made.

It is acknowledged that the Illey and Lapal Area of High Historic Landscape Value (AHHLV19) is a non-designated asset. However, it is incorrect to state that this was not assessed as part of the supporting information submitted.

As outlined in the desk-based assessment, the application site falls outside of the AHHLV19 and it does not contribute to its significance due to the modern landscape character exhibited by the site's field amalgamations. Within the Dudley Borough-Wide Urban Historic Landscape Characterisation Study (March 2016), it makes specific reference to AHHLV19 being subdivided into three areas, topography east and west of Lapal Lane South and north of Illey Lane, falling to the west to Illey Brook and then rising to the south to Illey Lane. Farmland south of Illey Lane is described as having a pattern of small, irregularly shaped, hedged fields in a mix of arable and pastoral agriculture, which is evidently different in character from the application site. Furthermore, the application site is well screened from the area of the designation and change within the site is unlikely to impact upon its significance.

The desk-based assessment was submitted prior to the appeal decision at Land at Illeybrook Farm, Illey Lane. In this case, the proposed BESS was within the AHHLV19 but the Inspector concluded in paragraph 34 "...that the appeal development would harm the character and appearance of the immediate area in the short term but would not harm the significance of the NDHA which would be preserved" and that "There would be no conflict with BCCS policy ENV2 that seeks to ensure that the historic character of the Black Country is protected or with DBDS policy S13, which seeks to protect the historic integrity of the AHHLV."

This is a recent decision and supports the position that the application site, which is outside of AHHLV, does not contribute to the significance of the AHHLV and does not harm the significance of the NDHA.

As part of Dudley's objection reference is also made to other designated heritage assets that they do not consider to have been fully assessed as part of the application process.

A number of designated and NDHA were assessed as part of the Historic Environment Desk-Based Assessment. Leasowes Registered Park and Garden (Grade I listed) is outside of the 1 km study area used for the desk-based assessment and not within the zone of theoretical visibility. Therefore, the development would not be anticipated to have

any visual impact upon the experience of this designated heritage asset. The development would not have any visual impact upon the experience of the designated heritage assets. As such, it is not anticipated that the proposed development will result in any harm to the heritage significance of the Leasowes Registered Park and Garden.

Halesowen Abbey (Grade I listed and a Scheduled Monument) is within the 1km study area and has been fully assessed. Section 4.2.1 of the desk based assessment outlines that:

“There were no possible views towards the Site from these assets due to distance and topography, with the sloping sides of the small valley formed by the Illey Brook to the south screening any views in the direction of the Site (Photo 12). Given the lack of visibility between the assets and the Site, and the lack of strong historical connection between the land within the Site and the assets, there would be no anticipated impacts to these designated heritage assets. The assets’ setting would be unaffected by development within the site.”

Due to the distance between the site and designated heritage assets identified within Dudley’s comments, as well as the limited ability to appreciate any visual or historic link between them, the development would not be anticipated to result in any harm to these assets.

The Council has assessed the impact of the proposed development on Halesowen Abbey and has not identified any harm to the heritage significance of the Grade I Listed St Mary’s Abbey Ruins, Manor Farm or the Scheduled Halesowen Abbey and associated water control features through changes to their setting. Overall, there is no objection to the development.

In terms of Archaeology matters through analysis of the historical baseline, it is identified that the following archaeological remains may survive within the site:

- Potential palaeolithic head deposits (MWR49433)/unknown prehistoric remains;
- Medieval and Post-medieval agricultural remains
- Remains relating to the anomalies identified through geophysical survey; and
- Other unknown archaeological remains.

If extant within the site, these remains have been identified as likely holding low to medium archaeological interest. As such, none of the remains have been identified as having the potential to be heritage assets of the highest significance and would be unlikely to require preservation *in situ* or otherwise preclude development within the site.

The impact of the proposed development upon the significance of these archaeological remains has been assessed. Truncation or total removal of underlying archaeological remains as a result of groundworks relating to the construction of the BESS within the site has been identified as a potential impact, which would reduce the significance of the remains. Any harm to such remains ought to be weighed in the balance, as per paragraph 216 of the NPPF. If remains are present, a proportionate programme of evaluation and mitigation (i.e. trenching and strip, map and sample) may be an appropriate method of offsetting some of the harm, through preservation by record.

The County Archaeologist has reviewed the HEDBA, including geophysical survey is a comprehensive piece of work and I can see that the current proposed development area (PDA) has been informed by the assessment in so much as it avoids areas of possible archaeology as indicated in the geophysics. County have made a suggestion that further archaeological investigation is undertaken pre-determination, to identify the presence or absence of archaeological remains their character and significance, within the area of the current red line boundary, which may not have been picked up by geophysical survey due to their more subtle, discrete nature.

It is the applicant's position that a proportionate and informed understanding of the nature of the proposed development and any likely archaeological impact has taken place. Any remains that have been identified are likely holding low to medium archaeological interest. As such, none of the remains have been identified as having the potential to be heritage assets of the highest significance and would be unlikely to require preservation *in situ* or otherwise preclude development within the site. The NPPF iterates that when determining planning applications for renewable and low-carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable (Paragraph 163). It would be disproportionate to require intrusive pre-determination trenching, which would have the potential to cause unnecessary harm to such remains and would be contrary to Paragraph 217. An appropriate scheme of localised trial trenching (e.g., of areas of greater anticipated impact) could be appropriately secured by planning condition in this instance.

Overall, the County Archaeologist have not objected to the proposal and outlined that should the LPA be minded to grant planning permission for this scheme, without further archaeological investigation pre-determination, a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This would take the form of evaluation by trial trench initially. This could be followed by further mitigation should the results of the evaluation find evidence to justify further stages.

The Heritage balance is undertaken further into this assessment.

Fire Risk and Fire Water Management

It is noted a significant number of representations have raised concern with respect to the potential fire risk and resulting impact on the safety of the area. On this matter, National Planning Practice Guidance (NPPG) states applicants are encouraged to engage with the relevant local fire and rescue service. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made. Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council.

The guidance further states that the Local Planning Authority are encouraged to consult with their local Fire and Rescue Service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be considered when determining the application.

The proposed scheme design is based on a Lithium-ion based battery technology. Each battery unit is made up of a number of battery racks which have their own battery management system and interfaces with a centralised control management system. Each battery unit is fitted with thermoregulating air conditioning, as well as specialist fire detection and suppression systems. Each cell module also has a Heating, Ventilation and Air Conditioning (HVAC) system that actively cools the batteries reducing the chances of issue under operation.

A Fire Strategy Plan has been submitted which sets out the British Standards and guidance that apply to the proposed development. This includes the 'Grid Scale Battery Energy Storage System Planning –Guidance for Fire and Rescue Services in November 2022'. Planning Practice Guidance advises that applicants are encouraged to consider the guidance set out within the document when preparing a planning application (PPG Paragraph: 034 Reference ID: 5-034- 20230814). In response to this guidance the Fire Strategy Plan demonstrates how the guidance has been embedded into the scheme. This includes two access points to the battery units, passing places two water hydrants capable of delivering a supply of 1,920 litres per minute for at least 2 hours, 9 clusters of 4 batteries positioned 3m apart.

It is recognised that a number of representations have referred to a fire at a BESS site in Liverpool in September 2020 and that as a result the BESS would represent an unacceptable safety risk. In this case the type of battery used was nickel manganese cobalt, a type prone to "thermal runaway" where internal overheating leads to a fire or explosion. It is recognised that battery technology has moved on and the key difference here is that the BESS would use lithium iron phosphate batteries. This type of battery is more stable at high temperatures and far less prone or susceptible to thermal runaway and have a longer cycle life.

It is noted that the applicant has also proactively engaged with Hereford and Worcester Fire & Rescue Service (HWFR) to share the Fire Strategy Plan and the water management approach within the FWMP, including virtual meetings and email communication. The Fire & Rescue Service were consulted as part of the application process.

The final detail, specification and fire safety arrangements of the specific battery systems will be secured through the imposition of a planning condition. Therefore, whilst the concerns raised by third party representations are noted, it is considered the proposal contains sufficient mitigation to prevent an adverse fire safety risk to the general amenity of the area. With these measures in place there would be no evidence to suggest that the facility would not be operated safely and plans in place in the unlikely event of a fire incident.

Heritage Balance

On heritage matters, the NPPF requires that before carrying out a Planning Balance or the Green Belt Balance, a Heritage Balancing exercise is to be undertaken. NPPF paragraph 212 advises that when considering the impact of a development on the significance of a designated heritage assets, great weight should be given to its conservation and the more important the asset, the greater the weight should be. This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. NPPF paragraph 215 indicates that where a development proposal would lead to less than substantial harm to the significance of a heritage assets (HA), this harm should be weighed against the public benefits of the proposal.

