

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C Myatt	<p>Redevelopment of builder's yard site to provide 2 no. semi-detached dwellings and associated vehicular access and landscaping.</p> <p>Land To The Rear Of Redhill Place, Hunnington, B62 0JR</p>	08.04.2021	21/00204/FUL

Councillor May has requested that this application is considered by Planning Committee rather than being determined under delegated powers due to the level of public interest.

RECOMMENDATION: That planning permission be Refused

Consultations

North Worcestershire Water Management

- No objections. However given there is an identified surface water flood risk in the vicinity of the site, a condition for a surface water drainage strategy is recommended.

Highways - Bromsgrove

- Objection. Site lies in an unsustainable location, not in walking distance to amenities. The future occupiers of the development would therefore rely on private motor vehicles.

Arboricultural Officer

- No objections. Proposal would result in the loss of a Willow tree which is subject to a Tree Preservation Order (TPO). However given that the Willow tree has major stem failure and basal decay, its loss is acceptable subject to replacement planting and works being carried out in accordance with the submitted method statement.

WRS - Contaminated Land

- No objections. However in view of the former use of the site, there is potential for ground contamination and therefore a phased risk assessment in relation to contaminated land is recommended.

Hunnington Parish Council

- Objection (no further details given)

Publicity

Thirteen neighbour letters were sent 05.03.2021 (expired 29.03.2021)

One site notice posted 06.03.2021 (expired 30.03.2021)

One letter of objection was received from a third party raising the following concerns:

- Lack of communication in relation to proposal
- Proposal would not improve traffic or noise.
- Design, layout and character would not be in keeping

- Proposed development is too large/overbearing
- Overlooking/loss of privacy
- Loss of light
- Light pollution
- Impact to property price
- Loss of view

Seven letters of support were also received from third parties.

Cllr May

Requests that the application goes before planning committee on the grounds of public interest.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

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

20/00966/CPE	Certificate of lawful use for the use of land as a builder's storage yard for a continuous period in excess of 10 years and operational development comprising of the erection of boundary walling and gates and blockwork storage bays for over 4 years	Granted	25.09.2020
15/0528	Erection of 2 dwellings on land currently used as a builder's yard	Refused	30.10.2015

Assessment of Proposal

The application site is a rectangular piece of land which is accessed off Redhill Place, a cul-de-sac on the western side of Bromsgrove Road in Hunnington. The site also lies to the rear of the gardens of a number of properties along Bromsgrove Road. The most recent use of the site is a builder's storage yard, and the lawfulness of this use has been

confirmed by a certificate of lawfulness, which was granted in September 2020 under application reference: 20/00966/CPE.

The current proposal is a full planning application for the redevelopment of the site in order to provide two semi-detached three-bedroom dwellings, with associated parking and amenity areas.

The site lies within the Green Belt and therefore the material planning considerations with this application are whether the proposal would constitute inappropriate development within the Green Belt, the impact on the openness of the Green Belt, the sustainability of the location of the site, residential amenity, as well as a number of technical matters.

Further to this it should be noted that the Council cannot currently demonstrate a five year housing land supply (5YHLS). On the 1 April 2020 the 5YHLS was calculated to be 3.18 years. In view of this regard should be had to paragraph 11(d) and footnote 7 of the National Planning Policy Framework (NPPF) which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and 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.

(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.

Therefore, despite the lack of 5YHLS, limb (i) above states that planning permission should not be granted if there is a clear reason for refusing the development on Green Belt grounds.

Green Belt

Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt should be considered inappropriate, save for a number of exceptions. Most relevant to this proposal are exceptions 145(e) and 145(g), which respectively allow for limited infilling in villages and for partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt. Policy BDP4.4(f) and BDP4.4(g) of the Bromsgrove District Plan broadly reiterate these policies within the NPPF.

