

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Oricon Homes	Erection of 2 no. 3 bedroom dwellings		20/00361/FUL
	Site Adj. The Gables, Ash Lane, Hopwood, Worcestershire B48 7TT		

Councillor Hotham has requested this application be considered by Planning Committee rather than being determined under delegated powers.

**RECOMMENDATION:** That planning permission be Granted

### Consultations

#### **Alvechurch Parish Council**

Although the Parish Council recognises that there have been some improvements to this Scheme, it still wishes to object on similar grounds to its original objection of 4th May 2020:

1. It has not been adequately demonstrated that this site has been previously developed.
2. The Proposal is contrary to the Alvechurch Parish Neighbourhood Plan (APNP), as it is not located within the designated Hopwood Settlement boundary; therefore, the site is considered to be located in the Green Belt.
3. The Proposal remains contrary to the APNP Policy H3: Affordable Housing on rural exception sites in the Green Belt as it does not provide at least one small home with two or fewer bedrooms for every one large dwelling with three or more bedrooms. In addition, there are no exceptional circumstances to support this being brought forward.
4. The APNP asks for schemes with a mix of properties, however these houses are larger semi-detached dwellings with identical features.
5. The sustainability mitigation report provided by WCC Highways is reduced in part due to the fact that the 146 Bus route is no longer in operation. APC also queries this report as the report notes no accidents in the last three years, however there was a fatal pedestrian accident on the A441 on 5th December 2017.
6. The visibility splays do not appear to have been added to the revised plans and it has not been demonstrated that these can be achieved without the use of third-party land.
7. The communal frontage of the properties will require a considerable area of hardstanding with a minimal area of soft landscaping. The Parish Council does not consider this quality design, as the appearance of over-development would not maintain the continuity of existing frontages on Ash Lane and would result in an incongruous street scene. Therefore, APC considers that the Proposal is contrary to the APNP Policy H2: Housing for Hopwood and Rowney Green.
8. The Elevation plans show sizeable chimneys, however there does not appear to be allowance for the chimneys on the Floor plans. Are these a cosmetic addition?

#### **Red Kite Network Nat Healy (Ecology)**

No objection subject to all precautionary measures outlined in sections 4 and 5 of the Phase 1 report are implemented in the form of a planning condition

## **North Worcestershire Water Management**

No objection subject to a condition.

## **WRS - Contaminated Land**

Worcestershire Regulatory Services have no adverse comments to make in relation to contaminated land.

## **Highways - Bromsgrove**

No objections subject to conditions.

1. Vehicular access
2. Electric vehicle charging point
3. Cycle parking
4. Conformity with Submitted Details
5. Vehicular visibility splays approved plan

## **Arboricultural Officer**

No objection subject to conditions:

1. Retention of trees,
2. Tree protection measures
3. Suitable boundary treatment

## **Publicity**

11 letters were sent to the surrounding properties on 30<sup>th</sup> March and expired on 24<sup>th</sup> April. A subsequent 17 day amendment notifications were sent on 8<sup>th</sup> July. The amendments related to a reduced in the number of bedrooms proposed and further supporting information being submitted.

13 letters of objection have been received because of these consultations. The comments received have been summarised as follows;

- Land is within the Green Belt, contrary to policy.
- Land is outside the village envelope
- Contrary to Policy H2 of the Alvechurch Neighbourhood Plan
- Land is not previously developed land
- Applicant has already cleared the land and removed trees
- Ash Lane cannot cope with further development and extra traffic
- Poor vehicular access
- Not in keeping or character of the area, as a dormer development has not been proposed
- Loss of biodiversity and trees
- Overlooking, loss of amenity
- No local consultation prior to the application from the developer
- Previous application on Ash Lane have been refused
- Lack of facilities and public transport
- Local flooding

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP4 Green Belt  
BDP7 Housing Mix and Density  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP21 Natural Environment

