

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs P Robinson	Construction of No. 15 affordable (Discounted Market Sales Housing) dwellings including No. 3 retirement bungalows with associated provision for car parking, open space, landscaping and infrastructure works Land Between the Croft and Hopwood Garden Centre, Ash Lane, Hopwood Worcestershire, B48 7TT		21/00872/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Archive and Archaeological Service

No archaeological mitigation condition required.

Bromsgrove Strategic Planning and Conservation

This planning application does not comply with national, local policies or neighbourhood policies on Green Belt, and cannot be seen as a rural exception site as it is not proposed to address local housing needs. Considering all of the above, it is not felt that very special circumstances to justify this proposal within the Green Belt have been demonstrated and this application is not supported by the Strategic Planning team.

North Worcestershire Water Management

No objection subject to surface water drainage condition

WRS - Contaminated Land

No contamination conditions required

WRS - Noise

No objection

WRS - Air Quality

No objection subject to conditions

Highways - Bromsgrove

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority concludes that the application would not represent acceptable sustainable development and that there would be an unacceptable impact and, therefore, recommends that this application is refused. In the event that planning consent were to be recommended, the Highways Authority would request a number of conditions and financial obligations.

Housing Strategy

Should the provision of affordable housing but note Strategic Planning's objection and that it does not comply with policy.

Leisure

No objection, subject to open space and play area and play area specification.

NHS Acute Hospitals Worcestershire

As its evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a public body but rather to enable that body (i.e. the Trust) to provide services needed by the occupants of the new homes. The development directly affects the Trust's ability to provide the health services to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard, and to secure adequate health care for the locality, the proposed development will strain services, putting people at significant risk of receiving substandard care, leading to poorer health outcomes and prolonged health problems.

A developer contribution of £8,231.58 is required.

NHS/Medical Infrastructure Consultations

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire CCG calculates the level of contribution required in this instance directly relating to the number of dwellings to be £5,681.

Arboricultural Officer

No objection subject to conditions.

- 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 as retained on the approved plans 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.
- An arboricultural method statement and protection plan should be submitted.
- A landscape plan and specification should be submitted.

Waste Management

No objection

Education Department at Worcestershire

In response to the planning application it is calculated that a contribution will be required towards First, Middle and High School phases of education. The S106 contribution required is outlined below in line with the Worcestershire County Council Policy on S106 Education Contributions. There are 7 dwellings proposed on this application that would be exempt from an education contribution.

First School Contribution required: £54,186 To provide additional education facilities at Crown Meadow First School Middle School Contribution required: £46,637 To provide additional education facilities at Alvechurch C of E Middle School High School Contribution

required: £49,926 To provide additional education facilities at South and North Bromsgrove High Schools. Total education infrastructure contribution required: £150,749

Alvechurch Parish Council

Objection

Alvechurch Parish Council object to the aforementioned application on the following grounds:

- The proposed development is outside of the Village Envelope, on Green Belt land and does not therefore conform to APC's NDP/relevant, statutory policies contained therein and there are no justifiable circumstances.
- Highways Lack of infrastructure/Ash Lane is very narrow and there are already parking issues; concern over site access/visibility splays.
- Sustainability - Lack of amenities; no local shops, no school/GP/Dentist spaces locally, not on a bus route.
- Flooding area is subject to localised flooding; any build will increase flood risk (SUDs).
- Footpaths ' No Footpaths/no Footway lighting
- Pollution ' Light pollution in what is otherwise a 'natural' environment'
- PROW ' This is not shown on current application?
- Pylons Electricity supply would need to be redirected.
- S106 No provision included which shows how S106 monies could be used to mitigate the proposed application.
- The proposed site road will inevitably provide future access for further development of the adjacent fields.

Public comments

56 letters were originally sent to neighbours 26.06.2021 expired 16.07.2021

Press advert 25.06.2021 expired 12.07.2021.

Site notice displayed 25.06.2021 expired 19.07.2021

36 objections have been received as a result of the consultation, these comments are summarised as follows:

Green Belt

Loss of Green Belt, harm to openness and visual amenity, it is greenfield site, previous application has been refused, no very special circumstances

Highway matters

Ash Lane is unsuitable for further traffic, too narrow

Safety of access/egress onto the site

Lack of public transport

Lack of safe pedestrian crossings

Other matters

Unsustainable

Lack of school/healthcare capacity

Impact on wildlife/biodiversity

Impact on trees and hedges

Noise, smell and pollution.