With regards to limited infilling within a village, the NPPF does not define the term "village". However, Policy BDP2 of the Bromsgrove District Plan (BDP), provides a settlement hierarchy which lists "large" and "small" settlements within the district. Hunnington, the location of the proposal site, is not listed as a settlement within this hierarchy and is not defined by a settlement boundary on the proposals map. The nearest settlement identified within the BDP is Romsley which is nearly a mile to the south of the site. Notwithstanding this case law (Wood, 2015) has held that boundaries defined in a development plan are not determinative in establishing whether a site falls within a village, and that the situation as it exists on the ground should be considered. In the case of the proposal site, whilst there is a significant stretch of ribbon development nearby on Bromsgrove Road, these are predominantly residential properties. Although there is a

cricket club and the former Bluebird Factory to the north of Hunnington, there is a distinct absence of services and facilities that you would reasonably expect to find within a village, namely; shops, pubs, schools or a village hall. Having regard to the particular characteristics of the local area it is therefore concluded that the proposal site does not form part of a village. With regards to the term "infill", there is also no definition of this within the NPPF. However, a commonly accepted definition within appeal decisions is "The development of a modest sized gap in an otherwise substantially built-up frontage which is broadly linear in formation". Taking this into account, whilst there are nearby linear runs of houses to the east of the site on Bromsgrove Road, to the south of the site on the opposite side of Redhill Place, and to the north of the site along The Close, the proposed development would clearly not fill a gap within these linear frontages. The proposal site is therefore not considered to be within a village and its development could not reasonably be considered "infill", contrary to Policy BDP4.4(f) of the BDP and paragraph 145(e) of the NPPF.

During the course of the application the applicant has put forward further information in support of the location of the site being within a village. This included a webpage taken from Hunnington Parish Council website which described the area of Hunnington as a village. Whilst this is noted, this information is not in itself determinative as to whether the location of the site can be considered to fall within a village for the purposes of Green Belt policy. In addition to this, the applicants have disputed the above interpretation of "infill" which officers have had regard to, stating that the term "infill" can be defined alternatively. Although the definition of infill that has been referred to above is not statute, it often used by Planning Inspectors in appeals and therefore officers have proceeded on this basis.

As well as limited infilling within villages, the District Plan and the NPPF also allow for the for partial or complete redevelopment of previously developed land in the Green Belt, provided there is no greater impact to the openness of the Green Belt and no conflict with its purposes. The NPPF defines previously developed land as that which is occupied by a permanent structure and any associated fixed infrastructure. A Certificate of Lawfulness was granted in September 2020 for use of the land as a builder's storage yard and for the operational development on site comprising of the boundary walling and gates and blockwork storage bay. The hard surfacing on the site is fixed infrastructure and therefore also development; however the lawfulness of this hard surfacing is not explicitly confirmed within the certificate. Notwithstanding this, by reason of its flat appearance, this hard standing is currently having a limited impact to the openness of the Green Belt.

In terms of the walls, gates and blockwork storage bay on site, which were included within the certificate, a previous appeal decision in relation to walls and gates confirmed that these types of structures should be considered a building, as Section 336 of the Town and Country Planning Act, 1990 defines "buildings" to include "any structure or erection". Notwithstanding this, it is important to note that none of the existing structures on site resemble the proposed dwellings in terms of their scale. The modest height, footprint and volume of the walls, gates and blockwork storage bay on site are not comparable to that of the proposed two storey dwellings.

In addition to this, the use of the site a storage yard would have further transient impacts to the openness of the Green Belt through the storage of materials and parking of vehicles on site. However this harm would be intermittent and again, would not be comparable to the permanent impact arising from the height and volume of the proposed

dwellings. By reason of its permanency, height, volume and footprint, the redevelopment of the site would therefore have a greater harm to the openness of the Green Belt and would be contrary to Policy BDP4.4(g) of the BDP and paragraph 145(g) of the NPPF.

In view of the above, the proposed development would not meet any of the Green Belt exceptions, and therefore by definition would be inappropriate development within the Green Belt. Paragraphs 143 & 144 of the NPPF are clear that inappropriate development is 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 substantial combined footprint of the two dwellings, which would measure 127 square metres and the height of the two dwellings, which would measure 8.6 metres, would have a significant impact on the openness of the Green Belt. As openness is the most important attribute of the Green Belt, substantial harm is attached to this.