### **Others**

ALVNP Alvechurch Neighbourhood Plan  
NPPF National Planning Policy Framework (2019)  
NPPG National Planning Practice Guidance  
High Quality Design SPD

## **Relevant Planning History**

B/2003/0550	Detached bungalow - outline consent	Refused	20.06.2003
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## **Assessment of Proposal**

### **Application Site and Proposal**

This site is a vacant plot of land which is located on the southern side of Ash Lane in Hopwood. The site forms part of a parcel of land that is located between a row of dwellings. The applicant has erected hoarding to prevent access for fly tippers. The land is not within the village envelope of Hopwood and is in Green Belt.

This proposal seeks full planning permission for the construction of 2 three-bedroom semidetached dwellings.

The main issues for consideration are:

- Whether the proposed scheme would constitute 'inappropriate development' in terms of the relevant Green Belt policies;
- whether the scheme would accord with Policy H2 of the Alvechurch Parish Neighbourhood Plan, relating to housing development at Hopwood;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties and future occupiers;
- The effect of the proposal on highway safety and the free flow of the road network;

Other Material Considerations

- Landscaping/Trees
- Ecology
- Drainage
- Other Matters

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 for new housing 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. (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. The Council therefore falls short of a 5 Year Supply of Land for Housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the Conclusions section below.

### **Green Belt**

The development of new buildings in the Green Belt is considered inappropriate, except for a closed list of exceptions outlined in BDP4 of the Bromsgrove District Plan and the National Planning Policy Framework (2019). BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF which allows for limited infilling in villages under Paragraph 145(e). Hopwood is a small settlement as defined in BDP2 of the District Plan. Furthermore, Hopwood is one of the settlements within the District where a village envelope has been defined and therefore represents a village in respect of the definition within the NPPF.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest sized gap in an otherwise built-up frontage which is broadly linear in formation. There is no requirement within either the Local Development Plan or the NPPF for the site to be wholly within a defined village envelope. In this instance, the existing site is a break within a ribbon of development along this side of Ash Lane and it is opposite other dwellings. The linear form of development will create 2 dwellings which will bridge this gap in the street scene and the layout follows the overall scale and density of the surrounding built form.

The significance of the defined village boundary has been considered in several appeal and court decisions. The court decision of *Wood v the Secretary of State for Communities and Local Government*, 2014, established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be 'within' a village. The judgment also made clear that lying beyond an identified settlement boundary is not a determinative factor as to whether the development is appropriate infill development having regard to the NPPF.

In terms of its relationship to the wider village context, the application site is physically connected to the village of Hopwood and this part of Ash Lane forms a linear extension that is part of the overall settlement. It is considered that there is no clear sense that the site is within an area divorced from the village. Furthermore, the scale of 2 dwellings when taking into the size of the village of Hopwood is limited infilling.

It is also worthwhile to note that the Local Planning Authority have accepted a limited infilling in villages argument at 7 Ash Lane under planning permission 16/0102. The original application on this site was refused under 14/0983 for being inappropriate development and the decision was subsequent appealed. The Inspector disagreed with the LPA and found that the appeal scheme would represent 'limited infilling in villages'

and would thus, not represent inappropriate development in the Green Belt. This was for the reason that the NPPF does not restrict 'limited infilling' to certain specified settlements and although the application site is situated to the east of the defined village envelope, "the appeal site is surrounded by existing built development to the north, east and west and is therefore both physically and functionally linked to the settlement and is thus located in a village" (paragraph 15 of appeal ref 3035669).

Therefore, it is considered the current proposal would comprise 'limited infilling within a settlement' and would not be inappropriate development in the Green Belt.