Great weight is accorded to the potential harm to the identified heritage assets. Balanced against this, the contribution the BESS would make to the acknowledged need for battery storage to assist in mitigating the effects of climate change and maintaining energy security attracts great weight. The absence of alternative sites, BNG and landscape enhancements attract significant weight and the economic benefits attract limited weight. Given their scale and nature, these public benefits outweigh the low level of less than substantial harm to HAs. The less that substantial harm to the HAs does not provide a clear reason for refusing the BESS.

Planning Balance and Conclusions

Conclusion in a scenario where the development accords with NPPF paragraph 155.

This proposal would utilise Grey Belt land and having regard to the provisions of NPPF paragraph 155, the development would not comprise inappropriate development in the GB. The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight to the absence of alternative sites, the potential for permanent BNG and landscape enhancements and the limited weight the economic benefits generated by the proposal outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to heritage assets. Subject to the imposition of conditions, the proposal would not conflict with the development plan when read as a whole or the NPPF.

Conclusion in the scenario where the development would be inappropriate development in the Green Belt

NPPF paragraph 153 requires the decision maker to give substantial weight to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight to the absence of alternative sites, the potential for permanent BNG and landscape enhancements and the limited weight the economic benefits generated by the proposal outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to HAs. Accordingly, taking the case as a whole, very special circumstances exist which justify the development.

I conclude that the benefits of this proposal, clearly outweigh the harm to the Green Belt and the other harms identified such that very special circumstances exist to justify this

proposal. Subject to the imposition of conditions, the proposal would not conflict with the development plan when read as a whole or the NPPF.

For the reasons outlined above the application is therefore deemed to comply with guidance within the NPPF, the Overarching National Policy Statement for Energy (EN-1) and the Development Plan and the recommendation is that planning permission should be granted subject to conditions.

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions

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 documentation, plans and drawings:

01 Site Location Plan
02 Existing Site Layout Plan
03 Proposed Site Layout Plan
04 Fire Strategy Plan
05 Section Plan
06 Contextual Site Elevations
GRE002-SD-01_rev01 -132kV Substation (Plan)
GRE002-SD-02_rev01 -132kV Substation (Section)
GRE002-SD-03_rev01 -2.4m Palisade Fence and Security Gate
GRE002-SD-04_rev01 - 40ft Welfare Office
GRE002-SD-05_rev01 - DNO Control Room
GRE002-SD-06_rev01 - CCTV Camera and Pole
GRE002-SD-07_rev01 - Access Track
GRE002-SD-08_rev01 - Aux Transformer
GRE002-SD-09_rev01 - Battery Unit
GRE002-SD-10_rev01 - Twin Skid (TX)
GRE002-SD-11_rev01 - PCSK Inverter
GRE002-SD-12_rev01 - Battery Interface Cabinet
Detail Landscape Mitigation Plan 0755-SHR SK-XX-XX-DR-L-1000 Rev 2
Visibility Splays: LTP/5804/P2/01.01 Rev O
Tracking: LTP/5804/P2/01.02 Rev O
Vertical Alignment: LTP/5804/P2/03.01 Rev O

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

3. The development hereby granted shall be limited to a period of 35 years from the date when electricity is first exported from the approved BESS to the electricity

network. Written confirmation of the first export date shall be given to local planning authority within 14 days of the first export date.

Within 35 years following the first export date of the development hereby permitted, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored to its extant condition (unmanaged neutral grassland) with exception of any ecological enhancements, in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site)

Reason: To safeguard the amenity of the area and maintaining the openness of the Green Belt.

4. Before the development hereby permitted is commenced (with the exception of site clearance and groundworks), full details of the facing colours of all the following structures: fencing, battery units, buildings, tanks and CCTV poles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the development would integrate, respect and complement the character of the area and wider landscape,

5. Prior to the development hereby approved being first brought into use, details relating to the fire safety arrangements of specific battery systems shall be submitted to and approved in writing by the Local Planning Authority. These plans shall be developed in conjunction with the relevant Fire and Rescue Service using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chief's Council. The detail shall be carried out in accordance with the approved detail and the approved fire safety features shall be maintained and operational at all times during the lifespan of the development.

Reason: To ensure potential hazards and details of mitigation measures reduce environmental hazards to an acceptable level as required by BDP19.

6. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the LPA prior to commencement of the works. The CEMP shall be designed to mitigate potential construction phase impacts on ecological features, including but not limited to: designated sites, notable habitats, great crested newts and other amphibians, bats, birds, badgers, otters, hedgehogs, brown hare and reptiles.

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

7. A sensitive lighting plan covering both the construction and operation phases of the development shall be produced and be approved by the LPA prior to commencement of works.

Reason: To avoid light spill onto retained trees, hedgerows and watercourses, during both construction and operation of the site, thereby minimising potential negative impacts of lighting on bats, birds, badgers, otters and other species that are active at night.

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), has been prepared in accordance Biodiversity Metric Report ref 81-381 (E3P, August 2024) and approved by the LPA. The HMMP must include:

- A non-technical summary;
- The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
- The management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- The monitoring methodology and frequency of reporting in respect of the created or enhanced habitat to be submitted to the LPA has been submitted to and approved in writing by the LPA.

Once approved, the created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP for a period of 30 years from completion of development.

Reason: To secure the delivery of ecological enhancement.

9. Notice of the following elements, set out in the HMMP, shall be given in writing to the LPA within 14 days of such completion:

- Completion of habitat creation and enhancement works;
- Monitoring reports, in accordance with the methodology and frequency specified in the approved HMMP; and
- Verification of achieving targeted habitat condition of each habitat type, once target condition is achieved.

Reason: To secure the delivery of ecological enhancement

10. No development shall take place until the tree protection measures as set out in the Arboricultural Method Statement have been implemented. The tree protection fencing shall be erected in accordance with BS 5837: 2012 and retained throughout the construction phase until completion of the development. Should

any pruning to retained trees be necessary to facilitate the development, they are to be done in accordance with BS3998:2010.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

11. Prior to the installation of any approved battery units, transformers, structures and fencing, a schedule of landscape implementation and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise, including the identification of parties responsible for delivery and management. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

Reason: To enable the development to respect, complement and positively integrate into the character of the area.

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.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework.

13. 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 (12) 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 218 of the National Planning Policy Framework.

14. Prior to first operation of the site equipment a noise impact assessment detailing the actual plant noise emissions, shall be submitted to the local planning authority for approval. This shall include proposals for verification testing the noise levels within 3 months of first operating the equipment. The noise emissions shall not exceed at the façade of residential premises 40 dBLAr for day and night periods. Rating levels shall be freefield from direct measurement and extrapolation and in accordance with BS 4142:2014+A1:2019: or its successor. Where levels are shown to exceed these levels, further mitigation measures shall be submitted and approved by the local planning authority and installed within an agreed timescale.

Reason: To safeguard the amenities of the locality to ensure compliance with policy BDP19.

15. No works in connection with site drainage shall commence until a surface water drainage scheme for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the Flood risk and drainage assessment submitted with the application (Gondolin, July 2024). The scheme shall include an assessment to demonstrate that the proposed scheme provides sufficient treatment prior to the attenuated discharge from the site. Discharge rates shall be limited to 5l/s for events up to the 1 in 100 year (1% annual probability) event plus 40% climate change allowance. The scheme shall include proposals for the containment of firewater on the site. 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 prevent the increased risk of flooding, to protect water quality and to ensure future maintenance of the surface water drainage assets in accordance with policy BDP23 Water Management.

16. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

Reason: To prevent the increased risk of flooding and to protect water quality in accordance with policy BDP23 Water Management.

17. An undeveloped buffer strip of at least 5 meters wide should be maintained alongside any watercourse.

Reason: To protect the water environment and riparian zone in accordance with policies BDP23 Water Management and BDP24 Green Infrastructure.

18. The access track hereby approved shall be laid with a permeable material and this shall be maintained in good order for the lifetime of the development.

Reason: To prevent the increased risk of flooding in accordance with policy BDP23 Water Management.

19. The development hereby approved shall not be occupied until the first 15 metres of the access into the development (or the length of the largest vehicle to use the access), measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

20. Before development commences, a detailed schedule of works, design for the site access and signing shall be submitted to and approved in writing by, the Local Planning Authority. No works in association with the proposal shall commence until the site access works and signing, has been agreed in writing by the Local Planning Authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.

Reason: In the interests of achieving safe and suitable highway access for all users.

21. The development hereby approved shall not commence until the vehicular access has been provided as shown on drawings.

- Visibility Splays: LTP/5804/P2/01.01 Rev O
- Tracking: LTP/5804/P2/01.02 Rev O
- Vertical Alignment: LTP/5804/P2/03.01 Rev O
- 03 Proposed Site Layout Plan

Reason: To ensure conformity with submitted details and highway safety.