Construction noise

Flooding/Drainage

Loss of privacy

Contrary to neighbourhood plan

Cumulative impact, if this scheme is approved alongside the other nearby Hopwood Scheme, for the erection of 22 dwellings at Land to rear ff 1-6 Smedley Crooke Place (21/00873/FUL)

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

Relevant Policies

Bromsgrove District Plan

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

ALVNP Alvechurch Neighbourhood Plan

APDS Alvechurch Parish Design Statement

High Quality Design SPD

Relevant Planning History

18/00056/REF	Erection of 3 residential dwellings	Dismissed at Appeal	25.04.2019
17/01191/FUL	Erection of 3 residential dwellings	Refused	03.07.2018

Assessment of Proposal

Site Description

The application site relates to a 1.3ha parcel of land located on the northern side of Ash Lane in Hopwood, which is located between a row of dwellings and the Hopwood Garden Centre and Nursery. The land in question consists of a parcel of land following the existing pattern of development along Ash Lane on the northern most side before opening to the north into a wider parcel of land which is partly located behind the existing nursery. An existing vehicular access is located off Ash Lane immediately adjacent to The Croft.

The site is located in the Green Belt as defined in the BDP, is within the Alvechurch Parish Neighbourhood Plan area and is located adjacent to but outside of the defined Village Envelope of Hopwood.

Proposal

The full application seeks the provision of 15 discounted market sales houses on the site, consisting of the following:

- 6 x 2 bedroom semi detached, 4 person dwelling houses of 75.8sqm GIA
- 4 x 3 bedroom, semi detached, 5 person dwelling houses of 86.4sqm GIA
- 1 x 2 bedroom, 3 person corner bungalow dwelling of 71.5sqm GIA
- 4 x 2 bedroom, 3 person bungalow dwelling of 62.2sqm GIA with a 14sqm garage

Three of the proposed bungalows have been identified as retirement properties, the use of which is restricted to over 55's.

The proposals will form Discounted Market Sales Housing, and as such proposes a 100% affordable housing scheme in accordance with the definition of Discounted Market Sales Housing as identified within the Framework.

The definition of discounted Market Sales housing in the Framework is as follows:

“(c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households”.

Along Ash Lane two 2 bedroom 2 storey properties are proposed to front onto the Lane, with the remaining two storey properties running northwards along a new internal access drive. Wherein the bungalows are brought forward to the northern most point of development within the site. Beyond the area for housing, an area has been identified for proposed designated open space and the reinforcement of boundary tree planting.

The committee has previously considered a smaller proposal for 3 detached dwellings along the frontage of Ash Lane. This was refused and subsequently dismissed at appeal as detailed above.

Assessment

The site is situated within the West Midlands Green Belt, outside Burcot Village boundary, as defined in the Bromsgrove District Local Plan.

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Alvechurch Neighbourhood Plan
- Affordable housing
- Highways and Accessibility
- Design
- Open Space
- Residential Amenity
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Planning Obligations

Five Year Housing Land Supply

Paragraph 74 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be a buffer of between 5% and 20%, depending on the circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 4.6 years. Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply. Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 restricting the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include land designated as Green Belts.

Green Belt

The site lies within the Green Belt. Paragraph 149 of the National Planning Policy Framework (2021) establishes that the construction of new buildings should be regarded as inappropriate development and paragraph 147 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt

This is not disputed by the applicant and has been accepted by them at para 3.24 of the Planning Policy Statement (May 2021). In accordance with para 148, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

BDP policy BDP4: Green Belt reiterates this national policy stance at a local level. It also sets out that a district wide Green Belt review will be carried out as part of the next Plan Review process.

At the parish level, Policy H1: Locations for New Housing Development of the Alvechurch Parish Neighbourhood Plan states that new housing outside of Alvechurch Village is inappropriate development and will not be supported in the Green Belt, unless very special circumstances exist.

The onus is therefore on the applicant to demonstrate what the very special circumstances are that would make this proposal acceptable in a Green Belt location, which is not supported by national, local or neighbourhood level policies.

