

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Hagley Homes Limited	Variation of planning conditions 2 (approved plans), 3 (materials), 9 (utility services plan) and 11 (construction management plan) attached to planning permission 19/01037/FUL to allow adjustments of house types, garages and plots and to seek approval of matters reserved by conditions. 354 Alcester Road, Burcot, Bromsgrove, Worcestershire, B60 1PW		20/01274/FUL

RECOMMENDATION: That Full Planning Permission be **GRANTED**

Consultations

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. Utility services plan is satisfactory.

Housing Strategy

No objection

North Worcestershire Water Management

No objection

A site drainage strategy condition and finished floor levels condition is required.

Detailed drainage information has been submitted and an update will be provided at the committee.

Worcestershire Archive and Archaeological Service

Detailed Archaeological information has been submitted and an update will be provided at the committee.

Highways - Bromsgrove

No objection

- The applicant has previously confirmed that access to the site will not be altered from that approved under application 19/01097/FUL. Therefore the access provided is acceptable.
- Car parking provision for the proposed development has been made in-line with WCC car parking standards.
- S38 / S278 / combined would be necessary.

- Lighting requirement to be validated.
- Conditions as per planning permission 19/01097/FUL.

Lickey And Blackwell Parish Council

No Comments Received

Conservation Officer

The use of red and brown roof tiles is welcomed in preference to the previously suggested grey tiles for some of the houses. There is no objection to the proposed brick in conservation terms. It is noted that three of the houses are proposed to be rendered. As highlighted before, Burcot is predominantly redbrick. There are a couple of rendered dwellings and a painted brick dwelling. Using render on three out of 11 buildings, would not appear to reflect the character of the existing settlement.

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.

Publicity

A total of 75 neighbour notification letters were sent on 23.10.20 and expired on 16.11.20
A site notice was displayed on 30.10.20 and expired on 23.11.20
The development was advertised in the Bromsgrove Standard on 26.10.20 and expired on 16.11.20

Representations

3 objections have been received and summarised as below:

- Plot 12 is out of character due to the increase in size
- Plot 12 side first floor window will have detrimental impact on 372 Alcester Road, Burcot.
- Detached standalone garage is out of character.
- Plots 10 and 11 are now closer to Pikes Pool Lane properties
- Consideration of visibility from Pikes Pool Lane turning left onto Alcester Road.
- Properties at plots 10,11 and 12 will be more overbearing and visually intimidating than the previous plans, with the loss of privacy, increased noise and loss of light.
- Juliet balconies in the rear of plot 10 and 11 will have an impact on amenity.
- Privacy issues are also caused by the windows at the rear of the garage for plot 11
- Proposed landscaping in front of plot 12 has the potential to impact visibility.
- The construction management plan should contain an undertaking that staff will not park on site more than 5 minutes before the agreed time from which construction may start (currently proposed to be 8.00), to avoid unnecessary noise.
- Construction management plan should be strictly complied with by the developer and any contractor

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
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

19/01037/FUL	Demolition of existing buildings and erection of twelve dwellings (of which four are affordable) and ancillary landscaping, garages and bin storage	Approved	05.06.2020
19/00220/FUL	Demolition of buildings and erection of 11 dwellings, with associated landscaping, bin storage DISMISSED ON APPEAL (APP/P1805/W/19/3237728) 04.08.2020	Refused	02.07.2019

Assessment of Proposal

The principle of this development has been established by the previous permission (19/01307/FUL) and therefore it is before the Members of Planning Committee to consider the amendments to the original scheme.

A Section 106 Agreement (S106) was completed for application 19/01037/FUL. The legal agreement was worded such that, in the event that a S73 consent is granted (such as this application), the obligations in the S106 legal agreement (affordable housing, off site open space, highway infrastructure delivery plan, refuse and recycling bins, Redditch and Bromsgrove CCG and a s106 monitoring fee) shall relate to the new S73 consent. This was specified in Section 17 - Section 73 Variation and therefore a supplemental deed/new legal agreement is therefore not required in this case.

Application Site

The application site comprises the former Fresh @ Burcot Garden Centre situated on Alcester Road and extends to around 0.65ha in size. The garden closed in July 2020 and the building has subsequently been demolished. 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 designated as Green Belt in the Bromsgrove District Plan and is located outside the defined area covered by the Lickey and Blackwell Neighbourhood Plan.

Proposal

The number of dwellings proposed remains 12, the same as the approved scheme. This will comprise 2 no. 1 bedroom maisonette units and 1 no. 2 bedroom (affordable dwellings) to the north west together with 9 dwellings, 5 no. 3 bedroom detached including one affordable and 4 no. 5 bedroom detached dwellings.

