

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Richardson	Demolition of existing buildings and erection of twelve dwellings (of which four are affordable) and ancillary landscaping, garages and bin storage Burcot Garden Centre, 354 Alcester Road, Burcot, Bromsgrove, Worcestershire B60 1PW		19/01037/FUL

RECOMMENDATION:

- (a) Minded to **APPROVE FULL PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
 - (i) The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
 - (ii) Highway Infrastructure Delivery Plan contributions of £35,220.48
 - (iii) Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
 - (iv) £627.36 contribution for refuse and re-cycling bins
 - (v) A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
 - (vi) A section 106 monitoring fee

Consultations

Conservation Officer

Burcot comprises a linear development which has developed organically with buildings dating back over 400 years. Soft Worcestershire red brick and red/brown clay tile roofs predominate.

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms. Burcot House does stand out being painted white, and more formal in architectural terms, with high, painted brick garden walls. The curtilage listed barns are like the rest of the settlement red brick. The significance of all three buildings is largely derived from their historical and architectural interest. Their location in the small settlement of Burcot and the way they blend in with surrounding buildings and contribution to the street scene also adds to their significance. 353 Alcester Road overlooks the site, while 352 is located to the north west of the site.

Historic Environment policies within the District plan support development proposals which sustain and enhance the significance of Heritage Assets including their setting.

This is supported by policies in the NPPF, including Paragraph 189, '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'; paragraph 192 'the desirability of new development making a positive contribution to local character and distinctiveness'; Paragraph 193, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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'; Paragraph 194, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

I would have no objection to the principle of replacing the garden centre, as none of the structures are of any architectural merit, and the extensive carpark does not make a positive contribution to the street scene or local character. Equally I would have no objection to a residential scheme. I do have concerns that setting all the houses behind a service road off the main roads will be at odds with the character of Burcot, setting the scheme apart from the rest of the settlement. In addition I have concerns regarding the choice of the roofing materials. Any new housing scheme needs to respect the existing character of the area, and in this case red clay tiles are the predominant roofing material

North Worcestershire Water Management

While I have no objections to the proposals and I can see there may be benefits in terms of flood risk and drainage, it requires a site drainage strategy condition and finished floor levels condition.

WRS - Contaminated Land

The application has been reviewed in relation to contaminated land. No significant concerns have been identified and therefore WRS have no adverse comments to make in this respect.

WRS - Noise

Noise: No objection to the application in terms of road traffic noise adversely impacting future residents.

Nuisance: In order to minimise any nuisance, from noise, vibration and dust during the demolition and construction phases, the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

Highways - Bromsgrove

No objection to the amended scheme, subject to the applicant entering into a legal agreement for a Highway Infrastructure Delivery Plan contribution and planning conditions:

1. Pedestrian visibility splays
2. Residential Parking Provision
3. Electric vehicle charging points

4. Cycle Parking
5. Conformity with Submitted Details
6. Vehicular visibility splays approved plan
7. Existing access closure
8. Residential Welcome Pack

WCC Lighting Team

WCC Lighting Team has indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard;

Because of the nature of the conflict area,

- Lighting columns; 41, 42, 43, 44, 45, 46, 47 & 48 shall be replaced at the developer's expense as part of the works.
- The developer shall contact WCC Lighting Team as part of the process to retrieve a design brief to inform a lighting design for the area.
- The extents of the work shall be covered within the design brief, these may extend significantly past any S38 or S278 boundaries to ensure continuity of light and power supply.
- The developer will be responsible for any works above what WCC street lighting considers normal maintenance activities.

Arboricultural Officer

No objection subject to conditions

1. All the trees and hedge line to be retained within the site or within influencing distance of any ground or development work in any adjoining land are provided protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
2. A full landscape plan and specification should be provided for the Council's consideration and agreement.
3. Plans showing the intended routing of all utility services should be provided for the Council's consideration and agreement.

Worcestershire Wildlife Trust

We note the contents of the various associated documents and in particular the findings set out in the Ecological Walkover Survey report by Betts Ecology. There do not appear to be any overriding ecological constraints to development here and we do not wish to object to the application. We would however recommend that you append a condition covering the recommendations made in the Betts report and appropriate levels of biodiversity enhancement to any permission you may be otherwise minded to grant.