Impact on openness

Openness has both a spatial and a visual aspect and here it is considered that the position of the development would harm openness through both its scale and massing and through the introduction of a built form in an otherwise undeveloped site. Paragraph 138 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

It is argued by the applicant that the assessment of the impact on openness was partly considered by way of the 2019 appeal decision, in considering the impact of the 3 dwellings located at the southernmost area of the site. It was concluded in paragraphs 12 and 13 that the proposal would "inevitably impact on the openness in spatial terms" and would have "a larger visual impact on the Green Belt than current circumstances". The Inspector identified however that the harm would be moderate in terms of its potential impacts and considered that same conclusion would be raised regarding this wider development.

The applicant emphasis the proposal brings forward residential development that has been sited specifically along the southern frontage adjacent to the existing built development along the southern frontage of Ash Lane, running northwards in a commensurate fashion to the adjacent Hopwood Garden Centre and curving eastwards across the extent of the

existing garden centre without projecting a substantial amount into the countryside of the north of the site. The remainder of the site is given over to designated open green space and existing boundary treatments are proposed to be substantially increased to reinforce the green edges of the green screening of the development so as to restrict spatial and visual impacts inwards to the site from any distant views in its locality.

They conclude that whilst the inevitable impacts on the openness in terms of its change would create an impact, such impact can be moderate with regard its impacts from the quantitative and qualitative perspective. This in terms of consideration of the Framework is “less than significant” with regards to its contribution of harm towards the Green Belt.

As a substantial built development on undeveloped land, the proposal would inevitably reduce the openness which national policy describes as an essential characteristic of the Green Belt. This proposal would cause loss of openness and permanence of the Green Belt.

Although this is not a deeply rural area, the undeveloped, agricultural nature of the application site and the open land beyond clearly have the credentials of countryside as opposed to transitional land. The site is not well-contained or distinct from the character and appearance of the wider extent of the Green Belt. Despite the surrounding development, those attributes contribute significantly to openness. The application proposal would introduce residential development and associated works such as garages, the introduction of other domestic paraphernalia, new access junction, internal access roads and boundary treatments onto a large proportion of this open site. Despite the proposed public open space, landscaping the application proposal would still result in a considerable loss of openness. The application proposal would cause a permanent change which, because of the site’s location and appearance coupled with the proposal’s built nature and scale, would be both spatially and visually apparent.

I conclude that this permanent reduction in openness would impact upon the integrity of the wider Green Belt. Overall, this amounts to substantial harm which would be in addition to the harm incurred by reason of inappropriateness.

Purposes of the Green Belt

The NPPF states “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. It defines the five purposes of the Green Belt as follows –

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered development of the site would conflict with the purposes of the Green Belt as set out in the NPPF, on the following grounds.

The site is evidently agricultural land at the edge of the village. The site has a hedgerow that runs parallel to Ash Lane, there is no footpath on this side of the road and the land beyond is open and agricultural. The development proposed would equate to urban sprawl, encroaching into the countryside. It is considered that it would push the built envelope of Hopwood out further over the undeveloped, open countryside.

The proposed development of 15 dwellings and associated infrastructure would lead to a loss of countryside in this location of Hopwood. Furthermore, as highlighted previously, the enlargement of the developed area would result in the encroachment of the undeveloped countryside which surrounds the application site. The proposal therefore fails to align with this purpose of the Green Belt.

The site is all greenfield and agricultural. There is no recycling of brownfield or derelict land involved.

Taking the above into account, the proposed development would result in harm to openness in terms of spatial and visual aspects, and the proposals conflict with 3 of the 5 purposes of including land in the Green Belt. As such the proposal is contrary to policies in the Development Plan and Framework.

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.

In relation to criterion (a), the proposal for 15 dwellings is not felt to represent a small site, and its location outside of the village envelope cannot be seen as infill. Neither is the proposal on brownfield land as criterion (a) requires.

In terms of criterion (d), the 15 dwellings proposed are split as follows: five 2-bedroomed bungalows (three of which are to be retirement bungalows), six 2-bedroom houses and four

3-bedroom family houses are proposed. The proposed split is considered to comply the policy.

In relation to criterion (e), the site does not represent a small infill plot and is not proposed for self build homes

In relation to criterion (f), the village envelope as defined in the BDP excludes the application site and therefore fails criterion (f). I accept that the boundary as currently drawn does not reflect some more recent developments, including Woodpecker Close, but that development is largely peripheral to the appeal site. I also appreciate that both the BDP and APDP anticipate a need for some settlement boundaries to be adjusted, and that this process is now expected to form part of the BDP Review process that is now under way. But none of these matters changes the factual position, that as things stand, the appeal site is outside the village envelope. The appeal site therefore fails criterion (f).

