

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Michael & Carole Marston & Hopkins	Erection of dwelling Townsend Mill , 29 Beechcroft Drive, Bromsgrove, B61 0DS	27.04.2020	20/00282/FUL

Councillor Hunter has requested that this application is considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Archive and Archaeological Service

- No objections subject to a condition for the submission of a programme of archaeological works.

Conservation Officer

- Objection
- The Conservation Officer considers that the proposed dwelling would fail to preserve or enhance the setting of the Grade II listed Townsend Mill, and the adjacent mill pool, and as such would cause harm to the affected heritage assets.

Highways - Bromsgrove

- No objections subject to conditions relating to the surface of the access, visibility splays, and the provision of cycle parking and an electric vehicle charging point.

North Worcestershire Water Management

- Objection
- The site of the proposed dwelling falls within flood zone 3 (high risk of fluvial flooding associated with the Spadesbourne Brook) and is shown to be susceptible to surface water flooding which has potential to be deep and fast flowing. The estimated flood level in the Flood Risk Assessment provided with the application is too conservative and compensation storage has not been included within the Flood Risk Assessment and within the design of the proposal. As development in high flood risk areas is discouraged, the Flood Risk Assessment should include an exception test in order to comply with the NPPF. North Worcestershire Water Management therefore object to the proposal in its current form.

WRS - Contaminated Land

- No objection to the proposal subject to the inclusion of a condition for the reporting of any unexpected contamination.

Arboricultural Officer

- Objection
- Concerns have been raised over the routes to be taken and the level of excavation required to install any utility services to the site and the potential impact this might

have on a number of trees. Based on the information provided to date, the Tree Officer therefore objects to the proposal.

Campaign to Protect Rural England (CPRE)

Objection to the proposal raising the following concerns:

- Impact to the setting of the listed building
- Insufficient amenity space
- Potential for flooding
- Green Belt

Publicity

Ten neighbour letters sent 16.03.2020 (expired 09.04.2020)

One site notice posted 17.03.2020 (expired 10.04.2020)

One neighbour representation received:

- Concern with the creation of the access and the excavation of ground to provide services to the proposed dwelling and the potential impact this would have to neighbouring properties in terms of causing landslip.

Councillor Hunter

Councillor Hunter has requested that this application is considered by Planning Committee so that material planning considerations can be discussed further, having regard to the particular characteristics of the site and the existing surrounding development.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

18/00555/FUL	Proposed New Retaining Wall & Driveway adjacent to existing Mill Pond to Provide Safe Access to rear	Granted	31.08.2018
B/2000/0932	New first floor and loft conversion to create additional bedrooms and	Granted	16.11.2000

external dormer windows. Listed Building Consent

B/2000/0933	New first floor and loft conversion to create additional bedrooms with external dormer windows.	Granted	16.11.2000
B/15595/1987	Restoration and extension to Mill to form residential use (Listed Building Consent). (As amended by plan received 7.10.87).	Granted	22.01.1988
B/15251/1987	Extension to Townsend Mill to form residential use. (As amended by plans received 27.8.87 & 7.10.87)	Granted	22.01.1988
B/4172/1977	Conversion of mill to house.	Refused	27.02.1978

Assessment of Proposal

The application site forms part of the curtilage of Townsend Mill, a grade II listed former water corn mill. The proposed development is a three bedroom detached dwelling which would be situated on an infilled area of the associated mill pond to the north east of the site. The mill pond is considered to be a non-designated heritage asset in its own right. The proposed dwelling would be accessed off Beechcroft Drive, and lies in relatively close proximity to Bromsgrove Town Centre, however the site itself is designated Green Belt.

Given the constraints of the site, the main issues to consider with this application are whether the proposal would constitute inappropriate development in the Green Belt, the impact on the openness of the Green Belt, design and appearance, impact on designated and non-designated heritage assets, residential amenity, and impact to highways, water management, contaminated land, trees and ecology.

Green Belt

Whilst the former mill building is situated within the residential area of Bromsgrove, the proposal site lies wholly within the Green Belt. Dwellings to the north of the site, the A38 to the east and open land beyond this are also washed over with Green Belt. New buildings within the Green Belt are considered inappropriate development, unless they fall within a limited number of exceptions found within a closed list. Paragraph 145(e) of the National Planning Policy Framework (NPPF) lists one of these exceptions to be limited infilling in villages, and Bromsgrove District Plan Policy BDP4(f) broadly reiterates this. Although the NPPF does not define the term "village", given the size of the nearest settlement area, Bromsgrove Town, the site could not reasonably be described as being within a "village". There is also no definition of "infill" development found within the NPPF; however, within a previous Bromsgrove District Council appeal decision (APP/P1805/W/17/3188719), a Planning Inspector considered a reasonable definition of infill development to be "The development of a modest sized gap in an otherwise substantially built-up frontage which is broadly linear in formation". Taking this into

account, it is noted that existing development fronts the Birmingham Road in a linear formation to the west of the application site. Similarly, the houses positioned along the cul-de-sac Beechcroft Drive also follow a closely positioned arrangement following the form of the road. Although there are buildings reasonably close to the north and south of the application site, the proposed dwelling would not integrate into either of the development frontages previously described and therefore would not reasonably fall within the definition of infill development.

