

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Sugarbrook Mill Ltd	Demolition of Existing Industrial Buildings and New Residential Development of 24 Dwellings  Sugarbrook Mill , Buntsford Hill, Stoke Pound, Bromsgrove, B60 3AR	04.02.2016	15/0947

**RECOMMENDATION:** That planning permission be refused

### Consultations

**Waste Management** Consulted 05.11.2015

Each property requires 1 x 240 litre grey bin and 1x 240 litre green bin. Bin collection and storage will need to be considered at reserved matters stage.

**Campaign To Protect Rural England** Consulted 03.12.2015

I am formally objecting to this application, as I do not think the applicant has yet done enough to show that the historic buildings on site cannot be retained and beneficially reused. Furthermore, if the application is to be approved it should be subject to archaeological conditions.

**Highways Department- Worcestershire County Council** Consulted 05.11.2015

The site is unsustainable due to its poor relationship to public transport, its lack of encouragement of walking and cycling and its relationship to local amenities. The application is therefore contrary to the Local Transport Plan and Paragraphs 32 and 35 of the National Planning Policy Framework.

**Aisling Nash County Archaeological Officer** Consulted 05.11.2015

No objection subject to conditions requiring a scheme of archaeological works to be submitted and undertaken prior to development.

**Education Department At Worcestershire- Sarah Smith** Consulted 05.11.2015

No objection and no contribution required.

**Worcestershire County Council Countryside Service** Consulted 05.11.2015

No Comments Received To Date

**Worcester Regulatory Services- Contaminated Land** Consulted 05.11.2015

No Comments Received To Date

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 05.11.2015

Plan reference

No comments

**Landscape & Tree Officer** Consulted 05.11.2015

No objection subject to conditions.

**Community Safety Team** Consulted 05.11.2015

No Comments Received To Date

**Economic Development & Regeneration Service** Consulted 05.11.2015

No Comments Received To Date

**Leisure Services** Consulted 05.11.2015

Reviewing the revised proposals we would not wish to adopt any small pockets of POS as shown in the design, one providing attenuation and the other as a general small area proposed as a LAP. The Council would only consider adoption of larger areas of POS that reflect a true amenity value for the community. We would request that the on-going maintenance is managed by a Management Company subject to a management plan to be considered and approved by the NWWM team.

An off-site contribution is required for improvements to the Charford Recreation Ground to support the larger community facility which is within walking distance from the development.

**Strategic Housing** Consulted 05.11.2015

30% on-site affordable housing should be provided. A split of 5 shared ownership and 2 social rented would be most appropriate in this instance.

**Drainage Engineers Internal Planning Consultation** Consulted 05.11.2015

No objection subject to conditions.

**Conservation Officer** Consulted 05.11.2015

I am of the view that the demolition of the existing mill building has not been fully justified. In addition the impact of the proposed scheme on the listed building has not been considered in any detail. I am of the view that the rural setting of this listed building will be harmed by the development of a suburban housing scheme on this site, and this harm has not been justified.

I would therefore also have to object to this application on the basis that it would not preserve the setting of a Grade II listed building, and is therefore contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Strategic Planning-** Consulted 05.11.2015

No Comments Received To Date

**Stoke Parish Council** Consulted 05.11.2015

As with the previous application for this site, the Parish Council had no strong objections to the proposed development but did have strong reservations about the lack of infrastructure given that there was already a new development on the opposite side of the road. Whilst they supported the need for more housing, they had strong concerns about Buntsford Hill being able to deal with all the additional traffic and the fact there were no footpaths. The road was already extremely narrow and would be unsafe for pedestrians particularly those with young families which appears to be the market these proposed houses will be aimed at. Serious consideration must be given to providing alternative safer footpath access to and from the site without the need to use Buntsford Hill.

The application does not state how many people may be made redundant as a result of the closure of the industrial site to allow this proposal to go forward.

There was also some concern that the open sewerage tanks were still on site and if so, what measures were being taken to resolve this before it became a safety issue.