The boundaries of diverse rural settlements such as Hopwood can in many instances be subjective. The applicant has outlined a Court of Appeal decision which it considers relevant. The Court found that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village; further, that he misdirected himself by accepting the Local Plan as being conclusive as to whether or not the site appeared to be in the village (Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]). In this case the boundaries of diverse rural settlements such as Hopwood are in many instances subjective. However, after visiting the site, neighbouring properties and surrounding fields, it is considered that the site does not appear to be in the village envelope.

This conclusion is further reinforced by the Planning Inspector for 2019 appeal, who concluded in para 9 that:

“... However, the adjacent properties currently mark the edge of the continuous built-up frontage on this side of the road. The appeal site and garden centre are distinct and separate from this. I therefore consider the scheme would extend beyond the edge of the village. Given the scale of the proposal I would consider it to be limited. Notwithstanding this, Policy H2 of the NP requires a site to be within the built-up area and not involve the outward extension of the village envelope. There a number of existing properties located outside this. Nevertheless, the appeal site remains outside the village of Hopwood”.

Policy H6: Providing a Mix of Housing Types and Sizes, outlines that proposal for 10 or more dwellings should seek to achieve the following mix unless viability, market requirements at that time or other material considerations show a robust justification for a different mix:

- a. Overall up to 10% of new dwellings should aim to have 1 bedroom
- b. 40% should aim to have 2 bedrooms with an element of ground floor single level dwellings to meet the needs of the elderly and people with disabilities
- c. 40% should aim to have 3 bedrooms
- d. Up to 10% should aim to have 4 or more bedrooms.

While the proposal does not provide any one bed or four bed dwellings, given the number of 2 and 3 bed units it is broadly consistent with Policy H6.

It is worthwhile to note that Policy H6 is different to Policy BDP 7 Housing mix and density in the Bromsgrove District Plan. That policy requires development proposals to focus on 2 and 3 bedroom dwellings but outlines that on schemes of 10 or more a wider mix of dwelling types may be required. At a split of 45% to 55% between 2/3 bedrooms to 4 bedrooms, it would be considered to broadly comply with this policy.

In conclusion the application site falls outside the types of location supported by either criteria (a) or (f) of Policy H2. As such, the proposed development conflicts with this relevant APNP policy.

Affordable Housing

The definition of affordable housing in the NPPF includes discounted market sales housing which is defined as housing: “sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.” The application includes a draft Section 106 Heads of Terms setting out the eligibility criteria for the affordable housing and how the housing would be retained in perpetuity as affordable. A Viability Statement also accompanies the application which establishes that a 20% discount on market value can be delivered, and therefore the scheme meets the NPPF definition of affordable housing. A Management plan for delivery of discount market homes has been submitted outlining who this would be managed,

Policy BDP8 sets out the Council’s policy on Affordable Housing and when it would be required to be delivered on large sites where the homes are for sale on the open market, and so is not relevant in the determination of this 100% affordable housing application.

Policy BDP9 ‘Rural Exception Sites’ states that exceptionally, affordable housing will be allowed in or on the edge of settlements where a proven local need has been identified. In order to prove this local need, a Local Housing Needs Survey should be provided alongside the application. In this instance, no such Local Housing Needs Survey has been included with the planning application and there is no reference to local need in the Planning Statement accompanying the application. In fact, at para 3.23 of the Planning Statement it is stated:

“the provision of discounted housing market supply in bringing forward a specific provision of starter homes, family homes and downsizing of disability bungalows for the overarching requirements of the market of Bromsgrove District Council, rather than the specific housing need requirements for Hopwood as a village. On this basis it is considered, by way of consideration of the description of rural exception, that the site does not accord with rural exception and as such the exception list brought forward by paragraph 145¹ of the Framework do not apply.”

Therefore by the applicant’s own admission the application does not constitute a rural exception site and as such there is no justification for this proposal within the Green Belt in line with policy BDP9, or with para 149(f) of the NPPF.