### **Alvechurch Neighbourhood Plan**

Policy H2: Housing for Hopwood and Rowney Green of the Alvechurch Parish Neighbourhood Plan (APNP) is relevant in the consideration of this application, Policy H2 supports housing developments, subject to several detailed criteria as to their location. This policy states the following:

*New housing developments that are well designed will be supported if they show consideration for the Alvechurch Parish Design Statement, meet the other requirements set out in the APNP and the Bromsgrove DP and where development:*

- a) Is limited to small residential infill development and maintains the continuity of existing frontage buildings, or is on brownfield land within the built up area of the village where the site is closely surrounded by existing buildings*
- b) Is not considered to be back garden development*
- c) Is consistent with the character of the locality as outlined in the Alvechurch Parish Design Statement on its pages 29-32*
- d) Provides at least one small home with two or fewer bedrooms for every one large dwelling with three or more bedrooms*
- e) Is in suitable locations, on small infill plots giving opportunities for some well-designed self-build homes*
- f) Is within the built up area and does not involve the outward extension of the village envelope as shown on the adopted Bromsgrove District Plan policies map.*

Having regard to criterion d), while the developed has been amended to propose three bed dwellings it does not provide any development of a small home of two or fewer bedrooms. With regard to criterion f, the village envelope as defined in the BDP excludes the application site. The appeal site therefore fails criterion (f). Overall the proposed development conflicts with this relevant APNP policy.

The applicant contends that the proposed development complies with all elements of this policy. In relation to criterion d), it is argued that the proposed development strikes the correct balance between making the most efficient use of the site while maintaining local character and distinctiveness. The insertion of two-family homes is consistent with the pattern of development within the area which is characterised by good size semi-detached and detached family dwellings. The development should make efficient use of land while protecting the spacious character of the area. The insertion of two good size family homes achieves this objective. The provision of one good size home and a small home would fail to make optimum use of the site. The proposed scheme is therefore acceptable under the provisions of Policy BDP 7 of the District Plan.

In terms of criterion f) the applicant acknowledges that the site sits just outside of the village development boundary they refer to the appeal and planning permission at 7 Ash Lane (14/0983 and 16/0102). They argue that the material considerations of the application site are the same. The ethos and intentions of local and national planning policy are unchanged. The site is part of the village when the findings of the appeal at 7 Ash Lane are taken into consideration. The site functions as part of the village. It is not isolated. It is located between existing buildings. It does not therefore involve the outward extension of the village envelope or undermine the Council's ability to resist inappropriate development in the Green Belt.

It is important to note that planning permission was granted at 7 Ash Lane in 2016 and the Neighbourhood Plan was not adopted at that time and therefore the consideration of the new dwelling at 7 Ash Lane is not considered relevant in relation to the compliance with Criterion F.

It should be acknowledged that the locational requirements arising under Policy H2 are separate from, and additional to, the green belt policies considered earlier in this report. Although the two sets of policies are both directed at controlling development outside settlements, they serve different and complementary purposes, in protecting openness in one case and village character in the other. Therefore, it is not considered there is any inconsistency in finding accordance with one of these policies and conflict with the other.

## **Design**

Policy BD19 of the BDP and the guidance within requires such proposals to have a density appropriate for the site and a form and layout appropriate to the area. The plot is of a similar length and width to nearby semi detached properties on Ash Lane and therefore two dwellings are considered to fit comfortably onto the site.

The area consists of a mix of detached and semi-detached dwellings which vary in design and style which vary with pitched and hipped roof types. The proposed dwellings have been designed to reflect the character and density of the locality. The proposal is a similar height to nearby semi detached dwellings. Its appearance is acceptable subject to a condition regarding materials.

BDP7 requires that the density of new housing makes the most efficient use of land whilst maintaining character and local distinctiveness. The original proposal was for two 4 bedroom dwellings, this has been amended to reflect Policy BDP7 and now proposed 3 bedroom dwellings.

The proposed dwelling is a detached property. It is considered that the proposal maintains the character and appearance of the area in accordance with the guidance within Policy BDP7 and BDP19 of the BDP, Neighbourhood Plan and the High Quality Design SPD.