Housing Strategy

Awaiting final comments from Housing Strategy.

Waste Management

A financial contribution towards the provision of bins is required.

Leisure Services Manager

With regard to Leisure and recreation/play requirements from this development, to mitigate for any potential under provision of open space for residents on site we would request calculated off site contribution to be provided at Lickey End Park, Alcester Road which is within easy access to the proposed development.

Worcestershire Archive and Archaeological Service

The above application site lies within the medieval settlement of Burcot, documented in the Domesday book of 1086 as Bericote. Burcot Lane, Alcester Road, Greenhill and Pike's Pool Lane are all potentially medieval or earlier routeways, and the settlement of Burcot lies at their junction. The earliest of the surviving buildings in the village are of 18th century date, but there is likely to be evidence of earlier settlement within the village. Should properties have existed along the Alcester Road within the development site, there is a moderate chance of below-ground survival given the shallow nature of the later development.

Consequently, the application site is judged to potentially impact heritage assets of archaeological interest that would be lost or damaged by the development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that 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 should comprise an archaeological evaluation in the first instance. This could be followed by mitigation depending on the results of the evaluation.

NHS/Medical Infrastructure Consultations

The proposed development is likely to have an impact on the services of 1 GP practice at Davenal House. The GP practice does not have capacity for the additional growth resulting from this development.

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 28 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position is shown below.

Premises	Weighted List Size	NIA (m²)	Capacity	Spare Capacity (NIA m²)
Davenal House	9,247	368	634	-266

A developer contribution will be required to mitigate the impacts of this proposal. Redditch and Bromsgrove CCG calculates the level of contribution required in this instance to be £4,416. Payment should be made before the development commences.

NHS Acute Hospitals Worcestershire

The Trust has requested a contribution of £20376.72, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

Education Department at Worcestershire

The proposals as submitted sit in the catchment area of Blackwell First School, Alvechurch CE Middle School and the shared catchment area of North Bromsgrove High School and South Bromsgrove High School. Analysis of pupil numbers show that the proposed development is likely to yield less than one pupil on average per year group. Due to the low impact from the proposed development Children Families and Communities will not be seeking a planning obligation to mitigate the proposed development.

Publicity

A total of 69 neighbour notification letters were sent on 02.08.19 and expired on 26.08.19
A site notice was displayed on 06.08.19 and expired on 30.08.19
The development was advertised in the Bromsgrove Standard on 09.08.19 and expired on 26.08.19

Representations

10 objections have been received and summarised as below:

- Previous objector comments should be considered due to the scheme being very similar
- Inappropriate development in Green Belt
- Substantial impact on the openness of the Green Belt
- Very special circumstances put forward by the applicants do not justify outweighing the significant harm caused to the openness and purposes of including land within the Green belt and all other harm
- No need for new housing
- Outside the village boundary
- Insufficient consideration of drainage
- Loss of community facility, increase distance to other facilities
- Loss of jobs
- Increase of noise at night
- Increase of light at night
- Loss of amenity and overlooking
- Increase in traffic
- Change the character of the village
- Poor design

- Visual impact on the openness of the green belt
- Overdevelopment of the site
- Lack of parking
- Disturbance during construction phase
- Requires site boundary planting
- Rural character will be lost, 14% increase in the number of dwellings

Burcot Village Hall Committee (BVHC)

BVHC have raised the following objection:

- The number of houses is excessive both in relation to the site itself and in relation to other houses nearby
- New housing is not in keeping
- Accessing local facilities without a car is very difficult
- Loss of community resource if garden centre and café are closed

5 letters of support have been received and summarised as below:

- Need for new housing, housing shortfall in Bromsgrove
- Application now proposes an extra affordable unit
- Develops a brownfield site
- Improves the appearance of the existing site, which is run down
- Reduce traffic as the result of the garden centre closing down

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP4 Green Belt
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP18 Local Centres
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Bromsgrove High Quality Design SPD

