

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mongoose Ltd	Full Planning Permission for the use of land for the stationing of 90 static residential park homes for the over 55s, with associated parking, internal service roads, and landscaping and acoustic fence to the north, east and west boundaries  Corbett Business Park, Shaw Lane, Stoke Prior, Bromsgrove, Worcestershire B60 4EA	25.09.2020  EoT agreed 20.05.2022	20/00643/FUL

**Note:** The application appeared on the published agenda of the Planning Committee of 5th July 2021 but was deferred on to permit the applicant to prepare a viability report and for officers to consider this prior to the application being considered by Planning Committee. That work has now been concluded.

**RECOMMENDATION:** That planning permission be **Refused**

### Consultations

**Stoke Parish Council 20/09/2021**  
OBJECTION

The Parish Council remain firmly and strongly opposed to this application. Their original arguments against it remain unchanged as follows -

### Traffic Issues

1. This part of Shaw Lane is a potential accident black spot with a very busy entrance/exit onto the lane in close proximity to the railway bridge which has a traffic management system due to the narrow roadway. Traffic heading out of the village on this route would be on the site entrance very quickly.
2. General visibility at the proposed entrance/exit would be impaired by vehicles owned by employees at the Business Park parking on Shaw Lane both opposite and alongside the site.
3. There have been a number of accidents along Shaw Lane going out of the village towards Wychbold Church. This is a particular problem during the winter months.
4. Heavy lorries regularly access the Business Park and by increasing the number of private vehicles also using the site could lead to accidents. It becomes a serious safety issue.
5. By supporting this application, the number of vehicles in the immediate area could increase by between 90 and 180 and this would be in addition to the increased traffic caused by the Henbrook Gardens development. The local area has yet to see the full impact of the additional traffic resulting from the Henbrook Gardens development.

6. The transport statement supporting the application is based on holiday and retirement accommodation when the application clearly states "residential park homes for the over 55s". Therefore the traffic patterns quoted in the statement are not based on actual site usage. The statement also indicates that additional traffic in the area was justified on the basis that it would be less than would be generated if an industrial unit was built on the same site. Given that the site is unsuitable for any industrial building that argument is invalid.
7. The junction of Shaw Lane and Weston Hall Road at rush hour is very difficult and potentially dangerous with speeding traffic from both directions. Weston Hall Road is used as a 'rat run' to the Hanbury Road and short cut to Redditch and the M5.

### Environment/Noise

1. The noise levels generated by the Business Park, neighbouring businesses such as Metal & Ores and the nearby railway are not ideal for retirement living.
2. Concerns about the potential flooding issues for the site. The building of Henbrook Gardens has already caused Hen Brook to flood on more than one occasion. There are serious concerns that Hen Brook cannot cope with any further development.
3. Serious concerns about the ground pollution from the former salt works on the site.
4. The site has already been deemed as unsuitable for industrial use due to the uncertainty of the ground being capable of supporting permanent buildings.
5. The application makes no mention of the brine shafts under the site or the use of lime during the period when it was occupied by the salt works.
6. There are issues around whether Excool adhere to the restrictions imposed under their planning permission in that they operate during the night causing disruption to local residents by way of noise and light pollution.

### Parking

1. There is insufficient parking on the proposed site which will inevitably lead to an increase in the number of vehicles parked on both Shaw Lane and Weston Hall Road.
2. Moving the entrance gate back on the site will impact on the limited onsite parking still further.
3. The assumption has been made that each home will only require 1 parking space when there is every possibility that each home will have 2 vehicles. In the event that more than 2 people are living at the home that figure could increase further. There is also a total lack of visitor parking.
4. Residents will use private vehicles by choice due to the rural location.

### Ecology Issues

1. Reduction of any natural habitat will further impact on the future sustainability of local wildlife. The recent building has already had a significant impact on the population of the great crested newts and other species such as grass snakes.

### General

1. There is a clear assumption that the retirement age is 55 which is totally incorrect. Many people work until 65 and beyond. Many couples in their mid-fifties still have offspring living at home which would put even greater pressure on the site in terms of parking, traffic flow etc.
2. It is claimed that the bridge which provides access across the canal will be reopened. This used to be the link from the salt works to the railway but it has been disused for a long time. Barratts were required to block it up under the supervision of the Canals and Rivers Trust. It has never been used as a footbridge. The bridge does not provide access to the canal but leads into a SUD which is part of the Henbrook Gardens site. It is not a right of way.
3. This further development would have a further unacceptable impact on the local infrastructure.
4. The current public transport links are already poor with bus services only running from early morning to early evening. Not adequate for working people. The bus service is only suitable for people who do not work and travel at off peak times.
5. The development would put further strain on the local health services.
6. There is a potential impact on local employment with homes on this site deterring businesses from using the site.
7. There is only one route in and out of the site and any form of blockage ie broken down vehicle would prevent emergency vehicles having good access.
8. There is already strong local opposition to the application.

### Additional Info

The Parish Council remain strongly opposed to this application. None of the additional new information has changed that view. The siting of 90 static homes on this site is totally wrong for all the reasons clearly expressed in the Parish Council's original letter of objection. This application is totally wrong for the village of Stoke Prior!

## **Wychavon District Council**

I confirm that Wychavon District Council is content for Bromsgrove District Council to consider the application, taking account of the concerns raised by local residents. We do suggest, however, that it would be appropriate to consult the Worcestershire Wildlife Trust due to the proximity of the site to Hen Brook, which runs from the site to the Upton Warren Nature Reserve and SSSI.

24.09.2021

Having looked over the amended plans, we do not wish to make any further comments regarding the above application and our response remains as no objection, subject to the scheme complying with local plan policies.

### **BDC Housing Strategy**

No Objection

Strategic Housing are content to accept a commuted sum payment of £667,000 in lieu of on-site provision of affordable housing. The development of park homes is not of a traditional property type and local Registered Providers have no interest in purchasing this type of stock for their portfolio.

### **BDC Caravan Licensing Team 30/07/2020**

No Objection

A Mobile Home Site License would be required if planning permission was granted and a separate application would be required. The following are taken from the Site License Conditions and therefore need to be considered: -

- No caravan or combustible structure shall be positioned within 3-metre of the boundary of the site
- Every caravan must be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan, which is occupied as a separate residence
- Every caravan shall stand on a concrete hard-standing which shall extend over the whole area occupied by the caravan placed upon it, and shall project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard-standings must be constructed to the current industry code of practice, taking into account local conditions
- Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times. New roads shall be constructed and laid of suitable bitumen, macadam or concrete with a suitable compacted base. All roads shall have adequate surface water/storm water drainage. New two way roads shall not be less than 3.7 meters wide, or if they are designed for and used by one way traffic, no less than 3 meters wide.
- Both of the first two points are to prevent the spread of fire between units which is dictated to by central government following a technical survey into the spread of fire BRE IP 15/91 between caravans/mobile homes. I'm conscious that this may impact upon the number of units allowed onsite.

### **Birmingham And Worcester Canal Society**

No Comments Received To Date

### **Canal And River Trust 13/01/2021**

No objection subject to conditions

#### Contamination and possible pollution

With regard to contamination, clay canals are not impervious to water ingress, as the numbers of leaks throughout the inland water network testifies. We would expect that following further investigation a suitable method of preventing contamination of the adjacent canal by from overland or ground water flows during the course of the development should be agreed to protect the water environment. This may be dealt with by way of suitably worded conditions on contamination mitigation and protection, but it is not clear if further information will be forthcoming at this stage.

Once development has taken place surface water should be prevented from entering the canal in an ad-hoc way by a suitable surface water system and this should include the provision and maintenance of oil interceptors. Suitable methods to prevent pollution entering any watercourse should be in place, but this is of particular concern to the Trust of that watercourse then joins the canal.

It is noted that both the Environment Agency and Worcestershire Regulatory Services also have concerns regarding contamination, including the water environment

#### Visual impact and Heritage

The proposed site is adjacent to the Canal Conservation Area but the impact on the Conservation Area will be neutral if the canal side boundary continues to provide screening, particularly as the fishing platforms have been removed and the path will be relocated.

#### Ecology

The removal of the fishing platforms is welcomed as this allows a suitable landscape buffer to remain, providing important habitat for the protected species in the area. The Trust note the comment with regard to lighting and welcome the comment that there will be no lighting adjacent to the canal. The Council should satisfy themselves that this matter is adequately controlled to prevent additional lighting in the future. This may be best dealt with by way of a condition. The Trust would expect lux levels to remain at zero over the canal.

#### Drainage

We note that the applicant mentions that a detailed response is being prepared by Robert West, to respond to our concerns. I am not aware that this has been received although the limited information received does indicate that surface water drainage will go to Hen Brook.