The principle of varying conditions

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under Section 73 of the Town and Country Planning Act 1990 an application.

Condition 2 – Approved Plans

This condition agreed drawings / plans by which the development would be implemented. Following the purchase of the site by Hagley Homes, more detailed design work prior to construction has been undertaken. It is proposed to revise the drawings to align these with this more recent work. The changes are assessed below.

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.

In summary, the approved scheme was considered to be an appropriate 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. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The approved scheme complied with the relevant Green Belt aspects of the NPPF and is considered to have an acceptable impact on the Green Belt.

In relation to the revised proposal, following discussions with the applicant, the proposed plans were revised to reduce the overall volume of the scheme. These figures are outlined in the table below.

	Garden Centre	Approved scheme (19/01037/FUL)	Proposed Scheme	Change between Approved and Proposed (+/-)	% Change
Volume (m3)	6117.5	6013.9	5833.1	180.8	-3%

Based on the above figures, it is considered that the revised scheme would still comply with the relevant green belt policy.

Affordable Housing

The application still proposes 4 `affordable units (2 one bed units, 1 two bed and 1 three bed detached unit). These are considered not to be distinguishable from the market housing proposed and have been designed to have a very similar appearance and materials as the market housing.

The position within the site of the affordable dwelling is largely unchanged, albeit the 3 bed detached unit is now adjacent to the other affordable units. Concern was raised by members regarding this matter in the consideration of the 19/00220/FUL application and it formed the reason for refusal for that application.

However, as outlined in the planning history above that scheme was subsequently appealed (APP/P1805/W/19/3237728). While the appeal was ultimately dismissed by the Planning Inspectorate due to a satisfactory legal agreement having not been completed. The Inspector did make the following comments regarding the arrangement of affordable houses at one end of the site in paragraph 9 of the decision.

“I note that the affordable houses would be arranged in a terrace at one end of the site rather than dispersed across the site. However, there is no compelling evidence before me to indicate that ‘pepper potting’ them throughout a small site, such as the appeal site, would necessarily result in a more balanced or satisfactory layout. I am also mindful that dispersed units for affordable housing providers are less desirable from a management and maintenance perspective. As such, I find that the siting of the affordable houses in the form of a terrace satisfactory”.

On this basis, it is considered that the revised location of the detached affordable dwelling is acceptable.

Housing Mix

Policy BDP7 requires proposals for housing to consider the identified need and focus on delivering 2 and 3 bed dwellings. While 5 bedroom dwellings are now proposed, 8 of the 12 dwellings proposed are 3 bedrooms or less and it is considered the revised scheme complies with Policy BDP7.

Design

The following changes are proposed as part of the amendment to the approved scheme.

- Arrangement of Plots 1, 2 and 3 has been mirrored about the party wall line to allow tandem parking adjacent the two bedroom Plot 3 (formerly plot 1).
- Plots 4 and 5 changed to detached dwellings.
- Former Plot 5 (3 bed), relocated to Plot 4 to benefit from incurtilage parking in preference to remote bays.
- Single garage introduced to Plot 5 which also has an improved parking arrangement, with spaces provided within the curtilage of the dwelling.
- Plots 9 and 10 have been split to form detached units, both with parking within the curtilage of the plots.
- Plots 7,8,9 and 12 increased to a 5 bed dwelling to improve the accommodation mix
- 4 bed dwellings repositioned within the development to benefit from longer gardens.
- The applicant has a future resident with a requirement for a wheelchair accessible 4/5 bed dwelling. This has been identified as Plot 8 which will include a lift, improved circulation, turning areas and a home office.
- Minor changes to the elevational treatment include oak canopies and more variation to the fenestration (glazing bars) with a stepped building line.

The elevational and layout changes to the dwellings are acceptable. The height, scale and massing of the development remains largely unchanged.

Overall, the changes in terms of design are acceptable. The proposed development is in accordance with the BDP19, the Bromsgrove High Quality Design SPD and the NPPF.

Residential Amenity

The proposed dwellings are still positioned in a low density arrangement that would create ample space for external landscaping and private amenity space.

Objections have been received from neighbours based on loss of privacy, overlooking, loss of light and overbearance.

The most apparent change is for Plots 10 and 11 and their relationship with Pikes Pool Lane dwellings to the rear. It is noted that Plots 10 and 11 dwellings would be closer (by approximately 1m) and as originally submitted as part of this application, these plots proposed a Juliet balcony from a rear bedroom window. These Juliet balconies have now been removed and while they will still be views towards these properties, it is not considered to be considerably worse than the approved proposal.