## **The effect of the proposal on the living conditions of the occupiers of neighbouring properties**

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 a number of standards for new development.

The closest existing dwellings to the proposed development would be The Gables and Ley Bungalow. The side elevation of the proposed dwellings facing towards these properties would only include one first floor window, which would serve a bathroom and has been indicated to be fitted with obscure glazing. In view of this it is not considered that any privacy issues would arise because of this development.

With regards to the impact on other aspects relating to The Gables and Ley Bungalow. Whilst the dwellings will be visible in views from these properties and their amenity areas, given the generous curtilages of these properties it is not considered that any significant adverse impacts would occur. Overall, there will be an increase in the amount of overlooking of these properties' gardens. However, spacing between the properties is enough to ensure that the overlooking from the proposal will not be directly into windows of these neighbouring properties and will be to an acceptable degree. Neither is it close enough to have an overbearing impact upon the occupants of neighbouring properties, nor will it cause significant overshadowing and loss of light.

It is also necessary to consider the amenity of the future occupiers of the proposed dwellings. 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 the case of the proposal, the garden areas would exceed the standard set out within the SPD.

In summary, there will be no significant detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, being overshadowed or the new dwellings being overbearing, because of this proposal. In line with Policy BDP1 and the High Quality Design SPD.

### **Highways & Accessibility**

The application site is in a semi rural residential location and the site does not currently benefit from a vehicular access. In the immediate vicinity, Ash Lane does not benefit from footpaths or street lighting and no parking restrictions are in force. However, just after Woodpecker Close / Ash Lane junction 50m west of the site a footpath / verge is located on one side of the carriageway for a short distance. The site is located within walking distance of amenities, bus route and bus stops.

Third parties have raised several concerns in relation to highway safety and the location of the proposed development. Initially concern was also raised by WCC Highways. However, following a speed survey, submission of Highway Technical Note by the applicant and amendments to the plans, the proposal has been thoroughly assessed by WCC Highways who have concluded that there would not be an unacceptable impact arising from the development, subject to a number of conditions.

The layout provides 2 car parking spaces for each dwelling which is acceptable and in accordance with the adopted Streetscape Design Guide. There is space for the vehicles

to turn and leave the site in forward gear. The provision of the off street car parking spaces will help to ensure that vehicles do not need to park along Ash Lane.

Conditions are required to ensure that the recommend vehicular visibility splays are retained to ensure highway safety. In summary, the proposal therefore does not have a severe impact on the highway network and accords with Policy BDP16 of the BDP and the NPPF.

## **Drainage**

North Worcs Water Management (NWWM) have commented that the site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. As indicated on the EA's flood mapping (indicated above) there is some surface water risk indicated around the site. Correctly designed drainage will mitigate any flood risk from surface water on the site.

There are existing surface water drainage issues which affect those properties adjacent to the application site including the Gables itself. Surface water from land to the north crosses Ash Lane resulting in flooding problems. It is therefore required that details of the proposed surface water drainage for the application site is provided to and approved by the LPA which as far as reasonably possible mitigate possible impact on the new properties.

Therefore, NWWM have recommended a condition to be attached to any planning approval regarding surface water drainage.

## **Ecology**

The application as originally submitted did not include any supporting ecological information. A Phase 1 Preliminary Ecological Appraisal was subsequently submitted and reviewed by Red Kite Ecology. They conclude that the Phase 1 report has been prepared in accordance with relevant best practice and is appropriate given the proposed development. The Phase 1 report concludes that the proposed development area is of low ecological value and no further surveys for protected species have been recommended. Red Kite recommend that the precautionary measures outlined in sections 4 and 5 of the Phase 1 report are implemented in the form of a planning condition.

## **Trees**

The applicant has undertaken further work and amendments regarding trees following an initial objection by the arboricultural officer. This includes amending the proposal and the submission of a tree survey, which has been assessed by the officer. The officer now has no objection to the proposal subject to conditions relating to the retention of trees, tree protection and a suitable boundary treatment to mitigate the loss of existing screening on the eastern side of the site.