Relevant Planning History

19/00220/FUL	Demolition of buildings and erection of 11 dwellings, with associated landscaping, bin storage	Refused	02.07.2019
13/0196	Covered walkway to link two buildings. Extension of time 10/0186	Approved	20.06.2013
10/0186	Converted walkway to link two buildings (Renewal of B/2005/0129)	Approved	23.04.2010
B/2005/0129	Covered walkway to link two buildings.	Approved	08.04.2005
B/2002/1205	Re-roofing of the greenhouse using modern materials, being insulated roof panels and polycarbonate vents.	Approved	10.12.2002
B/19533/1990	Residential development (Outline). APPEAL DISMISSED 26.4.91	Refused	13.08.1990
B/19063/1990	Outline application for redevelopment of existing nurseries for residential use.	Refused	09.04.1990
B/19088/1990	Retention of garden buildings and conservatory display area bases and walls	Refused	09.04.1990
B/12136/1984	Residential development (6-8 dwellings) (Outline)	Refused	13.08.1984
B/12365/1984	Redevelopment of existing garden centre erection of glass house and sundry buildings (As amended by plans received 17.10.84)	Approved	22.10.1984

Assessment of Proposal**Background**

A previous application on this site was considered by planning committee on 1st July 2019. The application proposed the demolition of the garden centre and the erection of 11 dwellings (of which 3 were affordable). The application was refused by Members due to concerns regarding affordable housing provision. In particular, Members were concerned that there was insufficient provision for affordable housing in relation to the

number of affordable units proposed and that the proposed location of those units which would be visually distinguishable as they would not be fully integrated.

The application was refused on 2nd July 2019 with the following reason for refusal.

The proposal makes insufficient provision for affordable housing in relation to the number of affordable units proposed. The affordable housing has not been distributed throughout the application site and it is considered to be visually distinguishable from the market housing and therefore it has not been successfully integrated into the proposal. The application proposes only 2 bedroom affordable units, a greater affordable housing mix should be provided. As such the application is contrary to Policy BDP8 of the Bromsgrove District Plan 2011-2030 and the National Planning Policy Framework (2019).

Site

The application site comprises Fresh @ Burcot Garden Centre situated on Alcester Road and extends to around 0.65ha in size. The site is bound to the north by Alcester Road, Pikes Pool Lane to the east, fields to the south and residential properties to the west. The site is currently in active use, by an independent operator. The primary activity of the garden centre is retail sales of plants and garden related products, as well as giftware, clothing and fireplaces with ancillary café. The garden centre comprises retail buildings, canopy areas, plant display, storage areas and hardstanding customer car parking.

Proposal

The application seeks full planning permission to demolish all existing buildings and structures and redevelop the site for a residential scheme of 12 dwellings. The application proposes 8 market dwellings and 4 affordable dwellings.

The layout proposes all 12 dwellings on the frontage with Alcester Road. This includes a 2 no. 1 bedroom maisonette units and 1 no. 2 bedroom (affordable dwellings) to the north west and the further 7 dwellings (4 no. 3 bedroom semi-detached, 2 no. 3 bedroom detached (including one affordable) and 3 no. 4 bedroom detached dwellings). Landscaping and planting would be introduced along the Alcester Road frontage and it is proposed to retain the landscape buffer with Pikes Pool Lane.

Summary Information

	Existing	Proposed	Change (+/-)	% Change
Site Area	0.65ha		No Change	
Land use	Garden centre and parking	12 No. C3 residential units	+ 12 No. C3 residential units	-
Volume (m3)	6117.5	6013.9	-103.6	-1.69%
Internal Footprint (m2)	1575.4	987.4	-588	-41.5%
Gross Internal Floorspace (m2)	1575.4	1602.4	+26.6	+1.68%
External	1612	989.2	-622.8	-38.6%

Footprint (m2)				
Gross External Floorspace (m2)	1612	1823.7	+211.7	+13.1%
Hardstanding (m2)	5032	1476	-3556	-70.6%
Max height (m)	5	9.07	+4.07	+81.4%
Max eaves (m)	3	5.38	+2.38	+79.3%
Garden/Green space, landscaping	Landscape buffer to Pikes Pool Lane and existing on Alcester Road	3897	+3897	+3897%

Assessment

The site is situated within the West Midlands Green Belt, outside Burcot Village boundary, as defined in the Bromsgrove District Local Plan.