22. The development hereby approved shall not commence / be brought into use until the visibility splays 2.4m x 215m (left) & 98.7m (right) shown on drawing LTP/5804/P2/01.01 Rev O have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

23. The development hereby approved shall not commence until a pre-construction highway condition survey has been undertaken to the satisfaction and approval of the Local Highway Authority. The extent of the survey shall be agreed and approved in writing. A copy of the survey shall be issued to the Local Highway Authority, as an approved record. Upon completion of the development

construction phase, a follow-up condition survey shall be undertaken to the satisfaction of the Local Highway Authority.

Reason: To ensure integrity of the local highway network is maintained, in the interests of highway safety.

24. Notwithstanding the submitted information, no development shall commence on site until a Construction 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:
- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
 - b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc).
 - c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
 - d. Details of any temporary construction accesses and their reinstatement.
 - e. Details of the proposed routes for the Abnormal Loads and HGV's

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 and public amenity.

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

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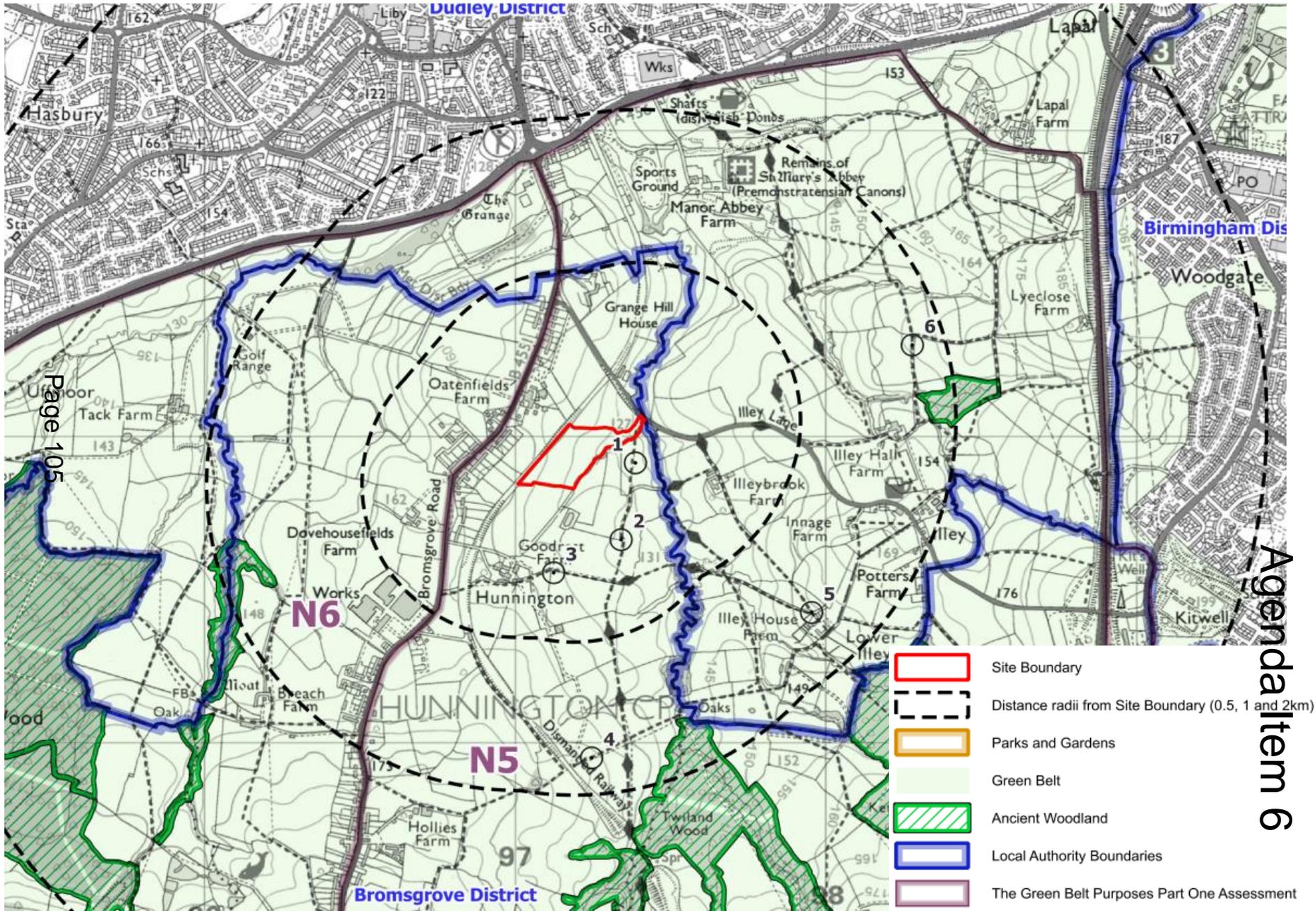
24/00960/FUL

Land Off Illey Lane, Hunnington, Halesowen

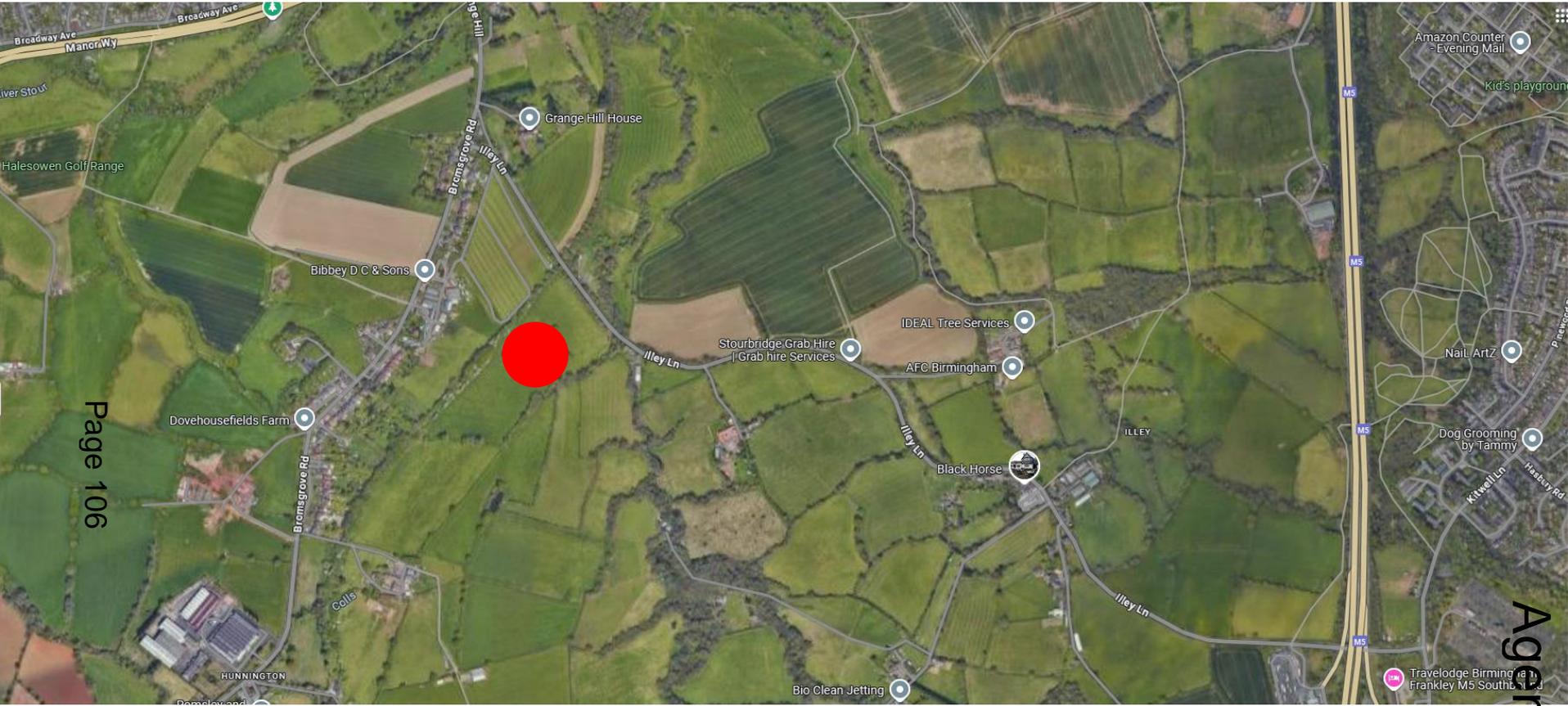
Proposed Battery Energy Storage System (BESS) and
associated infrastructure