With regards to whether there are very special circumstances present, a number of matters have been put forward by the applicant. Firstly, that the development would improve the openness and visual amenity of the Green Belt. However as considered above, the development would result in two substantial and permanent dwellings whereas the permanent structure on site at present are limited to modest walls, gates and blockwork storage bays, which have less impact to openness. Furthermore, the visual appearance of the site could be tidied up irrespective of the construction of two dwellings. It has also been raised that the development would contribute towards the delivery of much needed housing, which is particularly important given the Council's shortfall in its 5YHLS. However housing can be provided in alternative locations where it would not result in inappropriate development within the Green Belt. It was also stated that the new housing would be of a high quality design and would be in a sustainable location. With regards to this, high quality design is expected of all development proposals and therefore would only weigh neutrally in the planning balance. In terms of the sustainability of the site, as considered later in the report, the site is not considered to be in a sustainable and accessible location. Finally, it was stated that the development would improve living conditions for neighbours and reduce the amount of traffic to the site. In relation to these matters no substantive evidence has been put forward to demonstrate the noise or traffic movements that arise at present. As these matters could be mitigated in other ways, it is not considered that they would clearly outweigh the permanent, substantial harm that would arise to the Green Belt.

In view of the above it is not considered that there are very special circumstances present that would clearly outweigh the harm that would arise by reason of inappropriateness and any other harm.

Design and Character

Policy BDP19(e) of the BDP seeks to ensure that development enhances the character of the area and Policy BDP7 of the BDP seeks to achieve the best use of land whilst maintaining character and local distinctiveness. This high bar for design reflects the aspirations of the NPPF.

The majority of dwellings in the local area front the main Bromsgrove Road, however there are the notable cul-de sacs of Redhill Place and The Close which contravene this pattern. Whilst the introduction of the proposed pair of semi-detached properties would not integrate into an existing frontage of houses, they would be opposite an existing pair of semi-detached properties, and therefore the layout of development would not appear at odds with the current layout of properties. As with the properties on the opposite side of Redhill Place, the proposed dwellings would comprise two storey buildings, however the design, roof form and materials of the proposed dwellings would not reflect the other houses on Redhill Place. Notwithstanding this, given they would not be positioned adjacent to the existing houses, and as they would not be prominent from public view, the proposed design and materials are considered acceptable.

Overall, given that the proposed residential use would be more compatible in character terms than the storage yard use, the layout and design of the proposed development is considered acceptable in design, layout and character terms and would meet the requirements of BDP19 and BDP7 of the BDP. It is important to recognise that this issue is separate from the matter of the definition of infill as detailed above.

Residential Amenity

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127 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. Most relevant to this application is paragraph 4.2.49 which states that a minimum separation distance of 21 metres is required between the opposing faces of two storey dwellings, in order to achieve privacy, and that a distance of 12.5 metres is required between a windowed wall and a flank wall.

Having regard to these standards, the front windowed elevations of 4 and 6 Redhill Place opposite the site would be 24.5 metres from the front elevations of the proposed dwellings. The rear elevations of the properties to the north along The Close would be in excess of 50 metres from the rear elevations of the proposed dwellings. Finally, the rear windowed elevations of the properties to the east along Bromsgrove Road would measure 29 metres from the flank wall of the easternmost proposed dwelling. The proposal would therefore meet the separation standards described above.

In addition to this, given the orientation of the proposed dwellings relative to the rear garden areas of the properties along Bromsgrove Road, there would be no adverse impact to the sunlight received by these properties. Whilst the proposal would result in two storey flank walls close to the rear boundaries of the properties along Bromsgrove Road, given that these properties benefit from particularly long gardens, the proposed development would not result in an overbearing impact.

Finally whilst a window is proposed on the first floor eastern side elevation of the easternmost dwelling which would look onto the garden area of the dwellings along Bromsgrove Road, this would serve a bathroom and has been indicated to be fitted with obscure glazing. A planning condition could ensure that this remained so in perpetuity.

Highways and Sustainability of Location

Worcestershire County Highways have provided comments and have raised concerns with the proposal based on the sustainability of the location of the site and its suitability for new housing.