The applicant should be aware that flooding of the brook and overtopping of the canal East of the Hanbury Road has occurred previously, which then continues downstream towards the development site and there has also been a recent flooding issue South of the site at Culvert 23A, of which WCC Highways, Bromsgrove DC and NWMM are investigating. If Hen Brook discharges into the canal, then flooding and overtopping may be exacerbated. We suggest that the drainage strategy requires more detail and clarification, including any possible impact on the canal. The developer will have to satisfy themselves, the Environment Agency and NWMM on these matters as the Canal & River Trust are not a flood authority.

#### Fishing

As the applicant will be submitting revised plans which remove all angling components of the application, concerns over the permission required to utilise the canal are no longer relevant to the application.

#### The Railway Bridge

Whilst the Trust welcomes additional use of the towpath, we understand the difficulties around the use of this bridge and note that this element will be withdrawn from the proposal.

**WCC Archaeology 18/05/2021**

I have assessed the amended application and can confirm that our response remains unchanged. The site appears to have been used for brine waste throughout the 20th century and therefore we will not be recommending further archaeological investigation through condition, on this occasion.

**BDC Conservation Officer 18/12/2020**

The site is located to the north of the Canal and south of the railway line in Stoke Prior. To the north east of the site there is some light industrial development as far as Stoke Wharf. Immediately to the south of the Canal is a business park, and to the south west of the site are some further light industrial units. The boundary of the site with the canal is lined with trees and vegetation which obscures views into the site from the canal. The tow path of the canal is on the far side of the Canal to the site. The site is currently vacant, until the mid 20th century it would appear to have been undeveloped, it was then used for the dumping of waste, indicated by the waste pits noted on the late 20th century OS plans.

A draft Conservation appraisal and management plan was prepared about a year ago and having gone through a public consultation process will hopefully be adopted as SPG in the new year. The applicant has noted the appraisal in the heritage statement and has highlighted the special character of the conservation area as noted in the document.

The W&B Canal Conservation Area covers the W&B Canal from the Southern Portal of the Tardebigge Tunnel to Bridge 41 at Astwood Lane. For most of its length it covers just the Canal and towpath. It expands out at various points to incorporate canal related development, in addition to the historic hamlet at Stoke Prior.

In the context of the Midlands the W & B Canal is of considerable architectural, historic and scenic interest. The influence of canals was phenomenal, completely revolutionising industrial transportation. The Canal's long sinuous form cuts a swathe through the rural environment, notably the stretch from Tardebigge to Stoke Wharf which has changed little since it was constructed at the beginning of the 19th century. The suburbs of Birmingham including Selly Oak and Kings Norton and the Worcester end of the Canal would have been equally rural at the time of construction but have changed beyond recognition unlike this stretch of the Canal. Parts of Bromsgrove are visible at certain points, but despite the expansion of the town, in long views it remains visually separated by countryside. The curving course of the Canal adds significant visual interest and provides constantly changing vistas. Canalside trees and hedgerow form boundaries along the canal especially on the towpath side resulting in an enclosed setting to the canal in places. The lack of traffic noise, and the sounds of running water and birdsong reinforce the rural setting.

The stretch between Stoke Wharf and Bridge 42 at Stoke Works is more built up and developed with business and industrial units. Historically this area had a number of industrial works, most notably the John Corbett Salt Works, now redeveloped for housing. Despite this development the countryside never feels far away. In respect of this area and the proposed development site, the appraisal notes, 'Beyond the Hanbury Road the Canal continues in a south westerly direction, however the setting changes noticeably, from a rural area to one comprising business units and light industry. To the north are the units described above, and to the south is a business park/light industry estate. The

industrial buildings to the north have existed since the construction of the Canal, although they were significantly smaller in scale throughout the 19th century. The Canal uses were relocated to Tardebigge in the 1920s and it is likely that the buildings were altered and extended after this time. The south side of the Canal only began to be developed in the 1950s, original as an engineering works which has now been replaced with relatively modern, but architecturally undistinguished B1 units.

The north side does remind us of the industrial past of some aspects of canal life, although within the C A as a whole these pockets were relatively small. There were, however, wharves distributed along the canal at regular intervals in the 19th century and early 20th century, but most have disappeared altogether.

Where the Canal bends marginally in a south south/westerly direction development peters out on the north side, with a late 20th century building, residential in appearance with a warehouse unit behind. Views are then obscured in a westerly direction on the far bank by hedgerow and rough planting. This reinstates the sense of a rural setting again in this direction.'

In summary the setting of the Canal is predominantly rural. There are pockets at the southern end where there is light industry and other business uses, but they are generally on sites that were developed in the 19th century to benefit from a canal side location for transportation. Despite this the countryside does not feel far away.

The proposed development site appears to have been un-used until the mid 20th century when it was then used to dispose of waste. It is currently screened from the Canal and as noted above reintroduces the sense of the predominant rural setting of the Canal in the more industrial section. The proposed caravan park , especially given its intensive nature, would be alien to the area bringing a suburban feel to the predominantly rural setting of the Canal, which would be at odds with its character. That said views of the caravans from the canal would be largely obscured by the existing screening, although how effective this would be during the winter months is debateable. The plans submitted also show a path through the existing trees close to the canal. The towpath for the Canal is located to the south of the Canal and constructing a path on the north side, albeit slightly set back could potentially undermine the significance of the historic towpath and our understanding of the way canals operated historically, it would also potentially reduce the tree coverage along this boundary.

The landscape plan submitted does not contain sufficient information to assess how effective it would be at maintaining the existing summer screening, and it is likely that it would need to be reinforced to provide better screening in the winter. It is not suggested that evergreens are added to achieve this. In conclusion it is considered that a caravan park would be an alien addition to the setting of the predominantly rural setting of the Canal, contrasting as well with the industrial pockets found along the Canal. The proposal is therefore at odds with the historic environment policies in the Bromsgrove District Plan noted above. A considered landscape plan may however mitigate the harm by maintaining and reinforcing the current screening of vegetation and trees. If you are minded to approve the scheme it is suggested that you condition a landscaping scheme unless the applicant is able to provide more detailed information on this aspect of the scheme prior to determination.

07-06-2021

I previously commented on this scheme in December 2020. The revised information submitted would not appear to address any of the concerns expressed and I therefore stand by my December comments.

I had suggested in those comments that more information on the proposed landscaping should be submitted, and I note that the CGI at point 1.48 in the revised Planning Statement would appear to be at odds with the proposed landscape plan, and this discrepancy at least should be addressed.

**Natural England 11/12/2020**

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

**BDC Ecology 06/04/2021**

I have previously reviewed and made comments on the application on 7th July 2020. My comments below relate to the Geriant John Planning letter regarding the planning response dated 30<sup>th</sup> October 2020.

Species and Habitat Mitigation

I can confirm that I do not have issue with and support the outline mitigation proposals suggested within the Ecological Impact Assessment prepared by EcoTech in May 2020. A condition should be made in relation to section 5 of the report so that the mitigation, compensation and required licencing is obtained following consent and prior to commencement on site. The condition should only be discharged once suitable and appropriate information has been provided.

In terms of clarification in relation to my previous comments, my main concern is how the mitigation will be achieved in relation to the development proposals. What is not clear is how the mitigation proposed will be incorporated into the proposed layout/scheme and the mechanism for ensuring habitats and protected species are safeguarded prior to, during and post development. At present the layout scheme prepared by Park Evolution (May 2020) is too illustrative and does not reflect the mitigation strategy proposed. For example, refugia are proposed within the site but these are not shown on the plan. Geriant John Planning have proposed that a revised landscape plan and a new management plan will be undertaken to address these points and will form a pre commencement planning condition. This is for a full planning application and my preference would really to have the mitigation/compensation/enhancement resolved, at least in outline form, prior to determination so that there is no ambiguity in relation to the scheme prior to works on site. However, it is for the planning officer to determine how best to deal with the timing and submission of information required for mitigation in relation to the application.

## Badgers

A walk over/ pre-commence check for badgers should be undertaken. As per my previous comments, I would recommend that this forms a pre commencement condition.

## Canal Corridor

The habitat along the canal corridor should be retained and enhanced. Again, this should form part of the general mitigation strategy related to a more resolved landscape scheme. If artificial lighting is to be installed along the footway, then this needs to be preapproved by the applicant's ecologist to ensure there are no affects on foraging and commuting bats. This can form part of a pre commencement condition.

## Environment Agency 11/10/2021

We note the Phase 1 desk study dated June 2021 (updated) – report no. 21133/1. The risk to groundwater (controlled waters) as concluded in the report is low. We think the human health risk is more the issue with this one. We note the comments of Worcestershire Regulatory Services (WRS) and are happy to go with the conditions they recommend, in line with our previous recommendations.