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.

Overall, officers consider the proposal is acceptable in amenity terms and accords with policy BDP1, the Bromsgrove High Quality Design SPD and the NPPF.

Highways

WCC Highways have no objection to the proposed development, subject to conditions.

Condition 3 Materials

This condition requires details of the form, colour and finish of the materials to be used externally on the walls and roofs. It is considered that the proposed mix of materials is acceptable.

Comments have been received from the Conservation officer regarding the use of render. However, I disagree with these comments, there are a number of rendered properties throughout the village and overall, it is considered the proposed rendering of three properties within the scheme will not undermine the character of the development or the village.

Condition 4 Construction Management Plan

This condition requires a Construction Management Plan to be submitted and approved. County Highways have confirmed they have no objection to the submitted plan.

It is noted that one objector has raised a concern regarding the proposed operating hours on a Saturday, which are proposed to be 08:00-16:00 and that the construction management plan should contain an undertaking that staff will not park on site more than 5 minutes before the agreed time from which construction may start (currently proposed to be 8.00), to avoid unnecessary noise.

That later requirement is a very specific request and difficult for the planning department to adequately control and therefore it is not considered to be either enforceable or reasonable to restrict access to the site in this way.

Condition 9 Utility Service Plan

This condition requires a utility service plan to be submitted and approved. It is considered that this plan is acceptable and has been included within condition 2 in the list of the approved plans.

Other technical matters

Other technical matters were assessed in detail on the previous application and were considered acceptable (subject to relevant conditions). I consider the changes to the plans under this application do not result in any material change to these matters to warrant refusal on such grounds, subject to relevant conditions being imposed.

Conclusion

The proposed changes are considered to comply with Bromsgrove District Plan Policies BDP1, BDP4, BDP7, BDP19, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions.

RECOMMENDATION: that Full Planning Permission be **GRANTED**

Conditions

1. This permission must be implemented before the time limit imposed on planning permission 19/01037/FUL which is 5th June 2023.

Reason: Required to be imposed pursuant to 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:

2834-INC-SA-20-0001_P02 (SITE PLAN AS PROPOSED)

2834-INC-MA-20-0001_P01 (HOUSE TYPE 1 - FLOOR PLANS AS PROPOSED)

2834-INC-MA-21-0001_P01 (HOUSE TYPE 1 - ELEVATIONS AS PROPOSED)
2834-INC-MA-20-0002_P01 (HOUSE TYPE 2 - FLOOR PLANS AS PROPOSED)
2834-INC-MA-21-0002_P03 (HOUSE TYPE 2 - ELEVATIONS AS PROPOSED)
2834-INC-MA-20-0003_P04 (HOUSE TYPE 3 - FLOOR PLANS AS PROPOSED)
2834-INC-MA-21-0003_P03 (HOUSE TYPE 3 - ELEVATIONS AS PROPOSED - TREATMENT A)
2834-INC-MA-21-0004_P05 (HOUSE TYPE 3 - ELEVATIONS AS PROPOSED - TREATMENT B)
2834-INC-MA-20-0004_P03 (HOUSE TYPE 4 - FLOOR PLANS AS PROPOSED)
2834-INC-MA-21-0005_P02 (HOUSE TYPE 4 - ELEVATIONS AS PROPOSED)
2834-INC-MA-20-0005_P06 (HOUSE TYPE 5 - FLOOR PLANS AS PROPOSED)
2834-INC-MA-21-0006_P05 (HOUSE TYPE 5 - ELEVATIONS AS PROPOSED).
2834-INC-MA-20-0006_P02 (HOUSE TYPE 6 - FLOOR PLANS AS PROPOSED)
2834-INC-MA-21-0007_P02 (HOUSE TYPE 6 - ELEVATIONS AS PROPOSED)
2834-INC-MA-20-0007_P00 (SINGLE GARAGE - PLAN AND ELEVATIONS)
2834-INC-MA-20-0008_P00 (DOUBLE GARAGE - PLAN AND ELEVATIONS)
2834-INC-MA-20-0009_P00 (PLOT 12 GARAGE - PLAN AND ELEVATIONS)
2834-INC-SA-20-0003_P01 (UTILITY SERVICES PLAN)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall comply Design Note prepared by INC Design Associates unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

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 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.

10. 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
Five bed - 3 car parking spaces

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

11. The measures set out in the Construction Management Plan shall be carried out and complied with in full during construction of the development hereby approved.

Reason: To protect residential amenity.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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 and to protect the green belt.

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