

**Bromsgrove District Council
Planning Committee**

**Committee Updates
29th April 2019**

18/01209/FUL Former Fire Station And Library Building, Windsor Street

No Updates

19/00062/FUL Land Off, Billesley Lane

Representations:

One further representation has been received on behalf of Portway BRAID in objection to this application. This representation has raised matters in relation to the following matters, most of the matters raised have already been covered within the original report:

- Green Belt harm,
- Sustainability of the site,
- highway safety,
- impact of proposal on hedgerow along Billesley lane,
- Impact of proposal on the landscape character and visual amenity of the area,
- Ecological and Biodiversity harm of proposal- including the submission of a letter relating to a hedgerow survey by Swift Ecology,
- Unauthorised encampment has resulted in a breakdown in community cohesion and a perception by the settled community of domination,
- Insufficient information provided relating to drainage, noise and air quality

Ecology

No further information has been submitted by the applicant in relation to ecology.

Portway BRIAD have submitted a letter relating to a hedgerow survey by Swift Ecology as part of their representation. This relates to the hedgerow along the boundary that fronts onto Billesley Lane at the front of the site. Their ecologist has set out that they consider that the hedgerow along this boundary is an important hedgerow under the Hedgerow regulations 1997.

The Councils Tree Officer have surveyed this hedgerow and have found that it contains 6 wood species in the original hedge line Ash, Oak, Rose, Holly, Hawthorn and Hazel. They have set out that there is a short Cherry tree stump approximately 2 ft tall, which has clearly been standing dead for some considerable length of time. This being the case Cherry cannot therefore be included within the species count on the hedge. A hedge in this situation where there are no other relevant historic or archaeological relevance or feature to support its importance requires at least seven woody species within a 30 metre section to qualify as important. They have set out that there has been some very recent planting of Beech within the hedge line carried out by the new owner of the site with the intention to improve its condition and quality. This species was not within the original established hedge and therefore it would be unreasonable in these circumstances to include it within the species count of the hedge.

The Tree Officers view is therefore that this hedgerow does not meet the required criteria to achieve the status of a hedge of importance as set out in the Hedgerow Regulations 1997. There is no known intention by the owner or requirement within the planning process to remove any hedge or trees standing within the hedge and the current level of management does not qualify as destruction of the hedge.

Noise

A noise survey has now been submitted in relation to this application. Worcestershire Regulatory Services have reviewed this report and have confirmed that the noise level at the site has been shown to be low. Because of this they do not raise objection to the proposal. This is however subject to the acoustic design mitigation measures set out in the noise survey being implemented, to ensure that the internal ambient noise is acceptable so that the occupiers of the site are not subjected to unreasonable levels of noise.

The submission of this report therefore provides sufficient information to demonstrate that noise would not have an adverse impact on the health and the quality of life of the occupiers of the site. It is therefore considered that refusal reason 4 has now been satisfied.

Air Quality

Worcestershire Regulatory Services have been consulted on the application in relation to Air quality, and have raised no objection.

Highway Safety

Comments from Portway BRIAD refer to layout of the site not being within the recommended emergency vehicle requirements. Hereford and Worcester Fire and Rescue Service have now provided comments on the application, and have set out that looking at the plan there does not seem to be an issue with fire appliance access on to the site.

Comments received from Portway BRAID refer to access to bin storage, and buildings regulations guidance. The proposed site plan does show that a bin storage area would be provided at the entrance of the site which would be situated 48 metres from the furthest mobile home, which would exceed building regulations guidance. However, the bin store is situated at the front of the site to enable easy access to the highway and is set away from boundaries with the adjoining occupiers so would not affect their amenity. It is also noted that the sites occupiers are aware of the location of the bin store and the pitches. It is not therefore considered that this would be an unacceptable arrangement with respect to material planning considerations.

Drainage

Within the Highway Authorities comments on this application dated 4 April 2019 they recommended several conditions one of which is that the first 5 metres of the access should be in a bound material. Due to this further consultation has been undertaken with North Worcestershire Water Management. North Worcestershire Water Management have provided comments in relation to this matter now setting out that if the bound surface is to be impermeable, they would recommend that a condition relating to surface water drainage of the driveway is appended to any permission that is granted.

Severn Trent Water have confirmed that they do not raise any objection and do not wish to recommend that any drainage conditions are appended to any permission that may be granted.

Environment Agency have confirmed that they do not have any specific knowledge about the site being used for septic tank soakaways, and confirmed that these do not require Permits from the Environment Agency. If that is the case, they have also confirmed that they wouldn't expect this to be an issue necessarily as the water discharged from septic tanks has been through a treatment process as part of the septic tank mechanism.

Amended Recommendation:

(1) Minded to **REFUSE FULL PLANNING PERMISSION**

(2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:

(a) The expiry of the consultation period on 6TH May 2019 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

Reasons for Refusal

1. Green Belt:

The proposed development would be inappropriate development in the Green Belt, which by definition would harm the Greenbelt. The proposal would also harm the openness of the Green Belt and conflict with two of purposes of including land within it, which are to safeguard the countryside from encroachment and assist in urban regeneration. It is considered that this harm would be substantial. Circumstances (including best interest of the child and personal circumstances) have been submitted by the applicant; however it is not considered that these would amount to very special circumstances to clearly outweigh the harm that the proposal would cause to the Green Belt. The proposal is therefore considered to be contrary to policy BDP4 of the Bromsgrove District Plan adopted January 2017, Planning Policy for Traveller sites August 2015, NPPF and NPPG.

2. Character and appearance:

By reason of the sitting, design and form of the proposed development, and due to the topography of the area and the wide ranging views the site achieves, it is considered that the proposal would result in a prominent form of development which would not integrate into the existing landscape of the area. Overall therefore it is considered that the proposal would detract from the existing character,

Plan reference 19/00062/FUL appearance and landscape of the area, which would be contrary to policy BDP19 of the Bromsgrove District Plan.

3. Ecology:

Insufficient information has been provided to demonstrate to the Local Planning Authority that adequate assessment of the site has been carried out to definitively establish whether protected species and or their habitats would be affected by the proposed development. As such the full impact of the development cannot be properly assessed. In this respect the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 and the development would be inconsistent with the aims of Policy BDP21 of the Bromsgrove District Plan adopted January 2017 and Paragraph 118 of the NPPF which seek to conserve and enhance biodiversity.

19/00222/FUL Cedar Haven , 96-98 Barkers Lane

No Updates