¹ The paragraph referred to by the applicant refers to the 2019 NPPF, and is identical to the new paragraph 149 in the 2021 NPPF

The Alvechurch Parish Neighbourhood Plan includes Policy H3: "Affordable Housing on Rural Exception Sites", which sets out more local requirements for affordable housing within the Green Belt. The emphasis of the policy is on collaboration with the local community, landowners, the Parish Council and the District Council to bring forward suitable sites that respond to very local needs. The lack of a Local Housing Needs Study means that the proposal cannot be seen to be compliant with this policy in the Neighbourhood Plan. A number of other criteria set out when rural exception sites would be supported in principle, including a preference for the redevelopment of brownfield land, sites to be easily accessible to local services and public transport, and the development being appropriate in terms of its scale, character and location to the settlement. With the lack of local services in Hopwood and poor public transport connectivity, the proposal fails to satisfy any of these criteria.

However, criteria h of Policy H3 does state that development will be encouraged if it meets the needs of elderly people and those with disabilities. The inclusion of five bungalows which would be disability compliant, three of which would be retirement bungalows for those aged over 55. The proposal is therefore felt to satisfy this final criterion of Policy H3 but is not compliant with the other seven criteria.

Notwithstanding the above, the application would provide 15 affordable dwellings. I conclude that this element of the scheme is a very significant benefit of the application proposal.

Highways and Accessibility

Policy BDP16: Sustainable Transport taken from the Bromsgrove District Plan requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

No objections are raised subject to the imposition of conditions pertaining to: cycle parking provision; conformity with submitted details; and the provision of an electric vehicle charging facility.

WCC Highways have reviewed the application and have been in discussion with applicant's transport planner. The site is located in a semi-rural residential location, the site does not 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. It is noted that just before and after the Woodpecker Close / Ash Lane junction a grass verge is located on one side of the carriageway for a short distance. It would seem part of this verge is used for parking and possibly walking due to the lane being narrow in places. The site is not located within walking distance of amenities. A bus route and bus stops are located within acceptable walking distance, however no suitable infrastructure (footpaths / street lighting) are available in the immediate vicinity to reach the bus stops without walking in the carriageway.

The lack of street lighting and footpaths in the vicinity will deter journeys on foot particularly in times of darkness and adverse weather conditions. The nearest footpaths for use are located on Woodpecker Close which connects to Ash Lane approx. 70m from the proposed

site access a distance which is deemed to be unacceptable. The site is located off an unclassified lane which narrows in certain sections. Since the main amenities (schools and convenience stores etc.) are not located within walking distance it is unlikely to encourage residents to walk or cycle. The bus service which is within walking distance (350m) provides only two trips in each direction daily (Mon -Fri) which are deemed to be too infrequent. Therefore, I am not satisfied that the bus service that operates would be convenient for the occupiers. Due to the above factors, the trips would become car-based trips which would be unacceptable.

If the thresholds for a site to be located within a sustainable location can be met it should be noted these should be reachable via suitable infrastructure (footpaths and street lighting) which is not the case in this instance.

Ash Lane as previously stated is narrow and at points there are no verges, there are issues with parked cars encroaching into the single carriageway, without the footpath there is no safe walking route for scholars. Additionally, without a safe walking route the bus stops cannot be considered as accessible to any mobility impaired residents of the proposed development.

I therefore find the proposed development to be in an unsustainable location and in order to access even day to day services and facilities the intended future occupiers would have a high reliance on a private motor vehicle. For those that did not have access to such a vehicle, the nearest services and facilities would not be accessible.

In practical terms I consider that the future occupiers of the proposed house would have few alternatives to the use of a private vehicle to meet their day to day requirements such as getting to work and accessing services and facilities. Consequently, the proposal would not limit the need to travel or reduce reliance on the car. This would be at odds with the aim of the Framework to actively manage patterns of growth to promote sustainable transport.

I therefore conclude on this main issue that the proposal would not be a suitable site for development having regard to sustainable patterns of development and access to services and facilities.

Design

Paragraphs 126-136 of the NPPF deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

BDP19 of the Bromsgrove District Plan sets a series of criteria by which high quality people focussed space will be achieved. The development proposes two storey semi detached dwellings properties as well as number of bungalows. The final palette of external materials is to be controlled by conditions.