## North Worcestershire Water Management 21/05/2021

I note in the applicant's letter they put NWWM in the list of no objections / conditions can cover issues however looking back at my comments for this site I recommended that the application is deferred until further information is received ' for clarity I've summarised my concerns below. Points 1 and 3 relate to issues which I believe need to be sorted before planning permission is granted.

- No dwelling should be placed over the culvert (the drainage strategy in the original application suggested this would be adhered to but the latest plan does not) ' I think this matter needs to be clarified before a decision is made rather than approve a plan which might allow for building over a culvert; the site layout may need to be tweaked to comply with this?
- A culvert survey should be carried out to ensure no defects (this can be conditioned).
- Some areas of the site are susceptible to surface water flooding which may be hazardous (depth & velocity) ' due to the proposed use of the site these areas should be avoided. Similarly to point 1, this needs to be clarified before a decision is made.
- The revised documents suggest the use of bioretention filter drains; this is welcomed as part of a SuDS strategy but I would like to reiterate that these should be lined and outfalling into the culvert (at a limited discharge rate) to reduce the mobilisation of contaminants, if present, due to the site being a former landfill site. It is not clear from the cross-section of they will indeed be lined, but this may be conditioned as part of the detailed drainage strategy.
- The discharge rate of the site is covered in the additional material so no further comments regarding this however there appears to be two connections into the culvert, with the 26 or so units to the South not passing through the attenuation tank; I would like

clarification that a similar arrangement will be used for this area and where flow controls will be located.

- Further detail was requested regarding the capacity of the pond ' it must have capacity to drain the developed area of the site on top of the current area assumed to drain into it with sufficient free-board. I note that the revised strategy by-passes the pond and connects only to the culvert; this is fine but I require details on the sizing of the attenuation tank(s) proposed. This can be conditioned.

- The .MDX file for the microdrainage calculations was requested ' this can be conditioned.

- Finally I requested information on the adoption and maintenance of the SuDS and drainage features, including the culvert ' this can be conditioned.

### **BDC Leisure Play Provision**

We would recommend that the design of the access routes along the canal corridor are linked into the residential proposal and provide easy access for all abilities. Consideration should also be given to the central pond area to ensure this has natural surveillance for a water risk management perspective and include the appropriate mitigation measures to ensure residential safety - particularly considering visiting families. Leisure would also recommend appropriate outdoor facility provision for this age group - this could be in the form of outdoor fitness trail or similar to be provided on site or off site within the locality

Play provision should be calculated for the residential impact locally and provided at the Parish Council Play Area at Shaw Lane as an offsite contribution

### **BDC Leisure - Open Space/Parks 09/12/2020**

Open Space layout -. SUDs needs to be planned to ensure Rospa Water Safety measures are included to manage water safety on site.

### **North Worcestershire Economic Development And Regeneration (NWEDR)**

18/03/2021

#### **OBJECTION**

The applicant is seeking permission for 90 static homes for the over 55's at Corbett business park on existing employment land.

The site has been split into phase I and phase II. In 2018 a new warehouse was constructed for a occupier looking to expand their business, this part of the site remains occupied.

Due to the relatively recent new occupier on part I of the site, this site shows potential as employment land as should continue to be marketed and protected for future employment use.

In addition, adding a residential site into an already active business park could have an impact on the future use of surrounding employment sites, restricting use due to noise or traffic close to a residential development.

28.09.2021

The site in question is employment land in a designated employment site in Stoke Prior. NWedR strive to protect employment land where possible and are of the opinion that a caravan park in this location could affect the use of neighbouring employment land on the business park in the future.

### **BDC Waste Management**

Comments Awaited

### **WCC Education Authority**

This development is currently detailed to be for 'over 55's', which would likely have a lower impact on local education places than all-age dwellings of this type. Although the detail describes aspirations for an over 55's residential park, the only way a restriction upon the occupancy of the caravans could be enforced, would be to impose a planning condition or clause in a legal agreement which restricted the occupancy of the caravans to a particular age range. At present, no such condition has been agreed for this site. Without such a condition, or clause in a legal agreement, the development could be occupied like any other residential scheme and therefore have an impact upon local education provision which would then reasonably warrant a contribution.

**Therefore, until such an enforceable condition or legal restriction is agreed, this application has been treated similarly to that of an application for all-age static residential park homes**

The development site is situated in the district of Bromsgrove where a three-tier system of education is in operation. The schools considered to be directly related to the proposed development are the catchment area schools of Stoke Prior First School, the shared catchment area of Aston Fields Middle and St John's CE Middle Schools and South Bromsgrove High School. The area is also served by Rigby Hall Special School, a broad-spectrum special needs school for children aged 3 to 19 with a range of learning difficulties and/or autism

Planning Obligations Sought In response to the proposed planning application as submitted, an education obligation will be sought across the whole development.

First School Contribution = £397,364

Middle School Contribution = £337,299

High School and Sixth Form Contribution = £349,482

SEND Contribution = £72,248

Plus Secondary year groups = £99,852

Total Contribution = £1,256,245

The contribution rate is applicable as at April 2020. Indexation will be charged from the date of this statement. Contribution to be paid on or before occupation of one third of dwellings. Payment in instalments will be considered but first payment must be received before occupation of one third of the dwellings and full payment must be received before occupation of the final dwelling. A monitoring fee will also be applicable to this site.

**Should an appropriate enforceable condition / legal restriction be applied to this site, then this site would be subject to no education contribution.**

#### **WRS - Contaminated Land 19/05/2021**

No objection

Based on the review of: Phase I Desk Study (Georisk Management Ltd, June 2021)

This updated report was submitted following concerns raised by WRS regarding the originally submitted report, which did not consider risks to human health adequately. The Phase I Desk Study adequately reviews the history and environmental setting of the site. It also includes summaries of previous reports and investigations undertaken on the site. Data previously obtained from chemical sampling of the on site soils shows they do present a risk to human health. There is also a potential risk from ground gases being generated by the buried waste. However, the most recent site investigation data was collected in 2003 and as such it is not known what the site condition is currently. Of particular note is the recent addition of up to 2m of fill imported to the site, the composition of which is unknown.

It is concluded that a new Phase II investigation is required to obtain current data on the condition of the site, both geochemical and geophysical, to aid the development of an accurate understanding of the site's condition, and devise a suitable remediation strategy to make it suitable for development. I agree with this recommendation.

Recommendations:

Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, pre commencement Conditions are recommended for inclusion on any permission granted. The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

#### **WRS - Noise 28/09/2021**

**OBJECTION**

Noise Assessment Review

This report is comprehensive and recommends mitigation to comply BS4142:2014+A1:2019 and BS8233:2014. Compliance with these standards require the construction of an acoustic enclosure around the site perimeter. The report specifies A 6m high bund / acoustic fence combination along the north eastern boundary and a 2-3m

acoustic fence along the northern railway line boundary with a recommendation to extend this to the south western boundary. If planning permission is granted, WRS recommend that a 3m acoustic fence should be installed along the northern and south-western boundaries and a revised plan should be submitted detailing the extent, height and surface density of the all acoustic fencing.

## Uncertainty

Environmental noise is dynamic in nature and for this reason assessments will always be a snapshot in time. When WRS review the work of consultants acting on behalf of applicants WRS will critique the technical elements and based on the use of British Standards will also make requests for additional attention if warranted. However, uncertainty also plays a significant part of our review and WRS believe that this is an important factor in concluding its advice to the LPA.

Acoustical uncertainties present themselves where the general noise landscape in an area may be less predictable. This is true of industrial estates as they are a place of employment, manufacturing, waste management, distribution of goods and major transport links as seen in this application. For this reason the dynamics of sound can change unpredictably and in our experience the sighting of residential properties cheek by jowl with industrial use on nearly all sides, presents a significant level of uncertainty in securing a long term noise amenity levels that are acceptable to future residence regardless of good attenuation and compliance with British standards. Visa Versa sighting of residential property next to industrial units in this fashion can expose existing business to legal liabilities as noise complaints from such developments of similar layout are common and can potentially limit the type of industrial use that can be reasonably undertaken without giving rise to actionable noise complaints.

## Conclusion

WRS believe that the recommendations made by the noise report are satisfactory and address the points of concern in pure acoustic terms. Nevertheless, WRS believe that the level of uncertainty with regard to local noise raises significant concerns of incompatibility with that of residential use and for this reason we are unable to support this application.

## Recommendation

WRS object on the grounds of noise amenity.

## **WRS - Air Quality 19/05/2021**

WRS have reviewed the application in relation to local air quality. No specific air quality concerns have been identified in the development area. Given the size of the proposed development you may wish to incorporate the standard air quality mitigation measures for residential development to help alleviate pollution creep and encourage uptake of low emission vehicles. The standard air quality mitigation measures wording is attached for your consideration.