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Sustainability of the location
- Provision of affordable housing
- Loss of Garden centre
- Design and Appearance
- Heritage
- Residential Amenity
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Highways
- Planning Obligations

Housing Land Supply

Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

As of 1st April 2019 the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate a 3.45 year supply of deliverable land for housing. The Council falls short of a 5 Year Supply of Land for Housing, this shortfall has increased since April 2018, where the Council was able to demonstrate a 4.02 year supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include ‘irreplaceable habitats’ which paragraph 175 states includes Green Belts.

As the spatial strategy for the delivery of housing in District Plan (such as BDP2) and associated policies regarding the village envelope are relevant for the supply of housing, they are considered to be out-of-date. The key matters on which this decision turns are therefore considered to be: -

- Does NPPF Greenbelt policy indicate this development should be restricted;
- Ultimately, whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies indicate this development should be restricted.

Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within paragraph 11 and Footnote 7 indicate this development should be restricted. Paragraph 8 of the NPPF explains that there are three dimensions to sustainable development:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

The site has been identified within the Strategic Housing Land Availability Assessment (SHLAA) September 2015 as a Category 4 - Green Belt Potential. These sites are located on the edges of settlements of the district and were previously discounted solely on the grounds of being within the Green Belt. SHLAA's are expected to form a key component of the evidence base to support the delivery of sufficient land for housing to meet district housing requirements. The main aim of SHLAA's is to identify as many sites with housing potential in and around as many settlements as possible.

It is important to note that whilst the SHLAA is an important evidence source to help inform the plan-making process, it will not in itself determine whether a site should be allocated for housing development or whether planning permission would be granted for residential development.

Green Belt

The application site resides within an area designated as Green Belt. The key policies are BDP2 and BDP4 and Chapter 13 of the NPPF, specifically paragraph 145. Within this designation, the policy focus is on preventing "inappropriate" development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as 'inappropriate' is by definition harmful to the Green Belt, and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered 'inappropriate' in the Green Belt (as set out in paragraph. 145) is as follows:

"(g) – limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

Point (g) of paragraph. 145 is considered to be the most relevant policy test to this application.

The site is considered to be a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is considered 'previously developed land' in accordance with the definition set out in Annex 2 of the NPPF.

In assessing the impact on openness, the following is considered relevant:

- The footprint of residential development on the site would be reduced in comparison to the existing garden centre (1575.4sqm. to 987.4.sqm).
- The overall volume of the buildings on the site will be reduced by around 2%.
- Replacement of the existing buildings (which range up to 5m in height) with two storey residential which is up to a maximum height of 9.07m.
- The new housing would be constructed across the whole site including where part of the site's existing built form is concentrated. However, it would also extend over parts of the site which are currently free from any built development other than car parking.
- The replacement of lightweight glass structures (such as greenhouses and open canopies) with more substantial buildings suitable for residential use.
- There would be an increase in green space and landscaping, reducing the amount of hardscape on the site.

Taking all the above points into consideration, it is considered that the development would have a greater spatial impact on the openness of the Green Belt than the existing development. Whilst there would be reductions in footprint, this is outweighed by the greater height of the replacement buildings. These buildings would visually appear more prominent by virtue of their massing and residential form. Moreover, the development not being entirely concentrated where the existing buildings area location, will result in new buildings in an area on the site which is particularly more open.

Point 2 of (g) is therefore engaged, which states that development which would not "cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority" is not inappropriate.

Therefore it is important to assess whether the proposed development would result in substantial harm to the openness of the Green Belt having had regard to the contribution that the existing site makes to the visual aspect of openness, as well as the purposes of including land within the Green Belt.

The application site is situated on adjacent to the village boundary and by reason of existing previously developed land there is already some encroachment and loss of openness. In addition, its general poor appearance and extensive car parking area do not give the site a particularly rural feel. Both visually and spatially the site is more connected with the settlement of Burcot than the open countryside that is nearby. The new housing is almost entirely surrounded by existing residential development, the proposed development would be of a similar scale to these dwellings and would not be uncharacteristic in this location.