**Ramblers Association** Consulted 05.11.2015

In its present form, the relationship between Footpath SP-569 and the dwelling units on Plots 1, 2, 3 and 4 of the indicative site layout will be detrimental to users of the footpath and to occupiers of the flats. It is not possible on the information available to know what windows will exist in the rear elevation of the flat blocks but it is likely that some living room windows will be located in that elevation. Given the differences in level we think it to be unwise for the frontage or rear of these residential units to be within 10 metres of the public right of way.

However we are mindful that this is an outline application where layout and appearance are reserved for future approval. If the Council is minded to grant outline permission we would not oppose this provided that the existence of the indicative layout in so far as it relates to plots 1, 2, 3 and 4 is not part of any commitment made at that stage. If it is, then we are opposed to the granting of permission to this application.

**Parks & Green Space Development Officer Martin Lewis** Consulted 03.12.2015

It is preferable for the development to integrate the stream as a valuable asset into the development rather than turn its back to it. I recommend that the length of the stream corridor be properly preserved and enhanced to provide a net gain for biodiversity, especially with the potential for Water Voles in the area and to preserve valuable forage habitat for birds, bats and mammals, with serious consideration given to utilise this stretch positively as part of the development. I would not wish to see the rear of properties abutting the stream.

No objection to the principle of development subject to conditions.

**Environment Agency** Consulted 03.12.2015

No objection subject to conditions

**Publicity:**

41 letters sent on the 5th November 2015 (expired 26th November 2015)  
1 site notice posted on the 9th November 2015 (expired 30th November 2015)  
Press Advert published in the Bromsgrove Standard on the 13th November (expired 27th November)

**Neighbour Responses:**

None received

**Relevant Policies**

NPPF National Planning Policy Framework

**Bromsgrove District Local Plan 2004 (BDLP):**

DS3 Main Locations for Growth  
DS13 Sustainable Development  
S7 New Dwellings Outside the Green Belt  
S39 Alterations to Listed Buildings  
ES4 Groundwater Protection  
TR11 Access and Off-Street Parking  
E6 Inappropriate Land Uses in Employment Areas

SPG1 Residential Design Guide

**Bromsgrove District Plan Proposed Submission**

BDP8 Affordable Housing  
BDP14 Designated Employment

**Relevant Planning History**

14/0831 Residential Development of 23  
Dwellings

Withdrawn  
02/03/2015

**Assessment of Proposal**

**The Site and its Surroundings**

The application site is located on the edge of Bromsgrove Town and is bounded by employment development to the north with a new housing development under construction to the west. A sewerage treatment works is positioned to the east and a single residential dwelling to the south. Sugarbrook Manor, a grade II listed building is also located to the south of the site. The site contains a number of B use class employment units. A former water mill has been converted and extended to facilitate these employment uses. The Sugar Brook flows along the rear boundary of the site.

## The Proposed Development

This application seeks to demolish all the buildings on site and outline consent is sought for 24 dwellings with all matters reserved for future determination with the exception of access.

### Planning Considerations

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

- i) The principle of the development;
- ii) The loss of designated employment land;
- iii) Residential Amenity
- iv) Street Scene & Character Impact
- v) Access, Highways & Parking
- vi) Ecology
- vii) Landscape and Trees
- viii) Flood Risk
- viii) Planning Contributions

#### i) The Principle of the Development

The application site is brownfield land and is located outside of the designated Green Belt. The proposed development is for a windfall residential scheme in which case Policies DS3, DS13 and S7 of the Bromsgrove District Local Plan apply.

The proposal would be located within a designated employment area within Bromsgrove Town as defined on the Proposals Map which reserves the land for B1, B2 and B8 uses. The proposal would contribute a net gain of 24 additional residential units towards the Bromsgrove Housing Land Supply however employment land would be lost. Whilst the basic principle of residential development outside of the Green Belt would usually be supported the impact of the loss of employment will need to be explored in greater detail and weighed against the benefits of the scheme.