### Air Quality Conditions

National Planning Policy Framework (NPPF) Paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

It is recommended the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations in accordance with NPPF Paragraphs 102, 103, 105, 110, 170, 181:

### Secure Cycle Parking

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.

### Electric Vehicle Charging - Domestic Development

The provision of more sustainable transport modes will help to reduce CO<sub>2</sub>, NO<sub>x</sub> and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be installed that can be adapted to an appropriate dedicated socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

### Low Emission Boilers

Boiler NO<sub>x</sub> emissions from building heating systems contribute to background NO<sub>x</sub> concentrations and the following condition is recommended to alleviate impact from new buildings.

### **NHS/Medical Infrastructure (Worcestershire Acute Hospitals Trust)**

No Objection subject to contribution towards local health care provision

The Trust is currently operating at full capacity in the provision of acute and planned healthcare. A contribution of **£59,565.48** 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. Such an outcome is not sustainable and will have detrimental socio-economic impact on the community.

The Trust acknowledges that housing developments are constructed and occupied in phases and therefore is willing to negotiate staged payments of the total sum claimed. The money will be spent to meet the marginal costs of direct delivery of healthcare for the additional population. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables, equipment.

### **NHS Clinical Commissioning Group (GP Surgeries) 02/06/2021**

The proposed development is likely to have an impact on the services of 1 GP practice. The GP practice does not have capacity for the additional growth resulting from this development. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire CCG would therefore expect these impacts to be fully assessed and mitigated.

#### Summary position for primary healthcare services within catchment (or closest to) the proposed development

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development will generate an additional 216 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

#### Healthcare Needs Arising From the Proposed Development

The intention of Herefordshire and Worcestershire CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy, by way of new and additional premises or infrastructure, or extension or alterations to existing premises.

#### **Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal**

we are willing to accept the applicant's assumption that the average household of a static residential park home is 1.7 persons. We have therefore re-calculated the sum the CCG is requesting as follows:

<b>Premises</b>	<b>Additional Population Growth</b>	<b>Additional floorspace required to meet growth (m<sup>2</sup>)</b>	<b>Capital required to create additional floor space (£)</b>
Davenal House Surgery	153	10.49	24,127

Resulting in a request for a developer contribution of **£24,127**.

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 to be **£24,127**. Payment should be made before the development commences.

Herefordshire and Worcestershire CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

### Conclusions

In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that Herefordshire and Worcestershire CCG deem appropriate having regard to the formulated needs arising from the development. Herefordshire and Worcestershire CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

### **WCC Highways 06/06/2021**

No objection subject to conditions and s106 obligations

### **Context**

The Highway Authority are in receipt of a full application for the provision of 90 static residential park homes at Corbett Business Park, Stoke Prior. The Highway Authority previously advised no objection in formal highway observations dated 18th August 2020. Following the re-consultation, the Highway Authority once again appraised the Application and have reached the same conclusion. However, this response now includes the full conditions and financial obligations required to make the site acceptable. This response supersedes previous highway response.

### **Proposed Development**

The site lies on the southern side of Stoke Prior, Bromsgrove and to the north of Worcester. Stoke Prior comprises of a mix of land-uses including residential and business development.

The proposed development consists of over 55s modular park homes including private driveway, segregated from employment traffic to Corbett Business Park. The total site area comprises some 4.47 hectares (ha).

### **Proposed Site Access**

The proposed vehicular access to the site is by an existing private industrial access connection onto Shaw Lane used by traffic to and from Corbett Business Park. The internal access road to Corbett Business Park divides into two routes at an internal junction. A wide track is provided to the west and north of the existing industrial units whilst parking and access to the businesses are provided on the southern side of the building. The internal arrangement would be an entirely private arrangement. The existing access is sufficient in width with adequate visibility. However, this would be over designed for a residential usage. The existing access is currently gated and provides access into an industrial facility. It is noted that to gain access to the site, occupiers would drive through the existing industrial site. A residential site sharing access with an existing industrial site is highly unorthodox, however, this is an entirely private arrangement. The arrangement does not provide a segregated pedestrian point of access clear from vehicular movements including HGVs. The current footway tapers where the existing gates are *in situ*, and based upon the current arrangement, pedestrians leaving the site will have to enter the private roadway, sharing road space with vehicles. Turning to supporting plan P026C26-11-REV A, *Location Plan*, the indicated blue-line boundary shows control over the access arrangement

Pedestrians should be segregated from car and HGV movements, ensuring that safe and suitable access for all users at the point where they join the public highway. A planning condition has been advised that requires the existing access arrangements to be altered and provide a continuation of a 3m footway into the development for sufficient distance to ensure pedestrians and cyclists are segregated from HGV movements.

### **Traffic Impact**

The Trip Rate Information Computer System (TRICS) database was used to generate trip rates for employment/ industrial use, residential/ retirement flats and fixed caravan accommodation for means of comparison

Typical traffic generation for 90 retirement flats generated by TRICS was 21 two-way trips in the AM peak (08:00 – 09:00), 16 two-way trips in the PM peak (17:00 – 18:00) and a total of 290 two-way trips between 07:00 and 19:00. The TS identifies that this would likely not be fully representative of the trip generation for the proposed development and, therefore, presents the trip rates associated with a similar development in Welford. The trip rates for this are presented below:

- 10 AM peak two-way trips (08:00 – 09:00);
- 8 PM peak two-way trips (17:00 – 18:00); and
- 150 two-way total trips (08:00 – 18:00).

The site the above rates were derived from is considered comparable in terms of location and use to the proposed development. The Highway Authority, therefore, is satisfied with this.

### **Local Amenities and Bus Infrastructure**

The TS notes that the nearest bus stops are at the railway Bridges 240m from the proposed development. However, this would be linear from the site to the bus stop. The current pedestrian network would route pedestrian via the access on Shaw Lane to the near bus-stop near the Railway overbridge on Shaw Lane. This is a distance of approximately 700m.

A contribution of £700.00 is requested to replace the life expired concrete bus stop poles on Shaw Lane.

There will be an impact from this development on Community Transport for those residents with limited mobility who are unable to access conventional bus services and to access Acute Hospitals that are some distance from the location. Static caravan sites in this geography tend to be occupied by a demographic who require the stated services. Likewise, the Application Form states that this application is for the construction of 90 residential park homes for the over 55s along with associated parking and landscaping. The County Council has specific duties to consider the transport needs of elderly and disabled people under the Transport Act 1985 and more general duties under the Equalities Act 2010. Based on data from the 2011 Census using the average population mix for Bromsgrove residents over 55, the target group for this development, and the Worcestershire Concessionary Travel Scheme, it is estimated that 36 residents could fall in this category.

On this basis, the Highway Authority request a contribution of £22,600.00 to establish a new Community Bus service serving the development on 2 days a week providing shopping opportunities in Droitwich or Bromsgrove. Establishing the Community Bus, registered under Section 22, would ensure that residents are able to access free concessionary travel as on a normal bus.

### **Public Rights of Way**

The TS states that no Public Rights of Way (PRoWs) would be affected by the proposed development. However, it does identify that a Stoke Prior 521(B) which follows an alignment to the north side of the railway would provide a right of way for use by pedestrians and cyclists.

### **Network Safety**

In accordance with WCC's Streetscape Design Guidance (2020) a TS has been produced. The TS identifies that no collisions were recorded within the vicinity of the site, including the proposed site access between 2013 – 2018. A review of CrashMap has identified that collision data is available for the most recent five-year period (2014 – 2019) confirms the absence of collisions in this location.

### **Travel Plan**

As per the provisions of the Streetscape Design Guide, the Highway Authority request that the Applicant produces a Travel Plan and Residential Welcome Pack for all residents. As part of this, the Applicant is required to undertake Personalised Travel Planning (PTP).

## **Conclusion**

The Highway Authority has undertaken a robust assessment of the application. Based on the analysis of the information the Highway Authority concludes that impact on the local highway would not be severe subject to the conditions and obligations outlined in this report.

## **Conditions**

1. Prior to commencement of development, details of a new 3m footway at the Shaw Lane site access tying to the existing footway connecting into the site for a minimum distance of 25m. This would be paved and kerbed providing segregation for pedestrian from the existing roadway. This will be constructed by the Applicant and maintained in perpetuity.

REASON: To ensure safe and suitable access for all road users.

2. The Development hereby approved shall not be occupied until the Applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with WCC's Travel Plan Co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

3. The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority a Residential Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

## **Obligations**

1. A contribution of £700.00 is required to upgrade the bus stop on Shaw Lane.

REASON: To maximise use of sustainable travel modes and to encourage use.

2. A contribution of contribution of £22,600.00 is necessary Community Transport to provide door to door transport for those residents unable to use conventional bus services is required.

REASON: To maximise use of sustainable travel modes and provide transport for those residents unable to use conventional bus.