The new housing would be visually contained by existing landscape features. In addition, the proposal would provide an opportunity to rationalise development over the whole of the site.

The 2019 NPPF clearly signals the great weight that the government places on the need to provide affordable homes and the re-use of PDL. It states that a development that re-uses PDL in the Green Belt and makes a contribution to affordable housing should not be considered to be inappropriate development unless the harm to the openness of the Green Belt would be substantial.

Having regard to existing encroachment on the site, including the number and scale of the permanent buildings that are dispersed within it. The proposed development would rationalise the amount and the location of built form on the site and the overall landscape quality of the site would be enhanced. Taking into account the ability of the new housing to be absorbed into existing neighbouring developments and contained within an established landscape without causing significant harm to the open character and visual qualities of the surrounding countryside and Green Belt as a whole.

As noted above, whilst the proposal would have a greater impact on the Green Belt's openness, the harm attached to this would not be considered 'substantial'.

In terms of housing need, The Worcestershire Strategic Housing Market Assessment (SHMA, 2012) emphasises that there is a need for affordable housing across the District in both urban and rural areas. As outlined in the Local Plan with the current provision of affordable housing very limited in rural areas some residents have little option but to look for more affordable housing outside their Parish and in some cases outside Bromsgrove District. The SHMA identifies that a total of 219 new affordable dwellings are required per year. Paragraph 8.73 of the District Plan indicates that there is a greatest need for smaller properties reflecting the reduction on the size of the average household.

The 4 units proposed will help to create a more balanced housing market in rural areas, which is an issue highlighted both in the SHMA, Local Plan and nationally in the NPPF as facilitated under the affordable housing exceptions set out in paragraph 145. The 4 units would meet an identified affordable housing need within the area of the Bromsgrove District Authority.

In summary, the proposal is not considered an inappropriate form of development in the Green Belt, due to compliance with paragraph 145. It is noted that BDP4.4 is not consistent with the NPPF in this regard, and thus is afforded reduced weight in the determination of this application.

Further to the inappropriateness test, there is no other significant harm to the Green Belt. The proposal would not conflict with the purposes for including land within the Green Belt. There is a greater impact on openness, although this is discussed above. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The proposal complies with the relevant Green Belt aspects of the NPPF and is considered to have an acceptable impact on the Green Belt.

Sustainability

Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is outside the village boundary of Burcot, which is defined as a small settlement within the District Plan.

Whilst BDP2 is a restraint on new housing development in itself it is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy BDP2 in the District Plan (paragraph 8.6) sets out the policy on the future role of the District’s settlements and villages to enable allocation of appropriate levels and types of development to different settlements. The site is adjacent to the village boundary of Burcot and is thus very close to the boundary of such an area.

There is a sheltered bus stop located on Alcester Road, on the southern side of the carriageway, approximately 100m from the site entrance. The site is located approximately 1.6km to the east of Bromsgrove, where there are a number of shops and amenities. Blackwell is located 1km to the north-east and has a variety of local amenities, including Blackwell First School and Blackwell convenience store.

In conclusion, bearing in mind the issues as set out above, the location and accessibility of the site is considered to be reasonably sustainable in relation to its proximity to services and the nature of the route to them. It is considered that future occupiers of the development would not be unduly reliant on private transport.

Provision of Affordable Housing

As outlined above the previous application was refused due to concerns with affordable housing provision. The following section addresses how the applicant has addressed the reason for refusal in relation to the revised scheme.

• Number of Units Proposed

Policy BDP8 relates to affordable housing and requires 30% affordable housing provision on brownfield sites over a threshold of 11 dwellings. The revised NPPF was published in February 2019, in which it states at paragraph 63 that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”

It is considered that the affordable housing threshold given in Policy BDP8 is no longer consistent with national planning policy towards affordable housing both in terms of the Local Plan policy threshold being 11 or more homes (as opposed to the NPPF threshold of 10 or more), and in its inclusion of a 1,000 sqm housing floorspace threshold (as opposed to a site area threshold of 0.5 hectares in the NPPF).