Recommendation: GRANT planning permission subject
to conditions

Site Context Plan



Aerial View



Existing Layout



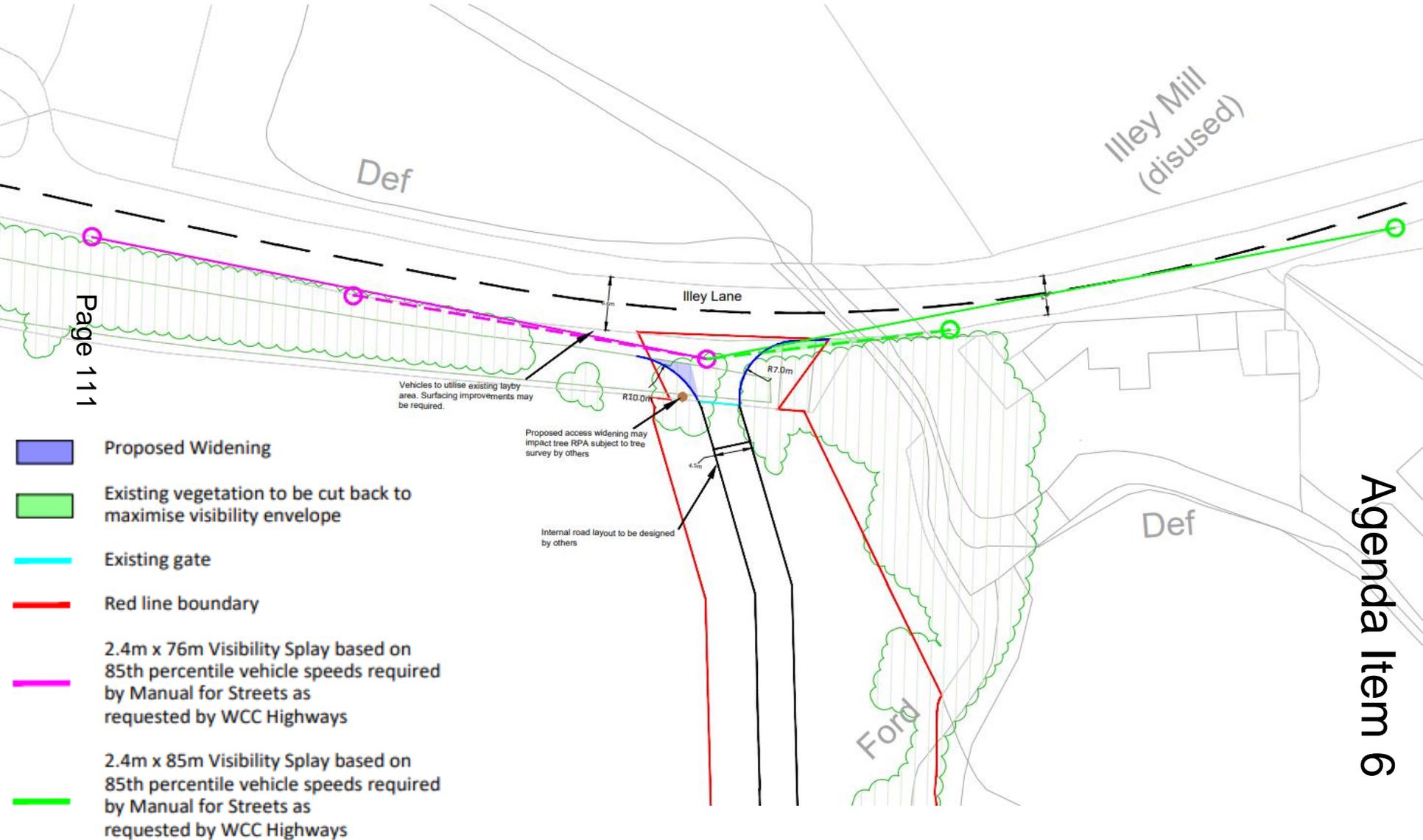
Landscaping Plan



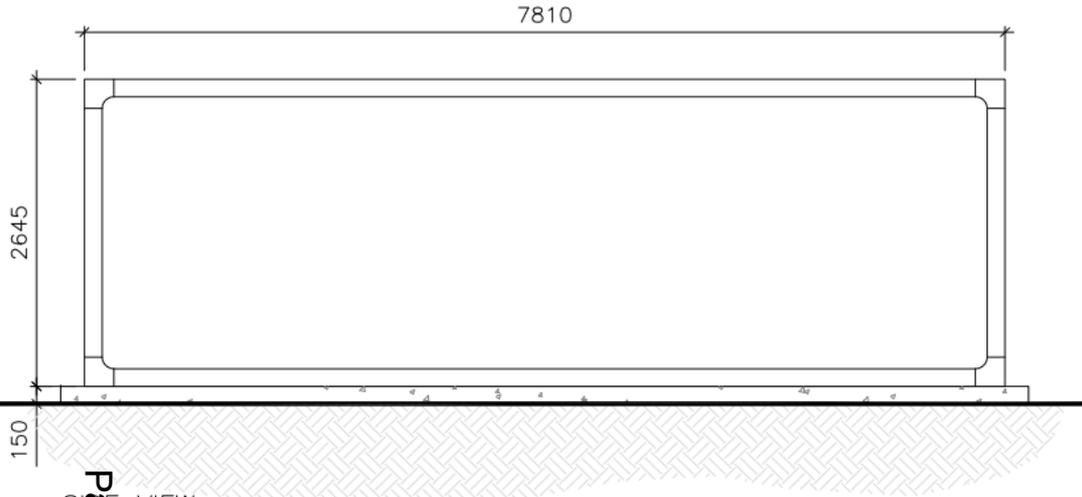
Fire Safety Plan



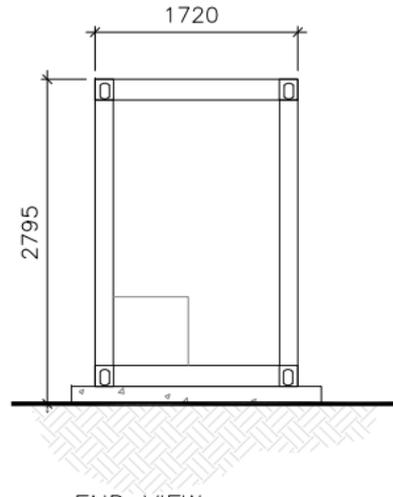
Proposed Access Plan



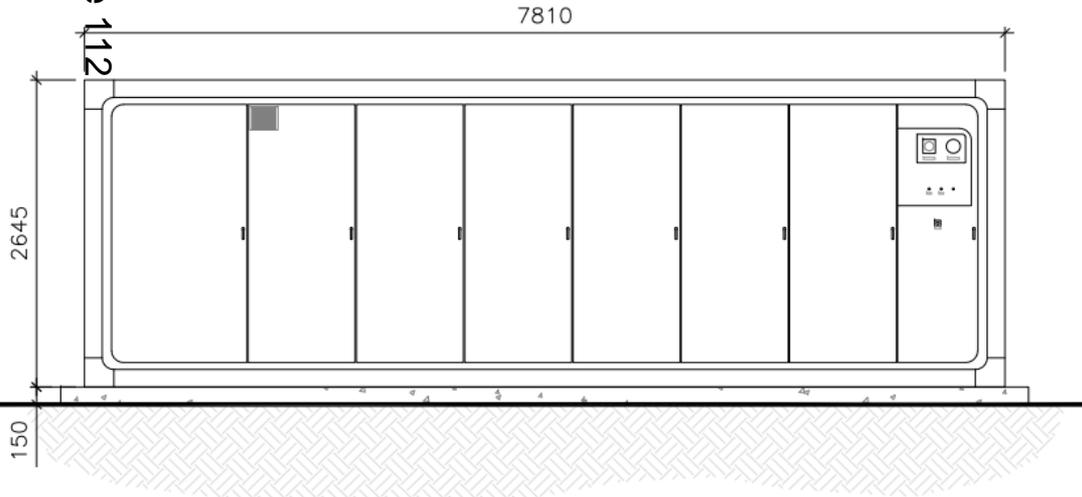
Proposed Battery Unit



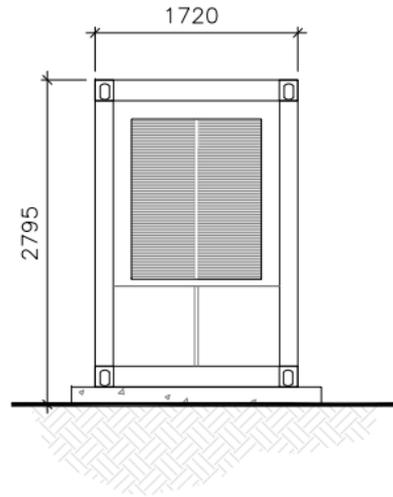
FRONT VIEW



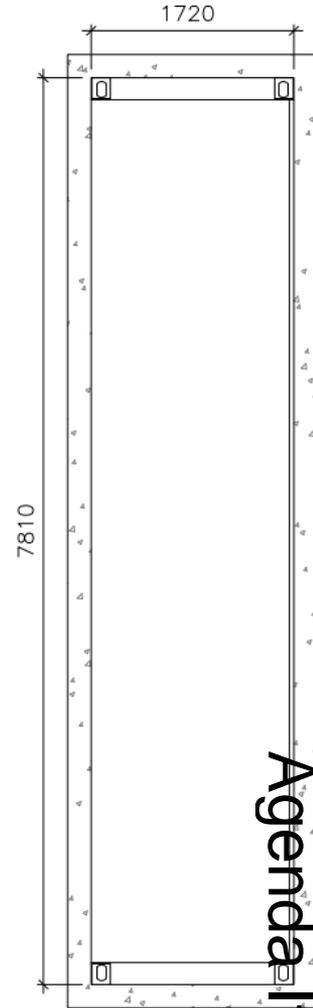
SIDE VIEW



SIDE VIEW

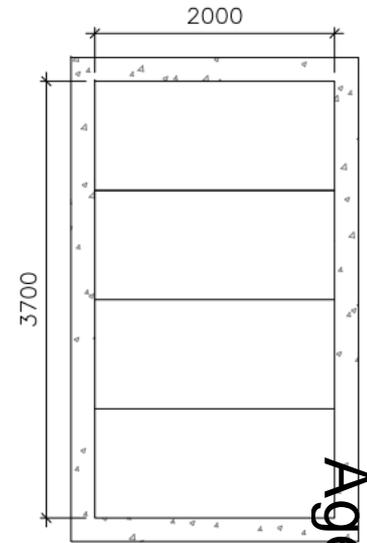