**Network Rail 21/12/2020**

No objection

Due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

**West Mercia Constabulary (Designing out crime) 18/05/2021**

No objection or comments regarding this application.

**Hereford & Worcester Fire And Rescue**

Access to the static residential units, access widths and road surfaces should be suitable for the attendance of fire appliances

**Council's Viability Consultant 28/04/2022**

This is an unusual scheme in the nature of the product proposed. It is not a standard estate housing scheme and the ground conditions on the site itself appear to mitigate against a conventional development of estate housing.

The wider area is generally commercial, which places a challenge on achieving a robust gross development value. However, having looked at the applicant's figures here they appear reasonably in line with my own and on this basis appear fair.

Both sides are reasonably in agreement on the land value benchmark for the site.

Where there remains some difference, is in relation to construction costs. I have commented that the costs of the proposed (modular) construction look higher than for traditional build. The proposed dwellings are also increased considerably in cost by virtue of transportation costs. This makes them uncompetitive with traditional build although the applicant is making the argument that traditional build would actually incur higher costs because of the ground conditions. This issue would really only be resolved by significantly more evidence and research and it may also lead us into arguments about putative schemes with all the associated issues. This nevertheless remains an option open to the Council.

I have nevertheless concluded a figure with Cecilia Fellows at Avison Young with regards to an Affordable Housing contribution. The viable position, on the strength of the scheme before us is 9 Affordable units and the payment as a commuted sum is **£667,000**. This is calculated as the difference:

Residual Value at 10% Affordable Housing = £1,417,000 and

Residual Value at 0% Affordable Housing = £2,084,000.

This is an equivalent approach which should allow for Affordable units to be provided elsewhere either by a RP or by the Council itself.

In arriving at this figure -

We are agreed on GDV and LVB; We are agreed on profit margin (I have moved here to 20% which is fair given current market uncertainty). I have moved the yield out from 4% to 6% on the income element.

## **Representations from Local Residents**

At the time of preparing this report 218 representations, comprising 213 objecting to the proposal, 4 making comments and 1 representation in support, had been received. A proportion of the representations are from the same households, primarily due to multiple consultations during the course of the application.

### **Comments in Objection**

#### **TRAFFIC & HIGHWAYS**

- The development would compromise road safety
- The development would increase air pollution
- The proposal would compound road congestion
- The proposal makes insufficient provision for off road parking
- The access is in close proximity to the railway bridge which has a traffic management system due to the narrow roadway
- The canal bridge is unsuitable for more traffic
- The residential development to the south-east of the canal is still being built out and consequently the full level of traffic from that development has not yet been realised. This scheme will compound the situation.
- The junction around Shaw Lane and Westonhall Road is already dangerous with many employees on Corbett Business park parking on the road around the junction and close to the one lane section of Shaw Lane under the railway bridges.
- Traffic generation at peak times is massive, contrary to the applicant's planning statement
- The whole of Stoke Prior including Shaw Lane and Westonhall Road is part of a rat run throughout the whole village to the M5 at peak times 07:30 - 09:00 and 16:30 - 18:00 daily. This traffic is passing to and from the three Business/Industrial Estates on the Hanbury Road opposite Harris Brush Works, which is itself an employer of 300+ employees
- Section 5.4 of the traffic report draws analogies to a site in Welford. The use may be the same but the size of the village is not and also it is not adjacent to an industrial area that has movement of heavy trucks.

#### **ACCESS**

- Visibility splays are inadequate at the access
- There are no plans to improve road access to the site off Shaw Lane apart from relocating the entrance gate 20 metres back towards the industrial side.
- Mixing residential and employment traffic will result in HGV vehicles being hampered entering the "employment site" with potential for them to block the Highway until such a time they can proceed
- Traffic from the bridges turns left into the business park, sometimes at over 30mph. This traffic will be meeting traffic turning right from the access road to the proposed development. Some sort of traffic management would be needed here to increase visibility and reduce potential accidents between cars, trucks, cyclists and pedestrians.

The development may be unsuitable for emergency vehicles

#### DISPLACEMENT OF PARKING FOR EMPLOYMENT USES & ON STREET PARKING

- The planning application site photographs show an empty side road for access, but recent aerial photographs show that this is used for general parking by the factory/office employees.
- The entrance to the 11.05 acre site off Shaw Lane - between Westonhall Road and the twin low bridges with single file access on Shaw Lane - vehicles are parked on both sides of Shaw Lane on the pavements by employees of Corbett Business Park, employees also park all along the 'suggested' access road to the site. Where are all these vehicles going to park IF the development goes ahead.

#### VEHICLE AND PEDESTRIAN CONFLICT

- There is currently no marked footway to segregate pedestrian and industrial traffic

#### UNSUSTAINABLE LOCATION

- The site is poorly served by public transport (1 bus an hour) and would place undue reliance on the private car.

#### LACK OF AMENITIES ON SITE AND IN LOCAL AREA

- There are no buildings proposed on site to serve the needs of local residents.
- The units have insufficient amenity space
- There is only 1 village shop / post office.

#### PARKING PROVISION

- While the planning permission is for 90 retirement or holiday homes, some of the units will have up to 5 bedrooms suggesting that without question, one parking space per property, plus 5 visitor spaces is inadequate.
- Some of the units will have more than one car.
- The number of visitors will no doubt be more than that the available remaining spaces so it is unclear where other visitors would park
- only 95 parking spaces for 90 dwellings, this is only going to Accentuate the existing parking problems faced near the proposed development, where daily there is a line of cars parked along the side of the road creating a hazard for other vehicles.

#### DISTURBANCE DURING DEVELOPMENT

- The proposed units would be bulky to transport and would be a logistical challenge to get on site with narrow roads and bridges leading to the site and would cause a huge inconvenience to residents and traffic in general, especially if diversions and traffic systems were put in place.

#### ENFORCEMENT OF AGE LIMIT

- It would not be possible to practically monitor and enforce an age limit
- Any occupants under 55 would contribute towards existing adverse impacts upon local infrastructure
- Many people work until 65 and beyond
- Many couples in their mid-fifties still have dependents residing with them

#### INADEQUATE INFRASTRUCTURE FOR SCALE OF DEVELOPMENT

- Schools and GP services overstretched
- Occupation by over 55's would inevitably place greater pressure upon local GP services
- We have only a satellite surgery for the doctors and one small shop and school.
- The village has We have only a satellite surgery for the doctors and one small shop and school.

#### LOSS OF EMPLOYMENT LAND

- The site is allocated in the adopted local plan for employment use and not for residential development
- The site could be used for small units for start-up businesses, providing more employment opportunities for local people, rather than encouraging inward migration.

#### COMPATIBILITY WITH ADJACENT USES / RESIDENTIAL AMENITY

- The nature of adjacent land uses is likely to deter occupancy by those it is intended to serve
- There will be an increase in light and noise pollution for current residents.
- Difficult to reconcile demand for such residential accommodation situated within what would be an effective compound, with the canal on one side (with no pedestrian access) and the railway on the other, sandwiched between industrial uses.
- Noise from the factories can be heard in the surrounding areas from around 7 am. This is highly likely to lead to conflict between the new residents and the factory owners, causing many problems for both.

#### CONTAMINATED LAND

- The area has a history of salt mining, the full extent of which is unknown and creates a hazard for any development which may not yet have been mitigated.

#### FLOOD RISK

- Flood risk to the properties adjacent to Henbrook. The drainage report states that any extra discharge from non-permeable surfaces into Henbrook will be at restricted rate. The culvert under the railway is increasingly running at maximum capacity causing flooding downstream at the culvert under Shaw Lane. Any extra water will add to the problem of flood water backing up into the adjacent gardens.
- The development proposes discharge of surface water into Hen Brook. The culverts on Hen Brook are insufficient to deal with the current discharge from previously built developments on the flood plain. Stream water backs up during high rain periods and causes severe flooding to houses on Hanbury Road around Stoke Wharf. There should be no further development without first enlarging the culverts running through Metals and Ores and under the railway.

#### NOISE AND LIGHT POLLUTION

- The development would compound existing noise and light pollution issues

#### AFFORDABLE HOUSING

- The proposal would not deliver any affordable housing for the village

## SCALE & CHARACTER OF DEVELOPMENT

- A static caravan site would be a blot on our beautiful village
- Stoke Prior is a village, not a convenient overspill area
- Out of character with the smart new houses on the Henbrook Gardens estate
- Unacceptably high density over-development of the site.
- The design of the units look like the standard type one could find anywhere in the UK

## ECOLOGY

- Welfare of local wildlife systems including but not limited to the canal system, Hen Brook and Salwarp river feed. The development threatens a further reduction in the habitat for the protected species that are present on the site including Great Crested Newts grass snakes and slow worms. The Applicant's ecological survey also mentions that the dense scrub contributes to the foraging and commuting bats and dunnocks.
- The land should be used as a nature reserve

## NEED / ALTERNATIVE USES

- With the recent development at Henbrook Gardens, there is no need for further residential development
- The site could be redeveloped as a solar farm

## CLIMATE CHANGE

- High dependency on the private car and static homes which are likely to employ propane and log burners as heating sources are not environmentally forward thinking.