As the proposal would not fall under the exception of limited infilling within a village, or any of the other Green Belt exceptions, it would be considered inappropriate development in the Green Belt. Paragraphs 143 & 144 of the NPPF are clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and "very special circumstances" will not exist unless Green Belt harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Further to the development being inappropriate by definition, the large proposed dwelling would clearly have an adverse impact to the openness of the Green Belt, by occupying a significant area of the site which is currently undeveloped. The concept of Green Belt openness is considered to comprise of a spatial and visual element, and given the extent of the footprint of the dwelling and its height and massing, the proposed dwelling would have both a spatial and visual impact to the openness of the Green Belt. As openness is the most important attribute of the Green Belt, substantial harm is attached to this.

Very special circumstances have not been put forward in this case, and there does not appear to be any present.

Design and Impact to Heritage Assets

Policy BDP19(e) of the Bromsgrove District Plan (BDP) seeks a high standard of design which would enhance the character of the local area, and this high bar for design reflects the aspirations of the NPPF. In addition to this, the development would be located within the curtilage of a grade II listed building, Townsend Mill, and adjacent to the partially infilled millpond, which is considered a non-designated heritage asset in its own right, having regard to the criteria set out in the Local Heritage List Strategy (2016). Paragraph 184 of the NPPF states that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and paragraph 200 of the NPPF requires new development within the setting of heritage assets to enhance or better reveal their significance. This is supported by Policy BDP20 of the BDP which requires development proposals to sustain and enhance the significance of heritage assets including their setting.

Townsend Mill dates back to the 18th century and is a three storey, L-shaped building constructed of red brick and a slate roof. The building was converted to a dwelling in the 1990s, and has since been altered internally. Within the curtilage is the millpond, which is moderate in size and is contained within a stone built retaining wall. The pond is also likely to be 18th century by association. The corn mill remained in operation until 1954 and is considered to be the most complete mill remaining in Bromsgrove. The mill pond is a significant feature of the setting of the listed building, and is fundamental to the origin and historic use of Townsend Mill. It is one of the last surviving historic features of the Bromsgrove Mill system which illustrates a phase of local and economic history.

Together, the building and pond remain as a symbol of the industrial heritage of Bromsgrove.

The proposal is to erect a large two storey detached dwelling in the now infilled northern portion of the former mill pool. As the development would significantly alter the way in which both the designated and non-designated heritage assets are experienced in their setting, the Conservation Officer has objected to the principle of development. It is considered that the proposed development would fail to preserve the legibility of the relationship between the Grade II listed Townsend Mill and the mill pool, the historic land use, and views from and towards the assets. Furthermore, the proposed design would fail to sustain or enhance the setting of the heritage assets. The scale and height of the new dwelling would conflict with the dominance of the former mill building. Further to this, the proposed 'boat house' type design with glazed balustrades, Juliet balconies and large decking areas would fail to be sympathetic to the industrial character of the listed former mill and the mill pond.

In view of the above, and in the context of paragraph 196 of the NPPF, the proposal would lead to "less than substantial" harm to the affected heritage assets, and this harm should therefore be weight against the public benefits of the proposal. As there are no public benefits apparent, the proposal would fail to accord with the provisions of the NPPF. The proposal would also be contrary to Policy BDP20 of the BDP and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

Archaeology have also commented on the proposal, and due to the historic interest of the site, and as the interior of the pond and the pond banks could contain well preserved archaeological deposits, they have requested that a programme of archaeological works is secured by condition should planning permission be granted.

Residential Amenity

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127(f) of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Further to this, the Council's High Quality Design SPD outlines spacing standards for new development.