As outlined in the Green Belt section of this report, the application site is clearly a previously developed/brownfield site and therefore a 30% affordable housing provision would be required to comply with the policy. The requirement for affordable housing calculated as 30% of 12 dwellings would equate to 3.6 dwellings. The application

proposes 4 of the 12 dwellings to be affordable. Therefore the number of units proposed is considered to meet this policy requirement of BDP8 and the requirement of Point (g) of paragraph. 145 outlined above.

All 4 of the units will be shared ownership which is the most accessible forms of affordable housing supported by Housing Strategy. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In April 2016, 10.5% of the dwellings in the District were affordable housing stock. This is lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%).

- **The affordable housing has not been distributed throughout the application site and is visually distinguishable from the market housing**

Due to site constraints, it is considered appropriate to locate the smaller units proposed (1 and 2 bed units) in the narrowest part of the site as this ensures that the proposal makes the best and most efficient use of the site, in line with BDP7. The 3 bed affordable unit proposed is located away from the other affordable dwellings to ensure a better distribution within the site and is considered not be distinguishable from the market housing proposed. The affordable dwellings have all been designed to have the same style and materials as the market housing.

- **The application proposes only 2 bedroom affordable units, a greater affordable housing mix should be provided**

In response to this reason for refusal, the scheme has been revised to include 2 one bed units, 1 two bed and 1 three bed (detached) unit.

This Worcestershire Strategic Housing Market Assessment (2012) identifies that there is a need for homes of all sizes with the greatest need for one and two bedroom properties. BDP8.4 of the Bromsgrove District Plan states that "The affordable housing element of developments should focus primarily on the delivery of smaller units." It is considered that the scheme meets this policy requirement, but now also provides a larger family property in the form of the 3 bed dwelling.

The applicant has provided a letter from Bromsgrove District Housing Trust (BDHT), which indicates that they are interested in purchasing the affordable housing element of the scheme. BDHT confirm that there is significant demand for all sizes of shared ownership properties, including one bedroom flats. There is demand from single purchasers who are prevented from two bedroom properties due to affordability.

Overall, it is considered that the revised proposal has been amended to reflect the concerns of members in relation to the affordable housing proposed. It complies with BDP8 and the NPPF.

Loss of existing garden centre use

The site is not considered to be an employment use in planning terms (B1, B2 or B8 Use Class) but the proposals would result in the loss of the garden centre which employs 5.2 full time equivalent staff. During the consideration of the previous application, a number of

existing staff had already left the business and according to information provided by the owner had already found alternative employment, their positions have not been replaced, hence the low full time equivalent staff that are now employed in the business. A statement from the owners has been provided that outlines the reasoning behind the decision to develop the site. They purchased the former Hurrans Garden Centre in January 2008 and are currently faced with a multitude of issues, including the buying habits of the consumer, increased competition from discount retailers such as those recently opened in Birmingham Road (Aldi, Lidl and Home Bargains) that cherry pick specific garden lines and make it difficult for smaller independent operators to remain in business. The rising costs of operating a business including utility costs trading from outdated, thermally inefficient buildings compared to modern retail developments. The garden centre market is increasingly being dominated by larger destination outlets with greater buying power and marketing budgets such as at Wychbold and Lickey End. Attempts to develop the business by diversification have been thwarted by planning restrictions.

The business has expanded its offer, catering is ancillary to the main business while the business has expanded its retail offer into a limited range of foodstuffs, these are purely gift lines so not to compete with other local business who rely on selling staples. The owner has explored a number of successions for the business, but these have not progressed. This has been further damped by the financial troubles of Wyevale Garden Centre, which has swamped the market with small outdated garden centres.

The continued viability of a garden centre on this site is therefore questionable, particularly given the stated challenges faced by an operator who has been on the site for over 10 years (with the local reputation and goodwill which might be associated with that).

Given the existing use and the above factors, whilst it is a factor that weighs against the proposals, it is considered the loss of the garden centre, in employment terms alone, would not warrant sufficient grounds to refuse planning permission in this instance.

In terms of the value of the garden centre as a community facility, it is important to deliver sufficient community facilities and services to meet local needs as outlined in BDP12. Further to this, Section 8 of the NPPF promotes healthy communities and refers to the important role that the planning system can play in facilitating social interaction and creating inclusive communities.