## Comments in Support

### NEED

- The area needs this type of Housing

## **Relevant Policies**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP9 Rural Exception Sites

BDP10 Homes for the Elderly

BDP12 Sustainable Communities

BDP14 Designated Employment

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

BDP24 Green Infrastructure  
BDP25 Health and Well Being

**Others**

NPPF National Planning Policy Framework (2019)  
NPPG National Planning Practice Guidance

**Relevant Planning History**

18/00041/FUL	Erection of New Industrial Units for B2 (General Industrial) and B8 (Storage and Distribution) uses	08.08.2018
14/0018	Extension to industrial unit	06.05.2014
B/2005/0717	Erection of additional storage accommodation.	09.02.2006
B/2005/0716	Deletion of condition 04 attached to B/2003/0531 to permit unrestricted operational hours	09.02.2006
B/2005/0597	Raise ground levels of part of existing land to form a development platform and form raised bund area for landscaped tree planting.	23.12.2005
B/2003/1368	Relocation of pump house and water storage tank (sprinklers).	06.02.2004
B/2003/0531	Change of Use to B1, B2 & B8 use.	16.06.2003
B/1998/0449	Pumphouse and water storage tank (sprinklers) at Bayer UK Ltd, Shaw Lane, Stoke Works, (as augmented by plans received 29.06.98).	13.07.1998
B/1995/0933	Extension to gatehouse and proposed pallet store	02.01.1996
B/18398/1989	Temporary Office Accommodation and hardstanding for car parking.	09.10.1989
B/13182/1985	Construction of new emergency access.	09.09.1985

**Assessment of Proposal**

## **Site Location and Description**

The application relates to an area of land measuring 11.05 acres located on the north eastern side of Shaw Lane. The land located to the rear of the site is currently vacant and comprises of the last phase of Corbett Business Park. The eastern boundary of the site abuts the Metal and Ores site accessed via Hanbury Road. The designated Worcester to Birmingham Canal Conservation Area is adjacent to the Southern boundary and further commercial and industrial premises are located on the Saxon and Harris Business Park to the south of the canal. The northern boundary of the site runs parallel with the railway line that links Worcester with Birmingham. The site itself is currently undeveloped, with a screening belt of trees fronting the canal and a pond located on the southern side.

The site is designated as an employment zone within the adopted Bromsgrove District Plan and constitutes 'previously developed land.' Although contains no built development.

## **Proposal**

Full Planning Permission is sought for a development of 90 residential park homes on the site. The proposed development comprises 3 models of Willerby Bespoke Park Homes of which the floor plans for each model has been submitted as part of the application. These would have a mix of horizontal artificial timber style cladding/ rendered exteriors and shallow pitched tiled roofs. These units would be serviced via the existing entrance to the industrial units at Corbett Business Park but with capability to create a segregated area for cyclists and pedestrians.

The development is specifically intended to cater for the over 55's. Each units would have 2 parking spaces. An existing pond would be retained. The application also includes proposals for acoustic fencing to the north, west and eastern boundaries.

The proposal was last amended in January 2022 to delete a proposed pathway through an area of landscaping running parallel to the southern boundary alongside the Worcester and Birmingham Canal, at the suggestion of the Local Planning Authority.

## **Main Issues**

The main issues to consider in this case are

- Principle of Development
- Loss of Employment Land
- Housing Supply
- Housing Need
- Highway Safety
- Character, Setting and Design
- Residential Amenity
- Ecology
- Floodrisk
- Land contamination
- Mitigating impact upon local infrastructure

- Proposed Occupancy age limit

These issues are considered below and weighed in the Planning Balance

### **Principle of development**

The site is designated as an employment zone within the adopted Bromsgrove District Plan and constitutes 'previously developed land.'

Criterion 'a' of Policy BDP2 of the adopted Bromsgrove District Plan identifies "*Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt;*" as being a suitable location for residential development.

Similarly, paragraph 118 of the NPPF states that

*118. Planning policies and decisions should:*

- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.*

The site lies with the settlement of Stoke Prior as defined by the residential and employment areas identified on the proposals map.

There are two key considerations in considering the principle of development in this case. Firstly, the designation of the site in the development plan for employment purposes, and secondly the Council's current position in respect of housing land supply.

The loss of employment land and Housing Land supply position are considered in the subsequent sections of this report.

### **Loss of Employment Land**

Corbett Business Park is an existing industrial park situated on land designated for employment purposes and permissions have been granted for the use of the wider business park for B1, B2 and B8 uses.

BDP Policy 14 states that

*BDP14.3 Bromsgrove District Council will safeguard employment areas that:*

- a) Are well located and linked to the main road and public transport network; and*
- b) Provide, or are physically and viably capable of providing through development, good quality modern accommodation attractive to the market; and*
- c) Are capable of meeting a range of employment uses to support the local economy.*

*BDP14.4 Proposals that result in the loss of employment land for non-employment uses, such as housing, will not be considered favourably unless applicants can adequately demonstrate that:*

*i) The proposal would not have an adverse impact upon the quality and quantity of employment land within the local area; and*

The loss of the site to employment use would compound the loss of employment land in the area and District as a whole.

*ii) There would be a net improvement in amenity (e.g. 'non conforming' uses close to residential areas); and*

The site is not presently in active employment use and consequently there is no assessment to be made about whether there would be an improvement to the amenities of residents. Moreover, the nearest residential properties are situated on the opposite side of the canal to the south east of the site.

*iii) The site has been actively marketed for employment uses for a minimum period of 12 months, providing full and detailed evidence or where an informed assessment has been made as to the sustainability of the site and/or premises to contribute to the employment land portfolio within the District (as part of this assessment, consideration should be given to the appropriateness for subdivision of premises); or*

It is accepted that the site has been marketed in excess of the requisite period, but that does not mean that further marketing would fail to generate interest.

*iv) The new use would result in a significant improvement to the environment, to access and highway arrangements, or sustainable travel patterns which outweighs the loss of employment land; and*

The site is undeveloped. It is visible from the canal towpath and development on the opposite side of the canal. The site does not have a detrimental impact on the environment in its present state. The south-eastern edge of the site / canal bank has some existing trees and screening vegetation.

The proposal offers no significant changes to the junction arrangements, save creating a safe route for pedestrians and cyclists from the development to the site access. As the site is undeveloped realistic comparisons cannot be made between 'existing' and 'proposed' traffic without making assumptions, but the acceptability of the proposal in highway terms does not rely solely upon demonstrating that the use might generate less traffic, than an alternative.

*v) The site/premises are not viable for an employment use or mixed use that includes an appropriate level of employment. A development appraisal should accompany proposals to clearly demonstrate why redevelopment for employment purposes is not commercially viable.*

*BDP14.5 In line with the NPPF, planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable*

*prospect of a site being used for that purpose. Where the above criteria is justified and there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

Notably, the applicant's marketing report does not explicitly claim that the site is not viable for employment use. Part of the site has been recently developed in 2018 to facilitate further employment use.

Fisher and German have been joint agents for the site and have carried out an extensive marketing campaign in excess of 15 years. Their report forms part of the application. The report states a number of reasons why it has been difficult to generate an occupier for the site including:

- Poor access;
- Ground Conditions; and
- Better alternative sites within the area.

The marketing report concludes by stating:

*"Phase II Corbett Business Park has been openly marketed for many years without success.*

*The land has outline consent for employment development and therefore new buildings to suit specific occupier requirements have been offered to the local and regional market, in all, over a period of almost 17 years.*

*Whilst discussions have taken place with potential tenants or buyers, this initial interest has not resulted into any serious interest.*

*The site is in a semi-rural location. Not in itself a major issue, but access to the site is poor. This has been the dominant reason for potential occupiers to discount the site.*

*There are a number of established business parks and estates in the intermediate area which are more readily accessible from the main road and motorway network. In addition, there are a number of employment sites with outline planning consent in the area with superior access, which will be able to satisfy market demand in the coming years."*

The fact that residential development, has been permitted under the terms of application reference 17/00761/FUL within the allocated site for employment on the south side of the canal, does not justify the further release of employment land on the north side.