## **Other Matters**

A number of objections have been received from neighbouring properties. These raise a wide range of issues on the impact on the Green Belt, design, highways, amenity, privacy and drainage. These have been addressed in this report.

One of the other issues raised by objectors regards previously development land. It is one of the arguments the applicant has presented to justify the proposal. Previously developed land is defined within NPPF Annex 2 as follows:

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

The applicant has provided photographs of bricks and other materials found during site clearance work arguing that a building of permanent and solid construction previously stood on the site.

The Planning Officer has researched the site, including the planning committee report for the previous application on this site (2003/0550), the sales particulars for the site, examining the google earth aerial photographs and considered the numerous comments received from local residents. As a result, it is not considered that the site can be considered as previously developed land and does not comply with the definition outlined above. However, it should be noted that this does not ultimately alter the consideration of the planning application.

On a proposal of this size there is no requirement to undertake pre application discussion with neighbour properties and the wider community.

Whether other applications have been refused locally or whether the proposal would set a precedent locally do not justify refusal of this application. Each application is considered on its individual merits and therefore would need to be assessed against the current local and national policies at the point of submission to the Local Planning Authority.

## **Conclusion**

The proposal for two dwellings is considered to constitute limited infill and therefore accords with one of the exceptions to inappropriate development in the Green Belt listed at Paragraph 145 of the NPPF and BDP4. The proposal would have an acceptable impact upon residential amenity, highway implications, trees and ecology, subject to the imposition of relevant planning conditions. Furthermore, the scheme has been designed to reflect the local character of the area in respect of layout, density and design. No objections have been received from consultees. But nevertheless, the development

would conflict with Policy H2 of the APNP, by virtue of its location outside the village envelope and lack of a small dwelling.

Given the shortfall in the 5 year housing supply it is considered that the weight that is afforded to Policy H2 in this application should be reduced, because in this case the operation of that policy clearly conflicts with the need to make adequate housing provision therefore it is finely balanced decision. The proposal while outside of village boundary is within the built up area of Hopwood and the proposal will provide 2 three bedrooms dwellings which is in line with Policy BDP7 of the District Plan. Therefore, the conflict with H2 is not considered sufficient to warrant the refusal of this planning application. On that basis it is recommended for approval.

**RECOMMENDATION:** That planning permission be granted.

**Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Revised Scheme 5714/01J  
General Arrangement 210389-01

Reason: To provide certainty to the extent of the development hereby approved 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) 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 proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.
  - b) Details of ecological enhancements such as bat boxes and additional planting

The approved scheme shall be implemented within 12 months from the date when (any of the building(s) 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: In order to protect the trees which form an important part of the amenity of the site in accordance with policies BDP19 and BDP21.

- 5) All proposed works shall be carried out in accordance with the recommendations as set out in Section 4.0 and 5.0 in the Phase 1 Preliminary Ecological Appraisal by Dr. Stefan Bodnar dated June 2020.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Plan and Paragraph 170 of the NPPF.

- 6) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 4.6 of British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.

- 7) Any section of the parking and driveway access that falls within the BS5837:2012 recommended Root Protection of trees to be retained of trees with any adjoining property are installed over the existing ground levels and by use of a suitable grade of No Dig construction. Prior to the commencement of that work a plan showing the area of use for No Dig construction, a specification and methodology for the installation shall be submitted and approved.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.

- 8) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 9) 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.

- 10) The development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

- 11) The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 5714/01J and 210389-01.

Reason: To ensure conformity with summited details.

- 12) The development hereby approved shall not commence until the visibility splays shown on drawing 210389-01 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.

- 13) Prior to any works above foundation level commencing on site a scheme for surface water drainage will be submitted to, and approved in writing by the Local Planning Authority. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

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