This layout and the overall quantum of development is considered to be appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the varied pattern and grain of development in the village and surrounding area. The development will result in a density of approximately 11.5 dwellings per hectare.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear cramped and would have spaciousness appropriate to this location.

In terms of scale and height, the proposed dwellings would be a mix of two storey and bungalows. The scale, massing and form of the proposed dwellings are considered to respond appropriately to that of nearby properties, creating a coherent street scene. They would provide a mixture of, semi-detached pairs and detached dwellings which is considered to be acceptable and reflective of the character of the area.

The design of the individual house-types is considered to be of in line with Alvechurch design guidance and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area.

Overall, it is concluded that the proposals, both in terms of layout, scale and appearance, would – subject to the recommended conditions - achieve a development appropriate to the character of the area and the transitional edge of settlement location of the site. The proposal is therefore considered to comply with policies BDP19 and the provisions of “good design” in the NPPF.

Open space

The proposed layout plan shows the provision of over 4,000 square metres of formal public open space located to the north of the site adjacent. This accords with the requirement for on-site open space provision as set out in SPG11. The open spaces aspect utilises the natural topography of the site. The applicant intends to manage and maintain the on-site open space through a management company. This could be secured through the Section 106 Agreement.

Residential amenity

The development will change the outlook for a number of nearby residential properties and alter the way that they experience the site. It will increase the level of noise in the area, but in the context of the site, this is not considered to be at a level that would lead to any significant harm to the residential amenity of these nearby neighbouring occupiers. Overall, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers

Other matters

Issues relating to trees, ecology, noise and drainage are all considered to be acceptable subject to conditions.

Planning obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

The obligation in this case would cover:

- The provision of 15 affordable dwellings on the site
- Highway Infrastructure Delivery Plan contributions tbc
- £10,737 towards school transport
- £4500 towards community transport
- £52.24 contribution for refuse and re-cycling bins per dwelling
- A financial contribution of £5,681 towards Herefordshire and Worcestershire CCG
- A financial contribution of towards £8,231.58 NHS Worcestershire Acute Hospitals Trust
- The management and maintenance of the on site open space
- The management and maintenance of the on site SuDs facilities
- A Section 106 monitoring fee TBC

Applicants Case

The applicant in their planning statement considers that there will be a moderate loss of openness.

The proposal brings forward the provision of 15 dwellings within a location where it has been determined, by way of recent appeal decisions and the Council's own determination, that the Council have a substantial shortfall with regard to their 5 year housing supply provision. Considering the weight prescribed to the provision of housing in meeting a shortfall, within the Whitford Road appeal decision (APP/P1805/W/20/3245111), it can be concluded that very significant and substantial weight should be given to the contribution of 15 dwellings in a location that is undersupplied with regard its requirements.

The proposal will bring forward a 100% affordable housing scheme. As such very significant weight should be given to the contribution of the proposal towards affordable housing provision within the borough, in meeting the definition of affordable housing within the Framework.

The housing mix proposed brings forward a provision of starter homes, downsizing retirement properties, disability compliant properties and some family housing. In the absence of any other defined allocation for the delivery of such development within Hopwood, Alvechurch or a plan of delivery to address the shortfall by the District it is considered that substantial and significant weight should be given to the housing mix sought to be implemented within this scheme.

The proposal will also bring forward the provision of designated open space, that which takes up over half of the application boundary area, for the direct benefit of all residents within Hopwood, wherein it is considered there is a short fall of designated open space with a specific provision of attention paid towards facilities for young children and that very significant weight should be given towards benefits in this regard.

The proposal brings forward an architectural design that provides a good quality provision of housing and a beneficial impact upon the character and appearance of the area, by taking into consideration the existing streetscene pattern associated with Ash Lane and by way of its design "opening up" the site for the direct benefit of the local community. It is

considered in architectural terms that the proposal is of a high quality and moderate beneficial weight is given to the proposal in this regard.

Further to this standard, moderate weight should be given to the socio economic benefits associated with a development of this size and by way of the retention and enhancement of the wetland pond area to the western most extent of the site, the proposal increases the quality of biodiversity treatments within the site for the benefit of protected species.

In conclusion the applicant argues that the application and policies within the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development. Paragraph 11d(i) does not apply. There are no adverse effects that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole, given that the matters of weight above taken together provide other consideration that the proposal clearly outweighs the harm identified and amounts to the very special circumstances necessary to justify the proposal.