In my opinion, the applicant has not demonstrated that there is no reasonable prospect of the site being used for employment purposes. The fact that there may be better available sites by comparison, does not make the site unsuitable for employment use, when seen in the context of the development plan period, where site availability may vary over time. North Worcestershire Economic Development and Regeneration (NWEDR) object to the proposal and it is considered that the release of this land for purposes other than employment use would be premature. In the event Members considered that the relevant policy requirements under 14.4 had been met, it does not automatically follow that the

site would be suitable for residential use, as BDP 14.4 should not be read independently of other policies in the development plan which are material to consideration of this application.

### **Housing Supply**

Paragraph 59 of the NPPF states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where, it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

The fact that Bromsgrove cannot presently demonstrate a 5 year supply of housing is not disputed and the development could make a meaningful contribution to this identified shortfall. This matter must, reasonably, therefore be given substantial weight in determining the application. The relevant test is set out at Paragraph 11 of the NPPF which sets out a presumption in favour of granting permission unless *“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”* The other impacts of the development are considered in the subsequent sections of this report and in the planning balance.

### **Housing Need**

Policy BDP8 of the Bromsgrove District Plan requires that for brownfield sites accommodating less than 200 dwellings, up to 30% affordable housing will be required. paragraph 8.2 of Policy BDP8 states that in exceptional circumstances where the applicant can fully demonstrate that the required target cannot be achieved, the Council are able to negotiate a lower provision. However, the policy does not allow this to be provided through the payment of commuted sums for off-site provision and as such, a registered social housing provider would usually be required to adopt a certain number of units as affordable homes. The reasoned justification for the policy states that there is a significant unmet demand for affordable housing in the district. Accordingly, the provision of affordable housing is a fundamental consideration for new residential development.

In this case, the Applicant has contacted a number of registered social landlords to establish the premise of these established companies adopting the park home units, with the necessary requirements of affordable units in mind. That exercise did not generate any interest.

Furthermore, the land conditions are not suitable for conventional built development with footings and foundations so the prospect of constructing conventional houses on site to meet the requirements for affordable housing is not a viable option in this case.

The applicant has requested that the requirement for an offsite affordable housing contribution, rather than the provision of on-site affordable housing is considered by the Local Planning Authority.

The principal drawback with conceding a commuted sum is that collection of a sum in lieu of onsite provision does not actually secure the delivery of the affordable housing at the same time as the development, nor does it identify an alternate site where such housing might be provided and delivered in an equivalent form.

Paragraph 62 of the NPPF states that –

*“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:  
a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and  
b) the agreed approach contributes to the objective of creating mixed and balanced communities.*

In this case your officers consider the applicant has robustly justified why a financial contribution towards off-site provision is justified in accordance with the NPPF.

The remaining issue to resolve then is the amount of contribution. The Council's policy requires the provision of 30% affordable housing on this brownfield site. The applicant's viability appraisal reviewed by the Council's consultant could sustain a contribution equivalent to 10%.

Whilst this is a level of contribution falling short of the level usually deemed acceptable it would nonetheless help the district meet its specific affordable housing needs.

Accordingly, whilst the proposal would not accord with Policy BDP8 it would accord with Paragraph 62 of the NPPF.

### **Highway Safety**

Policy BDP16 states 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.”*

The site is located off Shaw Lane which has vehicle height restrictions in the vicinity. The road is subject to a 30mph speed limit. The proposed development would be accessed via the existing vehicular access which serves Corbett Business Park. Within the site the existing access road skirting the northern boundary between the existing units and railway line would serve the proposed development with the potential for segregation of pedestrians and cyclists from vehicular traffic.

In their consultee response WCC Highways make the observation that -

*“A residential site sharing access with an existing industrial site is highly unorthodox, however, this is an entirely private arrangement”* - the inference being it does not have to meet adoptable standards.

However, they note that *“The arrangement does not provide a segregated pedestrian point of access clear from vehicular movements including HGVs. The current footway tapers where the existing gates are in situ, and based upon the current arrangement, pedestrians leaving the site will have to enter the private roadway, sharing road space with vehicles.”*

Nonetheless, they have acknowledged that on the “supporting plan P026C26-11-REV A, *Location Plan*, the indicated blue-line boundary shows control over the access arrangement” This means that the applicant could deliver the requisite safe route for pedestrians, and those details could be secured by a condition in the event that Members were minded to approved the application. On that basis officers consider that highway safety concerns in this regard could be adequately mitigated via the implementation of improvements in accordance with further details which could be secured by planning conditions if members were minded to support the application

WCC Highways advise that pedestrians should be segregated from car and HGV movements, ensuring that safe and suitable access for all users at the point where they join the public highway and recommend a planning condition that requires the existing access arrangements to be altered and provide a continuation of a 3m footway into the development for sufficient distance to ensure pedestrians and cyclists are segregated from HGV movements. Officers are consequently satisfied that this matter could be addressed by condition if members were minded to support the application.

The site is situated in a location, within close proximity to a number of essential services and facilities. The distances to those facilities are:

- • Post Office (500m);
- • Morrisons / ALDI Supermarkets (2.3km);
- • Numerous Nature Reserves and Parks (within 2km);
- • Stoke Prior Village Hall (800m);
- • Restaurants, Pubs and Cafes (within 2km);
- • Places of Worship (1.9km);
- • Larger range of services and facilities in Bromsgrove (4km);
- • Doctors Surgery (500m); and
- • Dentist (Charsfield Dental Practice) – 5.8 miles

Subject to improving connectivity through land in the applicant’s ownership and control it is possible the proposed site would be in reasonable walking distance of some local shops and services.

Worcestershire County Council’s Highways have undertaken a robust assessment of the proposal, and based on the analysis of the information submitted with the application and the consultation responses received from third parties. According, having regard to that advice, I concur with their conclusion that the proposal would not be an unacceptable impact on highway safety in the area and safe and convenient access could be achieved in accordance with Policy BDP16.

Worcestershire County Council Highways have recommended that several conditions should be appended to any permission in the event Members decide to grant planning permission. One of these conditions is for a travel plan to be submitted that promotes sustainable forms of access to the development site, in order to reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy BDP16.

## **Character, Setting, and Design**

Policies in the Bromsgrove District Plan, notably BDP 20, which at 20.2 states that the Local Authority will “*support development proposals which sustain and enhance the significance of Heritage Assets including their setting*”. In addition BDP20.3 states “*Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets*”.

As regards conservation areas BDP 20.9 requires that “*Development within or adjacent to a Conservation Area should preserve or enhance the character or appearance of the area*”

These clauses are supported by the NPPF; and Paragraph 189 requires, applicants “*to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*”

Paragraph 193 states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”

Paragraph 194 states “*Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification*”; and Paragraph 200 “*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.*”

The applicant has produced a Heritage Statement, and this has informed the Council’s Conservation Officer’s comments reproduced in the consultees section of the report.

“*A caravan park would be an alien addition to the setting of the predominantly rural setting of the Canal, contrasting as well with the industrial pockets found along the Canal. The proposal is therefore at odds with the historic environment policies in the Bromsgrove District Plan*”. but goes onto add that “*A considered landscape plan may however mitigate the harm by maintaining and reinforcing the current screening of vegetation and trees.*”

Paragraph 4.3.2 of the BDC High Quality Design SPD (HQDSPD) states that

“*Where new residential developments are proposed within the setting of a designated heritage asset, great care will need to be had to ensure the setting of the heritage asset is sustained and enhanced.*”

*BDP20.10 The ... removal of trees and other landscape features which make a positive contribution to an area’s character or appearance will be resisted.*

And Policy BDP19 sees to deliver good design by

*p. Ensuring all trees that are appropriate (e.g. in terms of size, species, conditions and predicted climate) are retained and integrated within new development;*

*q. Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment;*

The trees within the development site running parallel to the canal do not benefit from protection by the Conservation Area status of the canal because they lie beyond it. The applicant has deleted the path which was previously proposed running through this area thereby removing the potential threat to the green backdrop to the canal and the visual integrity of this feature. In light of that amendment the proposal does not explicitly threaten the established canal side vegetation or the character and setting of the conservation area. The proposal would provide some opportunities for new landscaping to bolster existing boundary vegetation. The proposal is therefore in accordance with policies, BDP20 and BDP21 of the Bromsgrove District Local Plan

Policy BDP19 criterion 'm' seeks to encourage  
*“residential developments to provide sufficient functional space for everyday activities, meet people’s needs and expectations from their homes, and to enable flexibility and adaptability.”*

The proposal makes no provision for external storage to serve the needs of the future occupiers the units. Whilst storage may not be required for gardening implements if areas are managed as contiguous open space between the units, there would be a need for secure storage for cycles adding further to the built form. A condition requiring such structures could be imposed to ensure provision is made and implemented consistently, mindful that the units would not enjoy permitted development rights as conventional 'dwellinghouses' would, and such that such features would require planning permission.