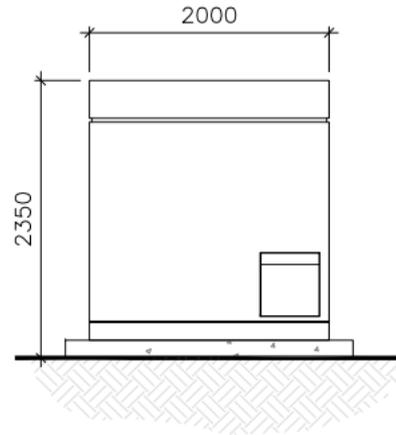
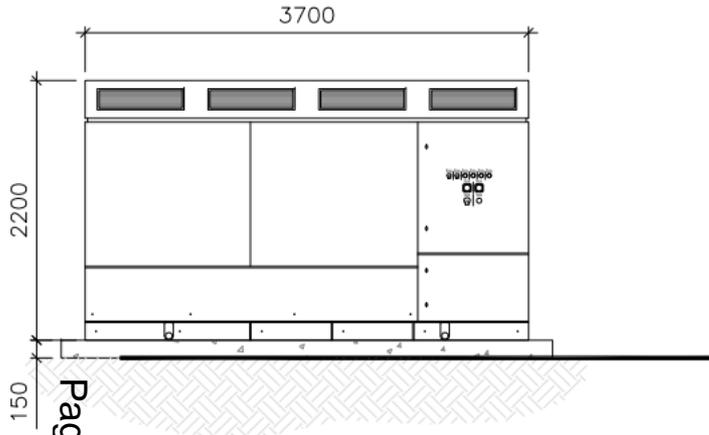


SIDE VIEW



PLAN VIEW

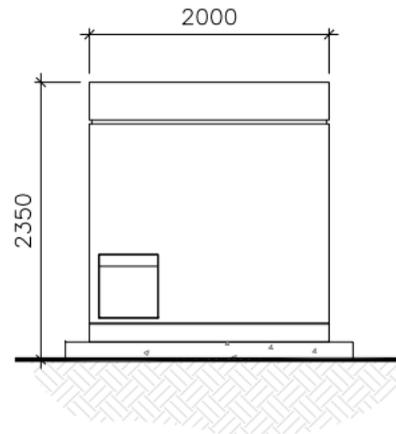
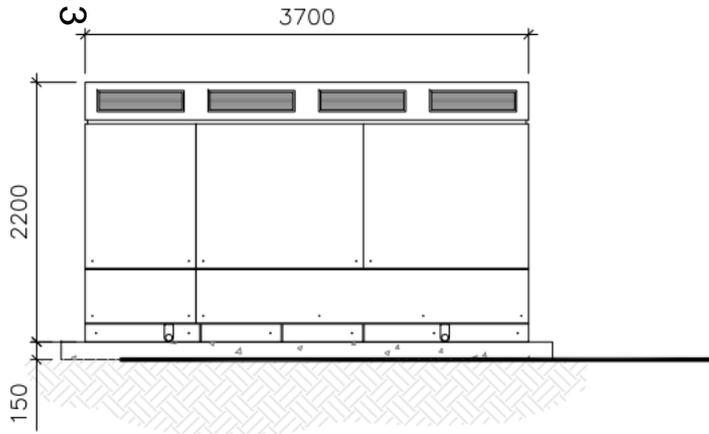
Proposed Inverter



FRONT VIEW

END VIEW

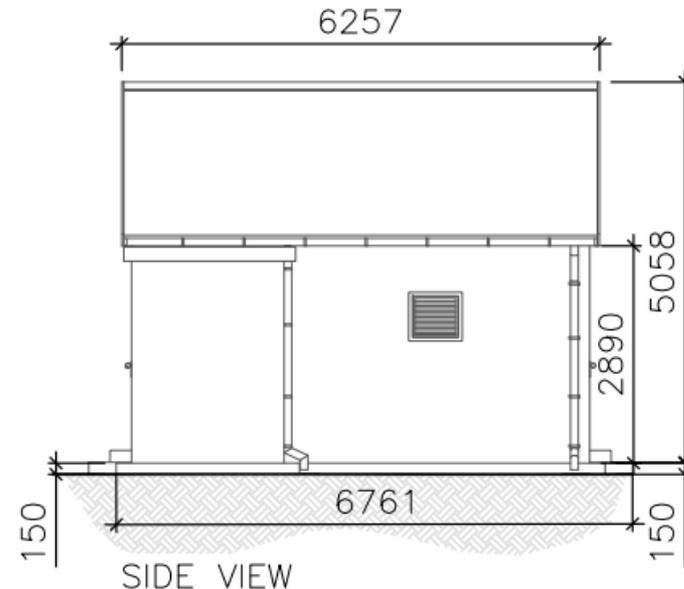
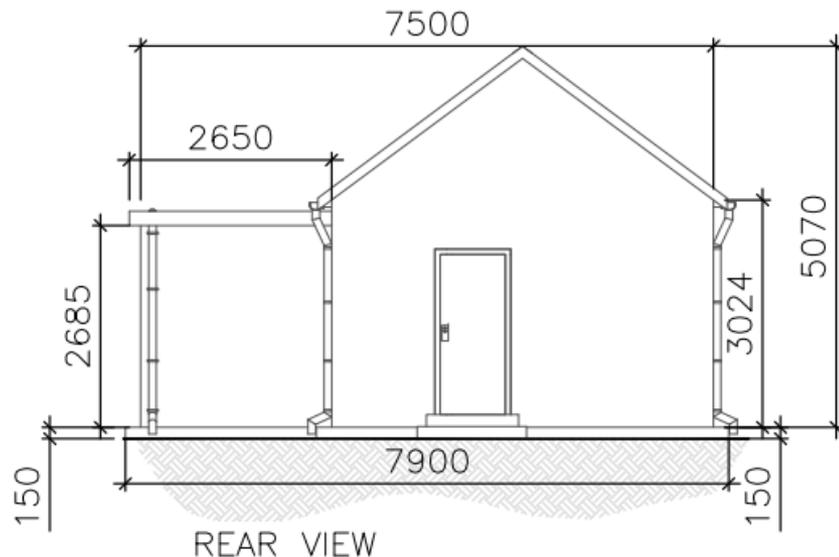
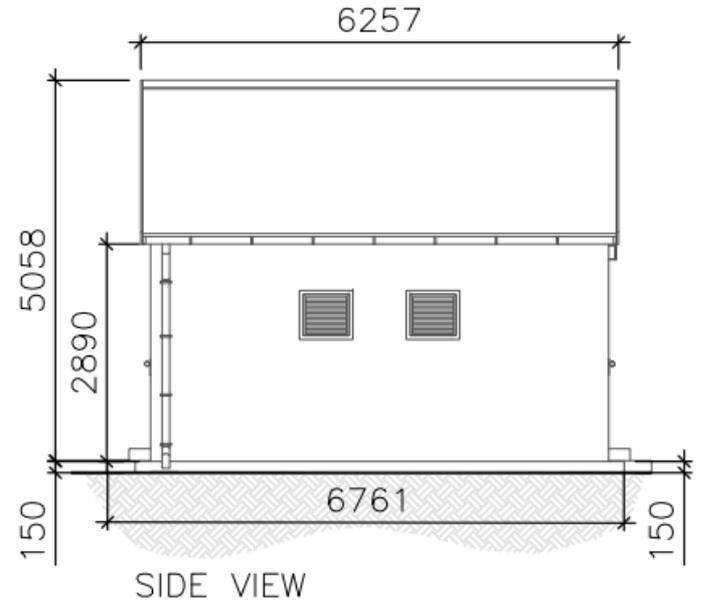
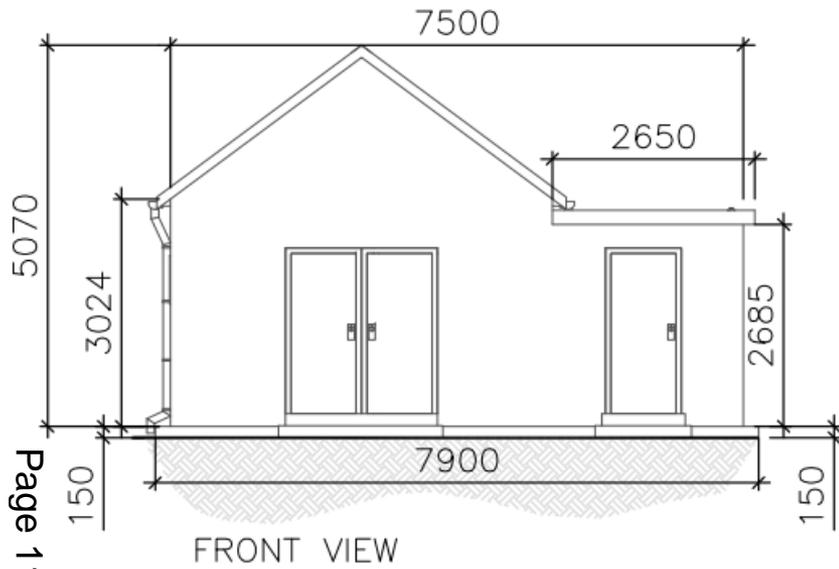
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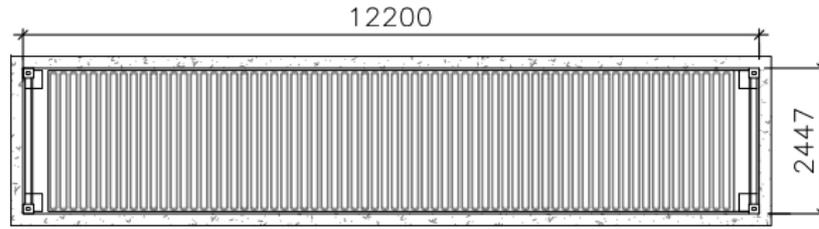
END VIEW