The closest existing dwelling to the proposed development would be 168a Birmingham Road. The flank elevation on the north west side of the of the proposed dwelling would be in excess of 16 metres from the windowed elevation of 168a Birmingham Road, which would exceed the 12.5 metres separation distance set out within the Council's SPD. Notwithstanding this, the proposed dwelling would be sited in close proximity to the rear garden boundary of number 168a, measuring 3 metres to the shared boundary at its nearest point. As there would be only one small window serving an en-suite on this elevation, which could be controlled by condition to be fitted with obscure glazing, overlooking would not be a concern. However, the proposed dwelling would stand at a height of 8.9 metres, and in view of this substantial height and the close siting of the proposed development to the neighbour's boundary, the new dwelling would appear overbearing when viewed from the private amenity space and would cause a moderate degree of overshadowing during the midday hours of sun.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The Council's High Quality Design SPD states that a minimum garden area of 70 square metres, and a minimum garden length of 10.5 metres should be provided for new dwellings. In addition to this the SPD suggests that gardens should be in scale with the plot and reflect the existing local density, and should be located to the rear of buildings. In the case of the proposal, having regard to the indicative boundary of the site outlined on the location plan, the rear tapered garden area would be 6.5 metres in length at its maximum point and would provide approximately 50 square metres of garden area. Taking into account that this would serve a large three-bedroom dwelling, and in view of the local density and the awkward shape of the proposed garden area, this provision is considered unsatisfactory.

Overall the proposal would fail to provide a good standard of amenity for existing neighbours and future occupiers if the proposed development.

Highways

The Highways Officer has not objected to the proposal, noting that the site is located within a sustainable location, close to local facilities and bus stops, and benefits from an existing vehicular access with acceptable visibility in both directions.

The Highways Officer has commented that the gravel finish to the vehicular access would not be acceptable, however has recommended a condition to resolve this. A number of other conditions have also been recommended should planning permission be granted.

Drainage

The site of the proposed dwelling falls within flood zone 3, which is considered to be high risk for fluvial flooding and is associated with the nearby Spadesbourne Brook. The site is also shown to be susceptible to surface water flooding, which has potential to be deep and fast flowing.

The Drainage Officer has provided comments and notes that the site of the proposed dwelling was, until fairly recently, within the footprint of the pond, before this area was filled in. Reducing the storage capacity of the pond may increase the risk of flooding and therefore the Drainage Officer has raised concerns that the estimated flood level in the Flood Risk Assessment provided with the application is too conservative and also does not include allowances for climate change. Concerns were also raised that compensation storage has not been included within the Flood Risk Assessment and within the design of the proposal, which is generally required for any permanent structure proposed within flood zone 3. Furthermore, as development in high flood risk areas is discouraged, the Flood Risk Assessment should include an exception test in order to comply with the NPPF.

With regards to the design of the proposal, although the dwelling is proposed to be built on stilts, the majority of the finished floor levels would still be at ground level. Furthermore, as there are no level details of the access road in relation to the maximum flood level, the safe entry and exit of the site cannot be ensured.

Based on the above issues, and as the development would be contrary to local and national policies relating to building within high flood risk areas, the Drainage Officer has recommended that planning permission should be refused.

Contaminated Land

Worcestershire Regulatory Services have reviewed the site for any potential land contamination issues. Whilst no objections have been raised, as there is potential for the presence of ground contamination, a condition has been recommended.

Trees

A tree survey was submitted alongside the application, which makes a number of recommendations in relation to the proposal. The Council's Tree Officer has considered the proposal and in agreement with the recommendations made within the tree survey considers that the vehicular access should be constructed using a no dig method and should be formed of a porous material, and an "Air Spade" excavation methodology should be adopted for the installation of the foundations of the retaining wall in order to inform the siting of the piles around the nearby Alder trees. These details can be secured by condition if planning permission was granted.

Notwithstanding the above the Tree Officer has raised concerns with the potential routes and level of excavation required to install utility services to the site which may impact the route protection area of the group of Alder trees and also a mixed species hedgerow. In view of the likely extent of a conventionally dug open trench required to install such services, it is highly likely that extensive root damage could be caused. In the absence of further information in relation to this, the Tree Officer objects to the proposal.

Ecology

Given the close proximity of the proposed development to the pond, brook and a number of trees, an ecological appraisal is needed to support the proposal.

A baseline ecological survey was carried out on site which investigated the likelihood of the presence of a number of protected species including water voles, badgers, bats, and great crested newts. Based on the findings of these surveys the report concluded that protected species were unlikely to be impacted by the proposal.

Notwithstanding the findings of this report, it is noted that the surveys that are referred to within the report were undertaken on the 17th April 2018, and CIEEM guidance (April 2019) states that ecological reports and surveys are usually valid for up to 12-18 months following the date of when the survey was undertaken. Given the ecological features of the site, and the time that has elapsed since the survey, it is considered that there is a reasonable likelihood that the ecological status of the site has changed. In view of this it is considered that unsatisfactory information is available to rule out potential harm that could arise to protected species.

Planning Balance

The Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 11(d) of the NPPF states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless:

(i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Footnote 6 clarifies that includes Framework policies relating to Green Belt and heritage assets.

(ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

In view of limb (i) the proposal would result in inappropriate development within the Green Belt, which is harmful by definition, and would also cause substantial harm to the openness of the Green Belt. Furthermore, the development would result in less than substantial harm to heritage assets which would not be outweighed by public benefits. Given that other considerations would not outweigh the total harm that would arise to the Green Belt, heritage assets, residential amenity, water management, and the potential harm that could arise to trees and protected species, very special circumstances do not exist. Therefore, having regard to limb (i) outlined above, Green Belt and Heritage policies provide a clear reason for refusing development, and there are no material planning considerations that would warrant otherwise.

Representations

Campaign to Protect Rural England (CPRE) have objected to the proposal raising concerns in relation to Green Belt, insufficient amenity space, potential for the flooding on site, and the impact of the development on the setting of the listed building. These matters have been addressed within the report.

One neighbour letter has been received raising concerns with the potential impact of landslip arising to neighbouring properties during the construction phase of the development and during installation of services to the new dwelling. The responsibility of ensuring that property damage did not occur during these phases of the development would rest with the land owner and would not be a consideration in the determination of this planning application.

Conclusion

Taking all material planning considerations into account, including those raised within the representations that have been received, the scheme is considered unacceptable.

RECOMMENDATION: That planning permission be **REFUSED**

Reasons for Refusal

- 1) Having regard to the location of the application site and the relationship to existing development, the proposed dwelling would not fall under the definition of limited infill within a village, and would not fall under any other Green Belt exception. The proposed development would therefore be inappropriate in the Green Belt by definition. Given its scale and massing, the proposed dwelling would also cause substantial harm to the openness of the Green Belt by occupying a significant area of the site which is currently undeveloped. Other considerations would not outweigh the harm that would arise by reason of inappropriateness and other harm that has been identified. Therefore there are no very special circumstances present in this case and the proposal would be contrary to Policy BDP4 of the Bromsgrove District Plan and paragraph 143, 144 and 145 of the National Planning Policy Framework and.

- 2) The proposed dwelling would fail to preserve or enhance the setting of the Grade II listed Townsend Mill and the adjacent mill pool by significantly altering the way in which both are experienced within their setting, failing to preserve the relationship between Townsend Mill and the mill pool, and harming views from and towards the assets. Furthermore, the scale, height and design of the proposed dwelling would dominate and would be unsympathetic to the former mill building. The proposed development would lead to less than substantial harm to heritage assets, which would not be outweighed by public benefits, contrary to Policy BDP20 of the Bromsgrove District Plan, the provisions of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) The site of the proposed dwelling falls within Flood Zone 3 and is also shown to be susceptible to surface water flooding. The Flood Risk Assessment provided with the application does not allow for climate change or address the reduction in storage capacity of the pond that has taken place, and does not include compensation storage within the design of the proposal. Furthermore, the Flood Risk Assessment does not include an exception test to justify the location of the proposed development within a high flood risk area and therefore the proposal would be contrary to Policy BDP23 of the Bromsgrove District Plan and paragraphs 155 and 160 of the National Planning Policy Framework.
- 4) Insufficient information has been provided in relation to the routes that would be taken and the level of excavation required to install any utility services to the site, and the potential impact this would have on existing trees which have been identified to be of a quality and prominence that would warrant retaining. The proposal would therefore be contrary to Policy BDP19(p) of the Bromsgrove District Plan and paragraph 4.2.58 of the Council's High Quality Design SPD, which seek to ensure that appropriate trees are retained and integrated within new development.
- 5) The proposed dwelling, by reason of its height, massing, and close proximity to the rear garden boundary of number 168a Birmingham Road would be overbearing and would cause overshadowing during the midday hours of sun. The proposal would therefore have an unacceptable impact to neighbouring amenity contrary to Policy BDP1 of the Bromsgrove District Plan, paragraph 127(f) of the National Planning Policy Framework and the Council's High Quality Design SPD.
- 6) By reason of its length and area the proposal would provide an unacceptable provision of amenity space to serve a large three-bedroom dwelling, which would result in a poor standard of amenity for the future occupiers of the dwelling, contrary to Policy BDP1 of the Bromsgrove District Plan, paragraph 127(f) of the National Planning Policy Framework and the Council's High Quality Design SPD.

- 7) The site has a number of features which could provide a suitable habitat for protected species. A baseline ecological survey has been provided with the application, however it is more than 18 months old. Given the time that has elapsed since this survey, there is a reasonable likelihood that the ecological status of the site has changed and therefore adequate protection and enhancement of biodiversity cannot be secured. 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. Insufficient information has therefore been submitted to demonstrate that the proposal would not cause harm to protected species, contrary to Policy BDP21.1(b) of the Bromsgrove District Plan and paragraph 170 of the NPPF.

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