It has been noted that whilst the site is located only a short walk from the main Bromsgrove Road, which benefits from footpaths, Bromsgrove Road is fast flowing and has no street lighting, meaning it would not be desirable for pedestrians. There is also a lack of facilities and services within close proximity to the site, and whilst future occupiers of the proposed development could walk to the nearest bus stop, there are only 5 or 6 services a day which may not always be convenient for its users. The nearest shops, pubs and school facilities lie within Romsley, which is approximately 1.3 kilometres from the site, which is not considered to be within reasonable walking distance. Given the conditions of Bromsgrove Road described above it is even less likely that future occupiers would choose to walk to these facilities, particularly in times of darkness and adverse weather conditions. Due to these factors, the Highway Officer has reasoned that future occupiers of the development would likely rely on the use of a motor vehicle to access day to day services and facilities.

In view of the above the proposal is considered to be contrary to Policies BDP1 and BDP2 of the BDP which, amongst other matters seek to direct development to settlements, reduce the need to travel and promote sustainable development. Similarly, it would be contrary to paragraphs 108 and 110 of the NPPF which aim to locate development in accessible and convenient locations and promote walking, cycling and the use of public transport. Due to this the Highway Officer has recommended that the proposal is refused.

It is noted that the Highway Officer's comments considered that the existing vehicular access had acceptable visibility in both directions and raised no concerns with parking.

Trees and Ecology

Although the site is largely void of vegetation, the Tree Officer has confirmed that there are two trees on the western boundary which are protected under a Tree Preservation Order (TPO); these comprise of a semi-mature (T1) Oak and a (T2) Willow. In addition to this there is also an unprotected Ash tree and a young Oak tree.

The application proposes the removal of the protected T2 Willow tree. It has been stated that this is required due to major stem failure and basal decay. The Tree Officer has not objected to this, but as there appears to be scope for replanting along the western boundary, has requested that further details of this are submitted for consideration. The Tree Officer has confirmed that these further details could be suitably secured by a planning condition.

With regards to the remainder of the trees, the Tree Officer noted that majority of the proposed development would be outside of the root protection area (RPA) of the nearby trees, save for some minor incursion into the RPA of the T1 Oak. In view of the current hard surfacing within the RPA and the geo-textile and woodchip which is proposed to protect the RPA, no objections have been raised with regards to this minor level of incursion. The Tree Officer has also requested that all works are undertaken in accordance with the Arboricultural Method Statement that was submitted with the application. This can again be secured by planning condition.

A Preliminary Ecological Appraisal and roost assessment was also submitted with the application. Given that the species rich hedgerow along the western boundary would be retained along with the majority of the trees on site, the survey found that the proposal would unlikely have a negative impact on the local bird population or foraging/commuting bats. The Willow tree to be removed was considered to have low potential as a bat roost, however the report recommends a precautionary approach for its removal. The report made a number of other recommendations for mitigation and enhancement measures to ensure there would be no adverse impact to local wildlife. These measures outlined within the report can be secured by planning condition in the event that planning permission is granted.

Drainage

North Worcestershire Water Management (NWWM) have reviewed the proposal and whilst there is not risk of fluvial flood risk in the area, a risk of surface water flooding in the vicinity has been identified. Surface water flooding occurs after heavy rainfall, when the volume of rainwater fall does not drain away fast enough through the existing drainage system or into the ground, and instead lies on the ground. Given that the existing use of the site is largely impermeable from hard surfacing, NWWM have stated that there could be a betterment to the site in terms of surface water flood risk through the reduction of hard surfacing. Notwithstanding this, NWWM have questioned whether the local ground conditions would allow for infiltration drainage and given the identified surface water flood risk in the vicinity, have requested that a condition for a surface water drainage scheme is attached to any planning permission granted for the site.

Contaminated Land

Worcestershire Regulatory Services (WRS) have provided comments in relation to the application. Due to the recent use of the site as a builder's yard and evidence that a number of domestic garages occupied the site prior to this, they have stated there is the potential for ground contamination to be present on site. Given that this could have implications on the proposed use of the site, they have recommended that a condition for a tiered investigation and risk assessment of the site is included on any future planning permission. The condition would also ensure that any contamination that is subsequently found would be adequately remediated and mitigated, in order to minimise risks to future occupiers of the development.

