

**Bromsgrove District Council
Planning Committee**

**Committee Updates
20 July 2021**

20/00739/CPL 2 Thicknall Rise, Hagley

No Updates

21/00302/FUL High Brow, Rowney Green Lane

No Updates

21/00540/FUL Rear Of 182 And 184 Stourbridge Road, Bromsgrove

Withdrawn from the Agenda

21/00556/FUL Mossett Cottage, Third Road

No Updates

21/00711/OUT Land Off Withybed Lane, Withybed Green

5 further letters have been received in objection to the application following the publication of the agenda.

Comments received are covered by the representations as summarised on pages 62 and 63 (Agenda Item 8).

Amendment to WCC Highways comments:

WCC highways wish to apologise for an error stated on Page 58. They comment that no footpath or streetlighting exists for a distance of 70 metres.

The amended (and correct) statement is that no footpath exists for a distance of between 45 and 50 metres. It is conceded that one streetlight does exist at a distance of approximately 60m to the east of the sites proposed entrance beyond the railway bridge. Further, a single streetlight exists near to the proposed access point.

The above does not however alter the view of WCC Highways that the site is in an unsustainable location for the reasons stated within the report.

The applicant's agent has provided letters to the planning department written in support of the application. Those letters dated 21st and 22nd June, 14th July and 20th July 2021 are publicly viewable documents on the Councils website, listed as letters 1, 2, 3, and 4 (in support from applicants agent).

Letter 1 concedes that the site is located within the Green Belt and that the proposed development represents inappropriate development in the green belt. The applicant however comments that the proposals would not impact adversely upon the character and appearance of the area; would comply with the purposes of including land within the Green Belt as set out under Para 134 of the framework; and in other respects would be an acceptable form of development having regards to green belt openness and safeguarding the countryside from encroachment. Your officers strongly disagree with these assertions for the reasons stated within the agenda papers. The applicant states that the development would be sustainably located and would deliver much needed housing where the Council currently demonstrate a 5 year supply of deliverable housing sites.

The letter refers to Paragraph 11 (d) of the NPPF suggesting that the presumption in favour of

sustainable development is engaged. Again, your officers would comment that Para 11d of the framework is NOT engaged. This is due to the fact that policies in the framework (listed in footnote 6 Para 11d) protecting areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 states that these policies include sites, such as SSSI's, AONBs', National Parks AND GREEN BELTS. There is a clear reason for refusing the development in this case.

Letter 2 objects to the fact that The County Highway comments were received after the 21 days period as set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Your officers would comment that frequently comments from statutory consultees are received after the 21 day period. The DMPO above allows to Local Planning Authorities to use their discretion to take into account comments that are made after this date. In this case, comments from WCC have been received in a timely manner, (in this case on the 10th June) and well in advance of this evenings Planning Committee meeting of the 20th July 2021. All comments received post publication of the main agenda, are, as members will be aware, provided by way of an update report, as are summarised comments taken from the applicant's agents latest letter of the 20th July 2021. Letter 2 again objects to the findings of WCC highways and comments that the site is in a sustainable location.

Letter 3 again comments that the site is sustainable location compared to that of application ref 19/00220/FUL (as withdrawn) but later granted under ref 19/01037/FUL (Burcot Garden Centre) where the Council has granted permission for the erection of 12 dwellings. The letter also refers the planning department to an appeal decision/s ref APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926 pertaining to a site where an Inspector has allowed an appeal for residential development in the Green Belt falling within the jurisdiction of St Albans City & District Council where the Inspector considered that collective matters in that case demonstrated that Very Special circumstances existed to outweigh the harm caused to the Green Belt.

In respect of the above, members will be aware that each application should be assessed individually on its particular merits and that determining this application on its merits, officers consider that planning permission should be refused for the reasons stated on page 69 of the agenda.

Letter 4 again comments that the planning department have misinterpreted the provisions of Para 11d of the Framework as per letter 1 above. The planning department contend that it has not. The green belt designation of the site means that the presumption in favour of sustainable development does not apply as referred to under paragraph 3 of Page 66 of the agenda.

The letter also sets out why refusal reasons 1 to 4 are not justified. Officers refute these assertions, and the recommendation remains as printed on Page 69 of the agenda.