#### ii) The loss of designated employment land

As stated previously the site falls within designated employment land. Policy E6 of the BDLP seeks to prevent the incursion of residential uses in employment areas. Importantly the employment land designation is also carried over into the Proposed Submission Version of the Bromsgrove District Plan.

The site known as Sugarbrook Mill was assessed within the Council Employment Land Review (ELR). All sites assessed were given individual ratings of 'poor', 'moderate', 'good' or 'best'. Sugarbrook Mill was assessed as a 'moderate' employment site. Policy BDP14 of the Proposed Submission Version of the Bromsgrove District Plan sets out criteria that should be met before non-employment uses are permitted on designated employment sites.

A short employment statement has been submitted by the applicant which amounts to a critique of the Council's Employment Land Review (ELR) but does not demonstrate that an employment use is not viable on the site. Whilst the area assessed under the heading Sugarbrook Mill does not correlate with the actual functioning Sugarbrook Mill, It is not considered that this change would have substantially altered the outcome of the assessment of this site within the ELR. The site is physically separate from the remainder of the employment allocation with its own access and this relatively modest site appears to have operated successfully in its own right providing jobs in the local area. According to the design and access statement submitted with the application, two thirds of the units are currently occupied by metalworking businesses and one third of the units are vacant. The applicant claims that concerted efforts have been made to let the units but this was unsuccessful. No evidence of any marketing has been submitted to the council. Importantly, a recent site visit indicates that the vacant units have now been let subject to contract according to a sales board.

When taking into account that this is an actively used employment site with units recently let, it is considered that the site continues to provide an important source of jobs for local people. The loss of the designated employment site would be contrary to Policy E6 of the BDLP and Policy BDP14 of the Proposed Submission version of the BDP leading to job losses locally. This would hinder economic growth and would therefore be contrary to paragraph 19 of the NPPF.

### iii) Residential Amenity

The application site is adjoined on the southern and western boundaries by residential development.

Members will be aware that detailed matters of layout and scale are reserved for future consideration. Without full details of the proposed buildings, it is difficult to fully assess the impact of the development on the amenities of adjoining residential properties, in this case the most affected is the 'The Bungalow'. However the illustrative layout suggests no significant problems in this respect. It is considered in theory that the site could accommodate 24 dwellings without detrimentally affecting amenities of occupiers of adjacent dwellings or those occupying the proposed dwellings. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable conditions.

### iv) Street Scene & Character Impact

Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. The application has been accompanied by an Illustrative Site layout Plan, a Design and Access Statement and a Statement of Significance.

No illustrative elevations have been provided. Limited information has been provided about the intended appearance although the Design and Access Statement does states 'in creating a design solution it has been important to identify local distinctiveness to ensure that the built form relates to its surroundings. The design of the proposed houses has emerged from an appraisal of the immediate neighbouring houses'.

It is important to consider whether 24 dwellings could in theory be accommodated on site without undue impact on the character of the area. The site area is 0.6150ha and would result in a density of approximately 37 dwellings per hectare. This is a fairly high density in this edge of settlement location.

The Council's Conservation Officer has provided detailed comments on the scheme that relate to two issues, namely the loss of the Sugarbrook Mill and the impact on the setting of Sugarbrook Manor (Grade II listed). The listed building is located to the south of the site, at the junction of Fish House Lane and Buntsford Hill.

The Conservation Officer considers that the original Sugarbrook Mill building is a heritage asset due to its age, the fact that it has survived largely intact, and the significance that mills played in the history of this area. First Edition Ordnance Survey Maps show there would have been several mills along this water course, and the River Salwarpe has been diverted in places to create mill races.

A structural survey has been submitted that highlights that the building is in a poor condition however the Conservation Officer is of the view that evidence should be submitted to substantiate that it would be uneconomic to convert the Sugarbrook Mill.