Planning Balance

In terms of the weight to the housing land supply situation, the greater the shortfall the greater the weight². Bromsgrove District Council can only demonstrate a 4.8 year supply. and in such a context, mindful that the NPPF seeks to boost significantly the supply of housing land, for this number of dwellings I afford significant weight to the contribution to housing land supply. The proposed affordable housing units is a public benefit that attracts significant weight in favour.

Economic benefits arising primarily relate to direct and indirect jobs, and the longer-term boost to local spending power. This could arise from any similar development but that does not detract from the fact that this particular development would offer such benefits, some of which would be temporary and short term, but others would be longer lasting and permanent. However, the application proposal does seek to address existing housing needs in the Bromsgrove District. Consequently, the additional economic benefit that would arise overall attracts limited weight.

The potential biodiversity by way of the retention and enhancement of the wetland pond area to the western most extent of the site are considered a benefit which attracts moderate weight.

The applicant has also advanced that significant weight should be given to the housing mix sought to be implemented within this scheme and the opening up of the site is of a moderate benefit. There are no conflicts with local and national planning policies in these regards, subject to the imposition of the planning conditions or legal agreement. However, the application submission does not convince me that any of these would constitute benefits of the scheme over and above securing a satisfactory development in line with policy.

While a number of planning obligations have been agreed, these are mitigation for the impacts of the development. The absence of harm in terms of other normal development management matters weighs neutrally in the planning balance.

² Langton Homes Ltd v Secretary of State for Communities and Local Government [2014] EWHC 487 (Admin)

Conclusion

The Framework and Policy BDP4, is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In considering such a proposal, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

The proposal would be inappropriate development in the Green Belt, causing substantial harm to openness. I have also identified harm to three of the purposes of the Green Belt and non-Green Belt harm in terms of the scheme being contrary to the Alvechurch Neighbourhood plan and the proposal would fail to provide a suitable site for development having regard to sustainable patterns of development and access to services and facilities and so would result in limited harm in this regard, which add further weight against.

In this case there are clearly considerations that push and pull in both directions. In this case there are considerations that weigh heavily in favour of this proposal in terms of the Government's objective of 'significantly' boosting the supply of housing and providing affordable housing and there would also be other less significant economic and environmental benefits as set out above. Set against this, the Government also attaches great importance to Green Belt and the Framework requires substantial weight to be given to any Green Belt harm.

Overall, it is judged that the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness, through its substantial harm to openness, conflict with 3 of the 5 purposes of including land in the Green Belt and the environmental harm caused by its location. Consequently, the very special circumstances necessary to justify the development do not exist.

As the Council cannot demonstrate a 5 year housing land supply, Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of Green Belt policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.

In summary therefore, in this particular case the other material considerations, including the identified benefits to the supply of housing in the area and the provision of affordable housing scheme, do not justify allowing the application given the harm that has been identified and the resulting conflict with the development plan when taken as a whole.

Having considered all other matters raised, I therefore conclude that the application should be refused.

RECOMMENDATION: That planning permission be **Refused**

1. The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal

does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The proposal would also result in a detrimental impact on openness of the Green Belt due to its scale and location and conflict with the Green Belt's purposes, as identified in NPPF paragraph 138. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is considered to be contrary to Policy BDP4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.

2. The proposed development by reason of its distance from essential services, job opportunities and public transport links in addition to a lack of adequate footway provision and street lighting would mean that future occupiers would be reliant upon motor vehicles as a means of transport. As such it would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP.1 and BDP.16 of the Bromsgrove District Plan and Paragraphs 8, 108 and 110 of the NPPF.
3. The proposed development is neither in the built up area of the village of Hopwood where it is closely surrounded by existing buildings and is outside the current settlement limit boundaries of the village of Hopwood. A development in this location of the size proposed would therefore be contrary to Alvechurch Neighbourhood Plan Policy H2 criteria a and f.
4. The lack of a formal agreement to contribute towards the various financial contributions required to mitigate the impacts of the development is contrary to the requirements of Policies BDP6 of the Bromsgrove District Plan. The proposed development would result in an increase in the demand on local facilities with no compensation or enhancement of existing facilities, thus resulting in harm to the wider community around the site. Contrary to Paragraph 57 of the NPPF the applicant has failed to enter into a S106 agreement to mitigate these impacts.

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