SIDE VIEW

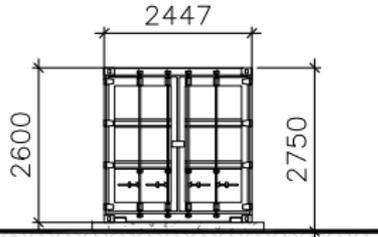
Proposed DNO Control Room



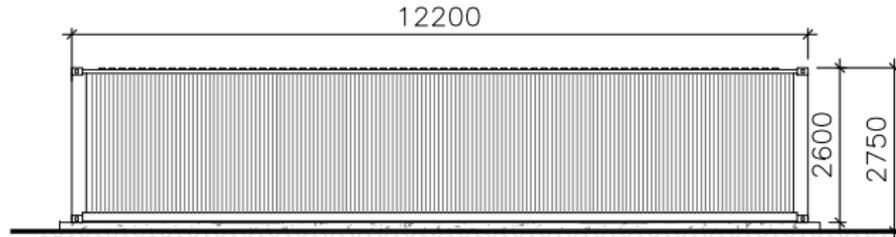
Proposed Monitoring Room/Office



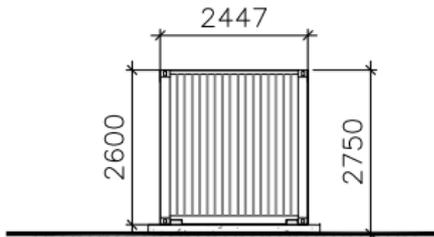
PLAN VIEW



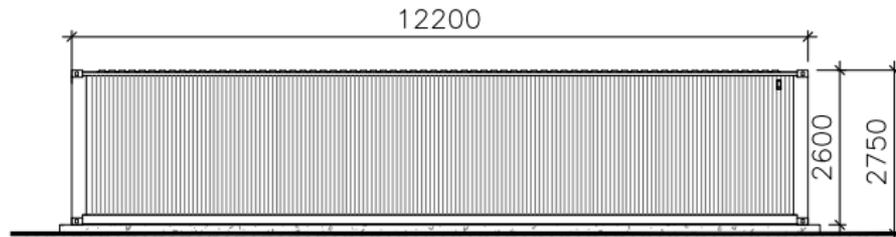
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REAR VIEW

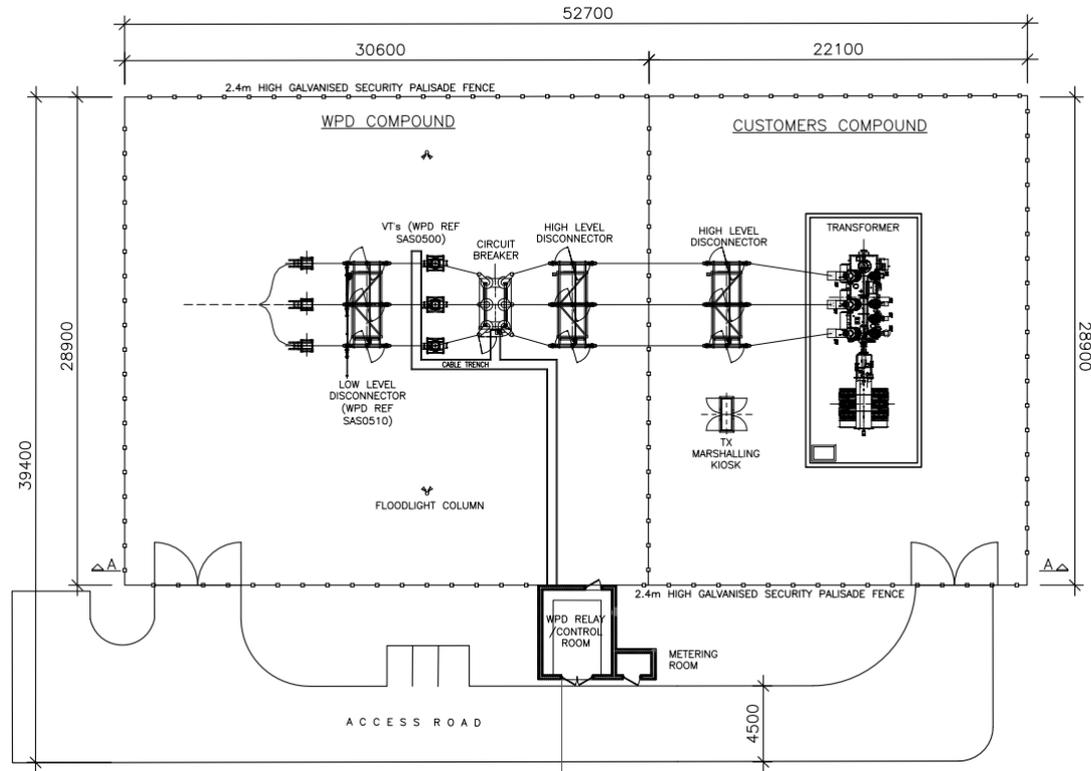
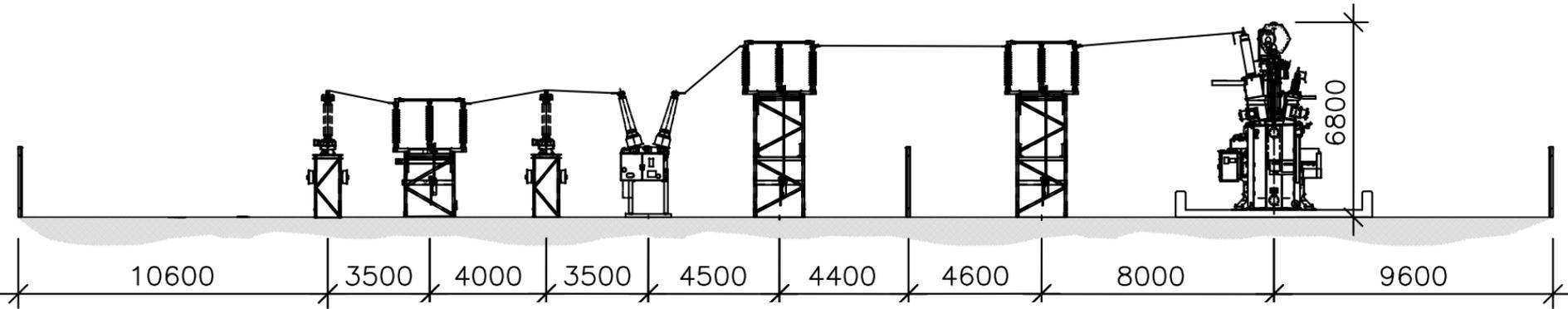