Sugarbrook Manor dates from the late 15th or early 16th century and is a two storey timber framed building, with a pitched clay tile roof. It has a prominent position on the corner of Sugarbrook Lane and Fish House Lane, where they meet Buntsford Hill. The Conservation Officer notes that there are clear views of the Mill building from Sugarbrook Manor. The listed building is located in a rural location, and its rural setting contributes to its significance. This setting has been partly compromised with the construction of the railway to the south east and the construction of more modern buildings in the vicinity such as the bungalow adjacent to the Mill. The industrial units to the north of the Mill are just about visible during winter months, but the topography and the trees on the brow of the hill reduces the impact of these buildings on the overall setting. The Mill itself obscures the more recent extensions to this building. Due to the proximity of this listed building to the development site, the Conservation Officer would have expected the applicant to undertake a full setting assessment using the Historic England, 'Setting of Heritage Assets' Guidance, to show that the scheme would not impact or otherwise on the setting of the listed building. If there are impacts it would need to be shown that there were ways to minimise this harm.

The Conservation Officers greatest concern is that the demolition of the mill complex and its replacement with an estate of houses will be highly visible from the listed building, and will introduce a detracting suburban element in close proximity of this listed building, significantly further undermining its setting. Whilst permission was given for a small housing development opposite the application site to replace some poor agricultural buildings, this scheme would not appear to be so clearly in the line of sight as this current application. The Planning (Listed Buildings and Conservation Areas) Act 1990 says that a planning decision must pay 'special regard to the desirability of preserving' a listed building and its setting. The NPPF says that 'great weight should be given' to the conservation of all designated heritage assets and that harm of any level requires 'clear and convincing justification' (paragraph 132).

Whilst the Conservation Officer concedes that the harm to the listed building is likely to be less than substantial, paragraph 134 of the NPPF says that less than substantial harm 'should be weighed against the public benefits of the proposal'. When this is put with the 'great weight' of paragraph 132 it can be seen that minor harm does not mean merely a minor concern meaning the Conservation Officer objects to the scheme.

In summary the impact of the proposed scheme on the listed building has not been considered in any detail. It is considered that the removal of the mill and erection of 24 dwellings would create a suburban environment harming the rural setting of this listed building. The proposal is therefore contrary to Policy S39 of the BDLP and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### v) Access, Highways & Parking

The site proposes a single access in the same place as the existing and 42 parking spaces are shown on the indicative plan.

The Council's Highway Engineer has highlighted that the site is poorly located to public transport and falls short of the 400m walking distance indicated in the national guidance and local amenities are remote. Notwithstanding the deficiencies in distance the quality of the route is a disincentive, Buntsford Hill has no footways therefore any pedestrians must walk in the carriageway and public rights of way are not accessible at all times of the year. The site does not demonstrate that it can be sustainably accessed and will result principally in car based movements.

As the site is in employment use there are number of associated vehicle movements. However, it is the change in movement patterns and demands as the site moves from a destination to an origin that are considered to be harmful. Destinations can be better mitigated through smarter choices work where as an origin there is no real choice other than car trips, therefore making it less sustainable. Also there are increased leisure and amenity demands over that which presently exists.

Whilst not a matter for determination under this application, concerns have also been raised about the indicative internal road layout. The Highways Engineer has highlighted that tracking of the turning head is needed and the design of it including road widths and radii need to be amended. However, this matter would only need to be considered on any future reserved matters application.

In summary, the Council's Highway Engineer objects to the application as the site is unsustainable due to its poor relationship to public transport, its lack of encouragement of walking and cycling and its relationship to local amenities. The application is therefore contrary to the Local Transport Plan and Paragraphs 32 and 35 of the National Planning Policy Framework and Policy DS13 of the BDLP.

#### vi) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken surveys to ascertain the presence of protected species and these include a Baseline Ecology Survey and Baseline Bat Survey



(July 2014) and Updated Baseline Ecological Survey & Baseline Bat Survey (November 2015).