Due to the nature of the items sold within a garden centre, it is not considered to be a 'local shop' and it would not fall strictly within the definition of a 'community facility'. However, comments have been received stating that the Garden Centre, in particular the café, does provide a place for local people to meet and the impact of losing this facility is a material consideration. However, there are a number of alternative facilities available, in particular Little Heath Garden Centre, Willowbrook Garden Centre, Singletons Nurseries and also smaller dedicated plant nurseries. Given the above alternatives, there is considered to be adequate provision within a reasonable travel distance which would continue to serve the needs of residents in absence of this facility. With the lack of protection of this specific use (sui generis garden centre), it is difficult to conclude that the proposal would result in the loss of a valued facility or that the ability of residents to meet their day-to-day needs would be significantly undermined. As such,

whilst the proposals would result in the loss of the garden centre, it is not considered there would be conflict with Policy BDP12 and the NPPF.

Design and Appearance

The proposal would see the demolition of the existing buildings on the site. The layout provides for a total of 12 new dwellings, all fronting onto Alcester Road. This layout and the overall quantum of development is considered to be appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the quite varied pattern and grain of development in the village and surrounding area. The development will result in a density of approximately 20 dwellings per hectare.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear cramped and would have spaciousness appropriate to the village location.

In terms of scale and height, the proposed dwellings would be two storeys of varying heights. The scale, massing and form of the proposed dwellings are considered to respond appropriately to that of the existing properties, creating a coherent street scene. They would provide a mixture of terraced, semi-detached pairs and detached a dwelling which is considered to be acceptable and reflective of the character of the area.

The design of the individual house-types is considered to be of a high-quality and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area and result in a high quality development.

It is recommended that permitted development rights are removed in order that the Council is able to exercise control over future additions in the interests of the openness of the Green Belt.

Overall, it is concluded that the proposals, both in terms of layout, scale and appearance, would – subject to the recommended conditions - achieve a high quality development appropriate to the character of the area and the transitional edge of settlement location of the site. The proposal is therefore considered to comply with policies BDP19 and the provisions of “good design” in the NPPF.

Heritage

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms.

The Conservation officer has no objection to the development.

Residential Amenity

The proposed dwellings are positioned in a low density arrangement that would create ample space for external landscaping and private amenity space. Units 2 does contain smaller garden area than required in guidance although the space (approximately 68 sq

m) is considered to be sufficient for their purposes as a private garden for the two bedroom house proposed. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

Objections have been received from neighbours based on loss of privacy. It is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to see towards another property.

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed housing.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

No issues are raised with noise given the rural context of the site by WRS Noise. It is noted that a number of objectors are concerned with any construction phase of development, it is considered that this can be adequately controlled by a construction management condition.

Flooding and Drainage

The site falls within Flood Zone 1 according to the Environment Agency flood mapping (low risk of fluvial flooding; i.e. from a river or the sea). According to NWWM the area is susceptible to surface water flooding during storm events as it appears that water currently builds up against buildings.

NWWM have raised no objection subject to a drainage and levels condition.

Ecology

The application includes a Phase 1 Habitat Survey. There would not be significant harm to ecological interests arising from the scheme, owing to the limited ecological potential within the site. No protected species have been found. Biodiversity enhancement is recommended for the site, it is considered that this can be conditioned.

Trees and landscaping

The site is presently dominated by built form and hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

Full details of the landscaping and planting proposals will be secured through condition. Accordingly subject to conditions, the proposal would not have an undue impact on

existing trees and would secure enhancements to the landscape character and visual amenity of the site.

Highways

There are no traffic impact issues arising from the 12 units proposed and it also has to be borne in mind that this site is currently a garden centre that generates trips to the site.

The position of the access is acceptable and does provide an acceptable level of visibility in both directions.

Sufficient space would exist within the site to accommodate parking in accordance with Worcestershire Streetscape Design Guide (2018) standards. These are as follows:

- 1 bedroom – 1 space per dwelling
- 2/3 bedroom – 2 spaces per dwelling
- 4 bedroom – 3 spaces per dwelling

No highway objections are raised, subject to the applicant entering into a legal agreement for Infrastructure Delivery Plan contribution and suitable conditions.