END VIEW



FRONT VIEW

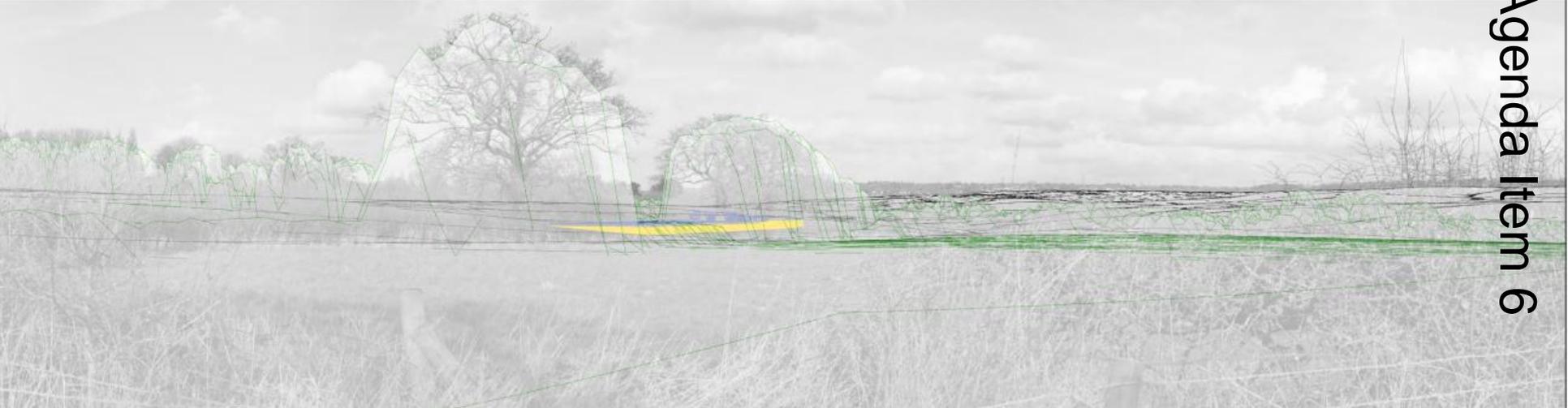
Proposed 132kV Substation



Existing and Photowireline View from PROW Goodrest

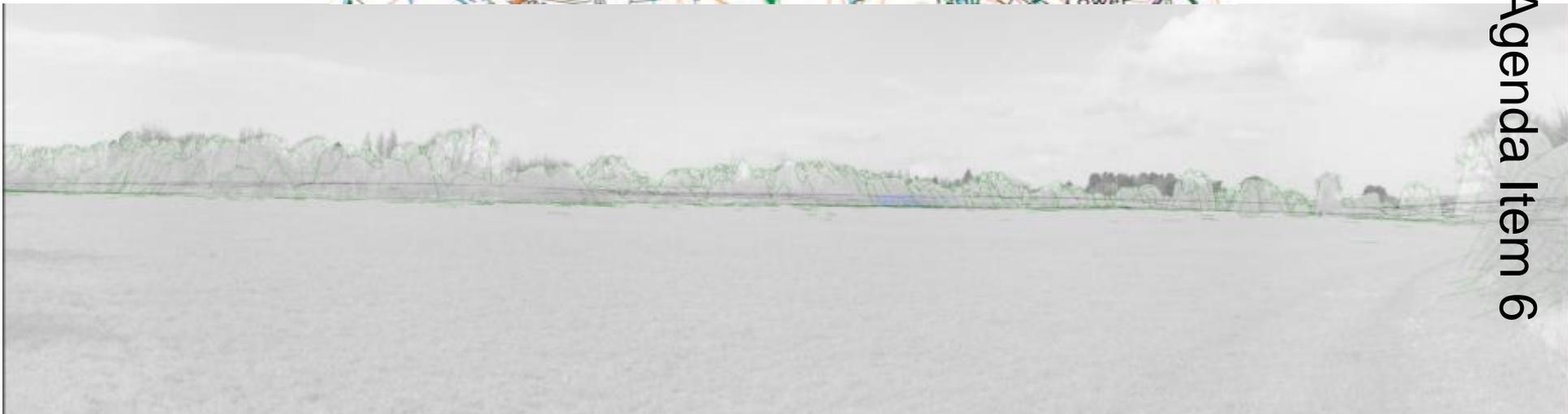


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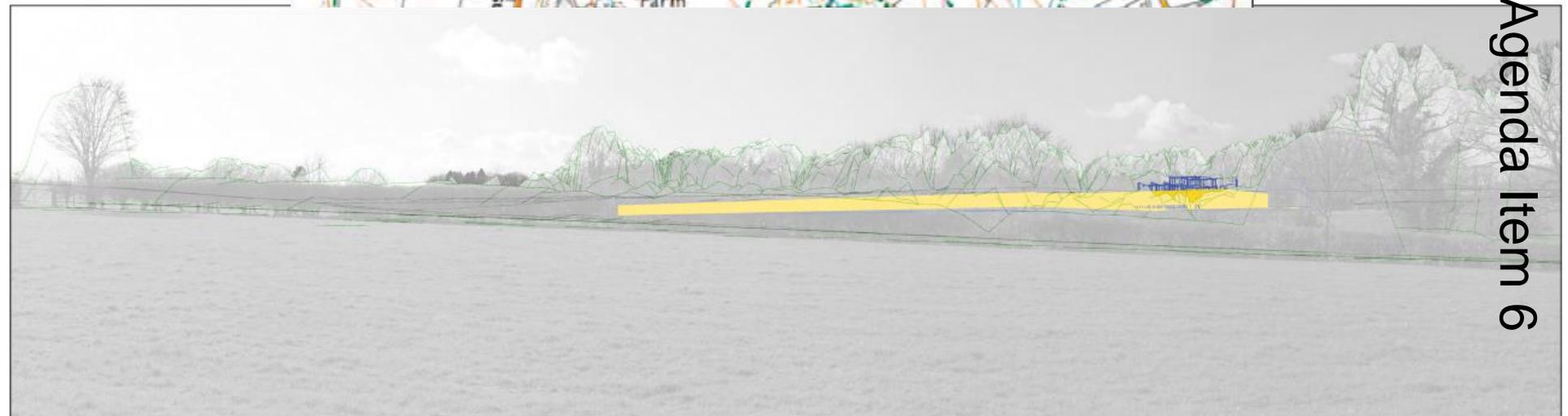
Existing and Photowireline View from PROW