The studies highlight that the main potential wildlife habitats on the site are the mill and the stream corridor. The studies confirm that the mill has not been used as a bat roost and the scheme does not propose alterations to the stream corridor and a buffer is proposed. The Council's Ecologist agrees with the recommendations of the study and does not object to the principle of the development. However, he does raise concerns over the layout of the scheme, in particular the proximity of rear gardens to the stream corridor. As the proposed layout is only indicative this issue could be addressed at reserved matters stage.

In summary it is considered that the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 109 of the NPPF.

#### vii) Landscape and Trees

The tree stock on site is generally confined towards the boundary edges. The Western boundary of the site is defined by a mixed native species hedge and tree line containing Hawthorn, Blackthorn Elder, Hazel, Elm and Ash. The Tree officer notes that this provides a level of screening belt value from the site from the Public Right Of Way and is considered to be an important feature worthy of retention. He raises concerns over the proximity of this feature to flats 1-2 and 3-4 however such concerns can be addressed through any reserved matters application.

The eastern boundary of the site is defined by a water course and immediately along the top of the banking within the site are a number of mature multi stem Willow and Alder trees. Beyond the trees there is a very steep and considerable height drop to the water course level. There is evidence of bank erosion on the development site side banking to the water course. Therefore these trees are of high importance in view of both the benefits their root plates will provide in supporting the banking and amenity value they offer to the site and area. The indicative layout provided shows an intention to retain these trees which would be the Tree Officer's preference. He also considers that plots 7-9 retain an acceptable distance from these trees.

The Council's Tree Officer raises no objection to the scheme subject to conditions. The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

#### viii) Flood Risk and Drainage

Concerns have been raised by both the Council's Drainage Engineer and Environment Agency. The site falls primarily within flood zone 1, however a portion does fall within flood zone 2. The Council Drainage Engineer has highlighted that the site is susceptible in places to surface water flooding and there are records of flooding in the vicinity of the site.

Initially the indicative layout showed that plot 14 fell entirely within flood zone 2, which the Drainage Engineer objected to. However an amended indicative layout has been submitted confirming that 24 dwellings can be accommodated outside of flood zone 2.

The Environment Agency requires an 8 metre strip of land adjacent to the top of the banks of the Sugar Brook, which should be unobstructed. As well as providing maintenance access it would also improve flood flow conveyance and enhance the river corridor for wildlife and biodiversity benefit. An amended indicative layout has been provided to confirm that the 8m buffer can be achieved. The proposal therefore accords with Policy ES1 of the BDLP.

#### Viii) Planning Contributions

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved. The obligations would cover public open space improvements to Charford Recreation Ground, highways improvements and the provision of bin storage.

In addition 30% affordable housing is required on schemes of 10 dwellings or greater in accordance with Policy BDP8 of the Proposed Submission version of the BDP. This would result in 7 affordable units on this 24 dwelling scheme.

The applicant has agreed to enter into a Section 106 agreement and precise terms have recently been informally agreed, including the provision of 30% affordable housing provision on-site. Work on the S106 agreement is underway but as yet has not been completed and signed. I will update Members on this issue at your Committee.

#### Conclusion

The proposal is considered acceptable in terms of its impact on trees, drainage, ecology and residential amenity. However, the development would result in the loss of a designated employment site which has not been fully justified, would harm the setting of a listed building and is in an unsustainable location.

**RECOMMENDATION:** That planning permission be refused

#### **Reasons for Refusal**

- 1) The proposal would result in the loss of land designated for employment purposes and insufficient evidence has been submitted to justify this loss. The proposal would reduce the availability of employment land in the district contrary to Policy E6 of the adopted BDLP, BDP14 of the Proposed Submission Version of the BDP and the NPPF.
- 2) Due to the loss of the mill and the density and general urbanising effect of the residential scheme the proposal would have a harmful impact on the setting of the adjacent listed building. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy S39 of the BDLP.
- 3) The site is in an unsustainable location for residential development due to its poor relationship to public transport, its lack of opportunities for walking and cycling and

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its relationship to local amenities. The application is therefore contrary to Paragraphs 32 and 35 of the National Planning Policy Framework and Policy DS13 of the BDLP.

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