Hunnington Parish Council

Hunnington Parish Council have raised objections to the proposal, however have not given further details in relation to their grounds of objection. They have, however suggested that if planning permission is granted, a landscaping scheme to retain existing trees on the site and a construction management plan should be secured for the site.

Third Party Representations

One letter of objection has been received from 235 Bromsgrove Road, which lies to the north east of the site. The letter raised the following concerns set out in the table below. A response has been provided for each matter that has been raised.

Concern raised	Response
Lack of communication in relation to proposal and for previous certificate	Consultation letters were sent to properties adjoining the proposal site boundary and a site

application. Site address for the proposal is misleading.	notice was put up in relation to this current application. This met the statutory requirements for public consultation. Public consultation is not required for a certificate application. The exact location of the proposal site is confirmed on the Location Plan which is viewable on Public Access.
Would not be an improvement to the current state of the land. Would not result in less traffic or noise.	As further information has not been provided in relation to the level of traffic and noise arising from the existing use of the site, limited weight has been given to the benefits of removing this existing use.
Design, layout and character would not be in keeping.	This has been considered in the report above.
Too large/overbearing	Given the distance of the proposed buildings in relation to any neighbouring dwelling, the scale of the proposal is not considered to be overbearing.
Overlooking/loss of privacy	The distance between the windows of the proposed dwellings and neighbouring properties has been considered above in the report and it is not considered that there would be an adverse impact to the privacy of neighbours.
Loss of light, particularly in garden	In view of the orientation of the proposed dwellings there would not be a detrimental impact to the level of sunlight received by the rear garden areas of properties along Bromsgrove Road. Any impact to sunlight would be limited to the late afternoon hours and would only affect the rearmost part of the long garden areas of these properties.
Light pollution	It is not considered that there would be any adverse impact to neighbour amenity as a result of the light that would arise from two additional dwellings in this location.
Impact to property price	This is not a material planning consideration.
Loss of view of fields and hills behind	This is not a material planning consideration.
Using illegal use of land as leverage	The use of the proposal site as a builder's storage yard has been found to be lawful through the certificate of lawful use. The current lawful use of the site is a material planning consideration.

Seven letters of support have also been received from local neighbouring residents. Collectively the letters of support raised the following points:

- Two houses on the site would be more aesthetically pleasing
- Proposal would reduce traffic and noise
- Houses would be more in keeping with the area
- The safety and security of the area would be improved
- The proposal would cause no overlooking

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 the Framework taken as a whole.

In view of limb (i) the proposal has been found to result in inappropriate development within the Green Belt, which is harmful, and would also cause substantial harm to the openness of the Green Belt. In addition to this the proposal would result in an unsustainable form of development which would result in poor access to services, facilities and employment opportunities and would mean that the future occupiers would be largely reliant on motor vehicles to travel. Given that other considerations would not outweigh the total harm that would arise from these matters, it is not considered that very special circumstances exist in this instance. Therefore, having regard to limb (i) outlined above, Green Belt policies provide a clear reason for refusing development, and there are no material planning considerations that would warrant otherwise.

Conclusion

Taking all material planning considerations into account, including those raised within the representations that have been received, the proposal 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 dwellings would not comprise limited infill within a village. In view of the current lawful use of the site and the existing structures that are present, the redevelopment of the site, by reason of the height, volume, footprint and permanence of the proposed dwellings, would have a greater impact to the openness of the Green Belt compared to the existing development. The proposal would therefore comprise inappropriate development in the Green Belt which is harmful by definition. Given their scale and massing, the proposed dwellings would also cause substantial harm to the openness of the Green Belt. Given that other considerations would not outweigh the total harm that would arise by reason of inappropriateness and other harm that has been identified, there are no very special circumstances present in this case. The proposal would therefore be contrary to Policy BDP4 of the Bromsgrove District Plan and paragraphs 143, 144 and 145 of the National Planning Policy Framework.

- 2) The proposed dwelling would be sited outside of any defined settlement and by reason of its distance and poor access to essential services and facilities and job opportunities, would result in an unsustainable form of development where future occupiers would be reliant on the use of a motor vehicle for day to day living. The proposal would therefore comprise an unsustainable form of development which would be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan and paragraphs 7,8, 108 and 110 of the National Planning Policy Framework.

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