Existing and Photowireline View from PROW Telepole near Illey Mill

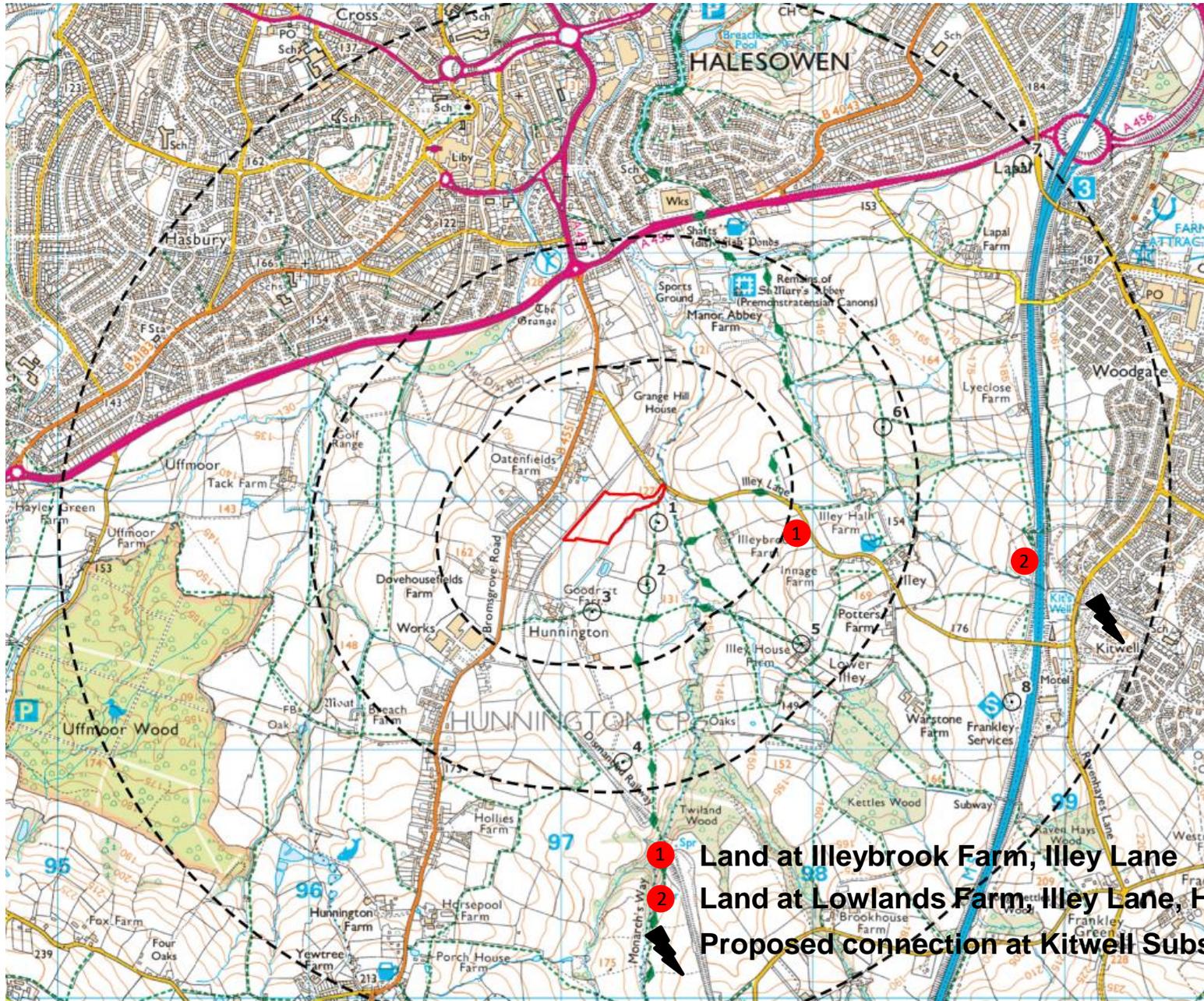


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Other Approved Schemes



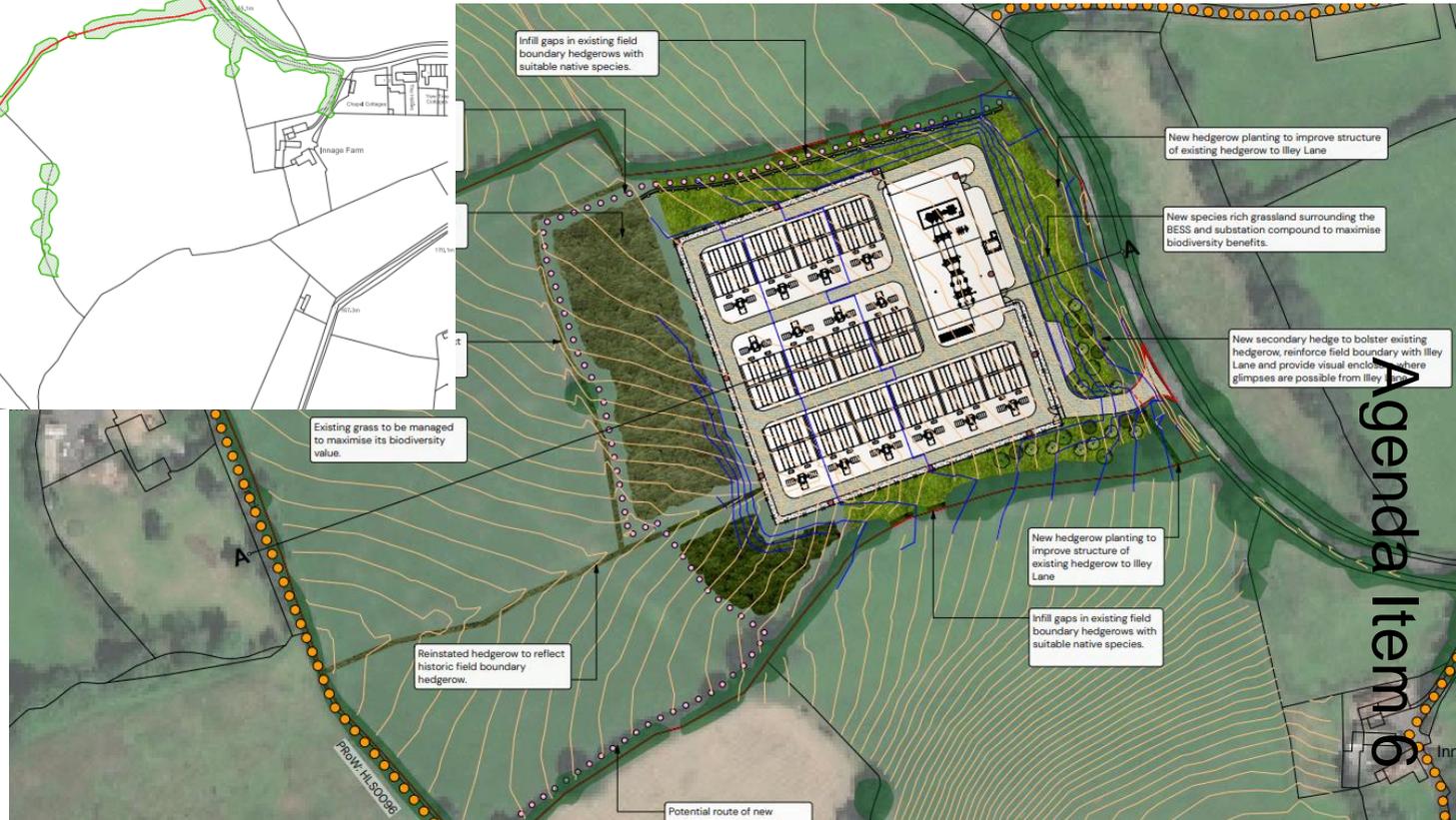
- 1 Land at Illeybrook Farm, Illey Lane
- 2 Land at Lowlands Farm, Illey Lane, Halesowen
- Proposed connection at Kitwell Substation

Other Approved Schemes Proposed Layouts

1. Land at Illeybrook Farm, Illev Lane



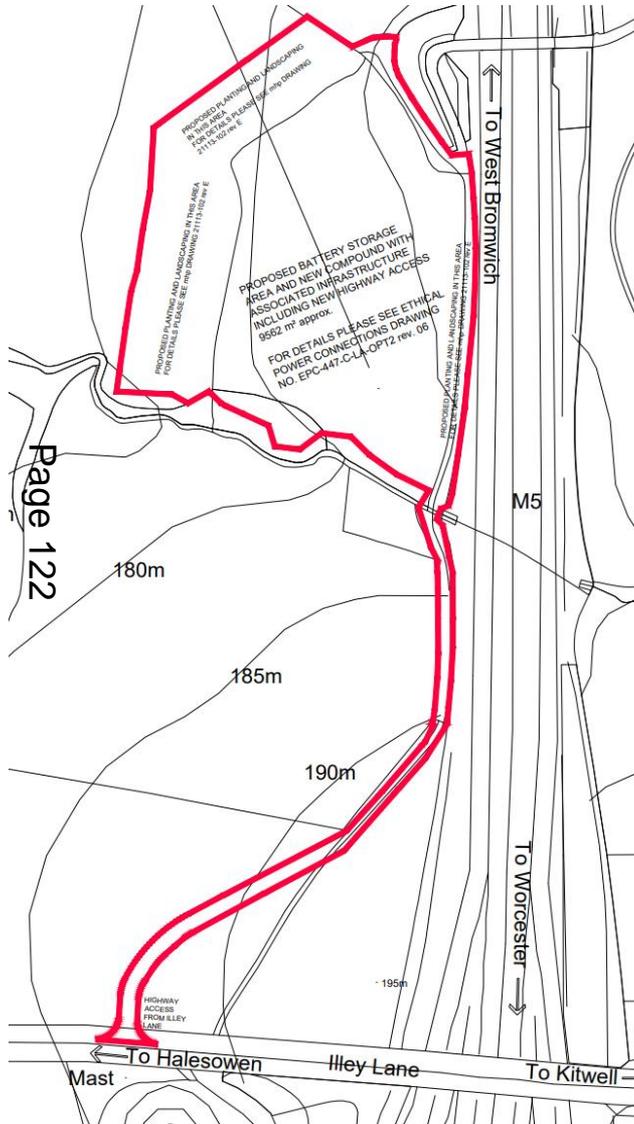
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Other Approved Schemes Proposed Layouts

2. Land at Lowlands Farm, Illey Lane, Halesowen



BNG AREAS	
Meadow/grassland	4302 (0.4302 ha)
Existing area of hedgerow & vegetation to be reinforced and reinstated	180 linear metres x width 2 metres
Proposed native species hedgerow + hedgerow trees	207.623 linear metres x width 2.5 metres
Area of British native species woodland of 5 species or more + understorey scrub planting	6862m ² (0.6862 ha)

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