WCC Lighting Team have indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard.

Planning obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

A S106 agreement has been drafted. The obligation in this case would cover:

- The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- Highway Infrastructure Delivery Plan contributions of £35,220.48
- Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
- £627.36 contribution for refuse and re-cycling bins
- A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
- A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019).

Members will note that the Worcestershire Acute Hospitals Trust (NHS Trust) has requested a contribution of £20376.72, which would be used directly to provide additional services to meet patient demand. Officers accept that the request is material. However,

following legal advice received, the contributions requested by the NHS Trust requiring a developer to make annual shortfalls in National Health Service revenue are considered to be unlawful. Legal advice received concludes that the requests do not meet the Community Infrastructure Levy Regulations (CIL) 2010 Regulation 122 tests; the requests are contrary to policy and they do not serve a planning purpose; and/or do not fairly and reasonably relate to the proposed development. This is on the basis of consideration of all information received from the Acute Hospitals Trust.

At the time of writing, the planning obligation is being finalised in draft form.

Conclusion

The proposals are considered to cause a greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. Four affordable units would be included within the housing mix which would provide a small contribution to the District commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided (which has been increased since the previous application) on this previously developed site enables compliance with paragraph 145 of the NPPF.

The site has been identified as being suitable for residential development. The detailed design, form and layout of the development is considered to be appropriate in its context. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date. In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

RECOMMENDATION:

(a) Mindful to **APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:

- (i) The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- (ii) Highway Infrastructure Delivery Plan contributions of £35,220.48
- (iii) Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
- (iv) £627.36 contribution for refuse and re-cycling bins
- (v) A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
- (vi) A section 106 monitoring fee

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 permitted shall be carried out in accordance with the following approved plans:

Existing Block Plan – 119027-500
Proposed Block Plan – 119027-501
Proposed Plots 1-3 – 119027-502
Proposed Plots 4 – 119027-503
Proposed Plots 5-6 – 119027-504
Proposed Plots 7 – 119027-505
Proposed Plots 8 – 119027-506
Proposed Plots 9-10 – 119027-507
Proposed Plots 11-12 – 119027-508

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

- 4) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

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

- 5) Finished floor levels within the development shall be set no lower than 150 mm above the surrounding finished ground levels.

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

- 6) 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 199 of the NPPF.

- 7) 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 6 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 199 of the NPPF.

- 8) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, all trees and hedgeline to be retained within the site both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

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

- 9) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, a plan showing the intended routing of all utility services on site 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.

Reason: The excavation work required to install such services has the potential to cause extensive damage to the roots of trees.

- 10) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.
- c) details of ecological enhancements such as bird, bat and invertebrate boxes and additional planting.

The approved scheme shall be implemented within 12 months from the date when any of the dwellings hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: To protect and enhance the character and ecology of the site and the area, and to ensure its appearance is satisfactory.

- 11) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:

- a. Parking for site operatives and visitors
- b. Area for site operatives' facilities
- c. Parking and turning for delivery vehicles
- d. Areas for the storage of plant and materials
- e. Wheel washing equipment
- f. Boundary hoarding (set clear of any visibility splays)
- g. Hours of operation for the construction phase of the development

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety, to prevent indiscriminate parking in accordance with the NPPF and protect neighbour amenity.

- 12) The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwellings for the parking of (see below) at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

Two and three bed - 2 car parking spaces
Four bed - 3 car parking spaces

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 13) The Development hereby permitted shall not be first occupied until each of the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

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

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

- 15) The development hereby approved shall not be occupied until the visibility splays shown on drawing Access Visibility drawing located within the Transport Statement 01 Rev P 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.

- 16) The development hereby approved shall not be occupied until the existing vehicular / pedestrian access shall be permanently closed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 17) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 18) All proposed works shall be carried out in accordance with the recommendations as set out in the Ecological Walk Over Survey by Betts Ecology dated January 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan No. 4 and Paragraph 170 of the NPPF.

- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the visual amenity of the area.

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