### **Residential Amenity**

In their Planning Statement the applicant claims -

*“The primary aim of the proposed design is to develop an over 55s residential park which is both a peaceful and enjoyable place for residents to live.”*

### **Air Quality**

The NPPF does require the cumulative impacts on air quality from individual sites in local areas to be considered. Therefore, although Worcestershire Regulatory Services (WRS) have not raised any objection to the proposal in regards to air pollution, they have suggested that their standard recommendations for a development of this size are put in place to mitigate against the cumulative impact on local air quality from all development.

I am satisfied that the details of such matters could be secured by condition, however the proposal makes no commitment to including measures such as electric vehicle charging points for each unit, or solar panels, noting the opportunity to exploit a southern aspect and generally shallow roof pitch. However electrical vehicle charging points and details of other measures designed to meet the objectives of a low carbon future could be secured via planning conditions.

## Noise

Policy BDP19 criterion 't' requires that

*“Development proposals should maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential), whilst also taking into account the implications of the existing night time use of the locality”;*

A noise assessment was requested to be submitted with the application. Worcestershire Regulatory Services (WRS) have assessed this and object to the proposal.

The proposed development consists of prefabricated park homes located on a parcel of land bounded on three sides by an industrial estate. The fourth side to the east is hemmed in by the Gloucester to Birmingham Railway line. Saxon Business Park to the south of the site is allocated to B1, B2, B8 use. East of the proposed site, directly adjacent is an operational scrap yard, vehicle dismantlers and waste management company which are inherently noisy industrial activities. To the West of the site there are several Industrial units allocated to B1, B2 and B8 use. Whilst the newer unit to the immediate west of the site does have conditions controlling deliveries and dispatches to and from the building, precluding industrial processes outside the building, it does not preclude 24/7 working.

WRS have reviewed the associated acoustic report and whilst it concludes that noise impacts during their assessments would be manageable, based on their findings WRS maintains concerns as the assessment only captures a brief snapshot of the noise climate and does not take into account the potential variability of noise from all of the different sources surrounding the land.

In addition to this, due to the established planning status of the industrial estate/scrap yard/railway line there will always be a possibility that a noise increase may occur through intensification/ demand/ change of occupancy which would add further detriment to any future residential occupants.

Indeed, Members should be aware that on 2<sup>nd</sup> December 2020, WCC (in their role as Local Planning Authority for Minerals and Waste matters) granted planning permission under reference 20/000031/CM for -

*“Demolition of part of existing industrial building; erection of extension to retained building and connection to adjacent waste transfer station to provide additional storage space for waste materials, office and staff facilities, and a new weighbridge on the metal and ores site”*

Therefore, notwithstanding the acoustic fencing proposed, the proximity of these established industrial uses to the site would, in your officer's opinion, inevitably give rise to conflict between the future occupiers of the development and neighbouring uses.

WRS have noted the proposed acoustic fencing would provide some mitigation, the application provides no indication of existing / proposed ground levels to ascertain the effectiveness of such a fence relative to these noise sources. The cumulative height of fences relative to their surroundings in visual terms, the impact upon the living environment for the future occupiers of the park homes, and the fact that the construction of the bunds would rely upon the an unquantified amount of imported material and associated lorry movements are significant material considerations.

Paragraph 187. of the NPPF states that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

Evidently, the NPPF requires that proposed uses should be compatible with existing uses to ensure that existing businesses are not subjected to unreasonable restrictions. This is a matter that is echoed in Policy BDP1 of Bromsgrove District Plan, which requires regard to be given to the compatibility with adjoining uses and the impact on residential amenity.

In concluding on this matter, I do not consider that the amenity of future occupiers would be adequately safeguarded. The sound attenuative properties of park homes are not the same as conventional masonry dwellinghouses and the introduction of such a residential use in this context would almost certainly overtime generate disputes and complaints due to the incompatibility of residential park homes with adjacent uses. I am also mindful that this incompatibility between adjacent uses is likely to be compounded if the units were occupied by the retired or semi-retired who are likely to spend more time at home during the day. Such occupiers would comprise the operators target market and would have consciously chosen the location on the basis of particular lifestyle choices which are very unlikely to be compatible with the reasonable and necessary operations of heavy industry and storage and distribution uses. In this sense the proposal would also fail to meet the applicant’s stated objective. Furthermore, post COVID employment arrangements are resulting in many people being able to work from home, so disturbance from adjacent employment uses during the day is likely to be more apparent than in a situation where occupants are at work and consequently off site.

### **Ecology**

Policy BDP21 sets out a presumption to maintain the favourable conservation status of populations of protected species.

The site has a population of Great Crested Newts and accordingly requires some mitigation. The Council’s ecologist has concerns about the level of information submitted with the proposal, with regard to mitigation, however these matters could be addressed via a pre-commencement condition. Accordingly your officers consider that potential harm to protected species and their habitat could be satisfactorily mitigated.

### **Floodrisk**

Policy BDP 23 seeks to ensure that new development is not placed at risk of flooding or risks increasing flooding elsewhere.

The site falls predominantly within flood zone 1 (low risk of fluvial flooding) although an area of flood zone 2&3 passes through the site along the route of the culverted Hen Brook. The modelling covering this area is coarse and therefore may not be accurate, however in the absence of a site specific model and to protect the culvert (including access to it for maintenance purposes) no units should be placed over the culvert ' instead I would expect to see access roads or shared open space over this area; this appears to be the case in the drainage strategy (ref 19-004/FW01A) but not in the landscaping plans. A detailed culvert survey is required prior to any work commencing on site and again upon completion to ensure no defects are present which would lead to or exacerbate floodrisk.

In light of these considerations, it is considered that the impact of the development upon floodrisk could be mitigated through conditions and the development would accord with Policy BDP23.

### **Land Contamination**

Policy BDP19 states that :

*r. Ensuring development is made suitable for the proposed final use, for instance, in terms of land contamination and, where relevant, does not create an unacceptable risk to controlled waters (where relevant). The Council will determine whether reports detailing for example, site history; a preliminary risk assessment and where appropriate; a site investigation and remediation scheme along with long term monitoring and maintenance proposals, will need to be submitted in support of any planning application. Such reports will be prepared in accordance with best practice guidance;*

WRS have recommended conditions to address this issue, so raise no objection in principle subject to the requisite reports and mitigation being submitted, approved and implemented.

### **Mitigating Impact on Local Infrastructure**

Policy BDP12 states that -

*“The Council will ensure provision is made for services and facilities to meet the needs of the community..... New developments that individually or cumulatively add to requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements in accordance with BDP6.”*

Policy BDP6 states that -

*“Irrespective of size, development will provide, or contribute towards the provision of: Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations;”*

In this case, the development would also be required to make contributions towards public open space, refuse and recycling bins, GP practice, as well as necessary monitoring fees.

### **GP Practice**

The NHS CCG has requested a contribution of £24,127 towards a local GP practice to increase capacity, which the development would have an impact upon.

### Public Open Space

An off-site contribution for improvement of play facilities on the public open space adjacent to the site would not be reasonably required if the resultant units could not be occupied by the under 18s.

### Refuse and Recycling Bins

A payment would be required for domestic waste and recycling bins which is likely to be in the order of £30 per bin

### Education

A contribution would not be required towards local education provision, provided that there is a legal mechanism to prohibit occupancy of the resultant units by under 18s. The applicant has confirmed their agreement in principle to such a restriction.

### Highways

BDP16 sets out a requirement that *“Financial contributions from developers will be sought for new development in respect of investment in public transport, pedestrian, cycle and highways infrastructure as detailed by the draft Bromsgrove Infrastructure Delivery Plan in conjunction with policy BDP6 Infrastructure Contributions.”*

These are summarised in the response from the Highway Authority

### Monitoring Fees

On 1 September 2019, the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 were introduced. These Regulations introduce new requirements to report and monitor on the collection of planning obligations.

The Regulations permit the District Council to apply a fee to planning obligations so long as it:

- Fairly and reasonably relates in scale and kind to the development
- Does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations

Officers are satisfied that the request meets the relevant requirements for contributions. In that they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

### Proposed Occupancy / Age Limit

The applicant has asserted that they would be prepared to accept the following condition to control occupancy of the site, but have not explained why these consider such a condition to be necessary.

*“Each unit of the development hereby permitted shall be occupied only by: persons aged over 55 years; persons living as part of a single household with such a person or persons; persons who were living as part of a single household with such a person or persons who have since died.”*

And further notes

- *The over 55's age restriction should be implemented by way of a Planning Condition, as is the case with the majority of age restricted park home developments; and*
- *The age restricted element of the proposal can be further implemented via the Park Rules / Licence which directly reference that no person under a certain age may reside in a park home.*

It is notable that the condition proposed by the applicant would not prohibit occupancy by the under 55s. Only one of the occupiers of each unit would need to be over 55 and their partner and their dependents could be under 55 and continue to reside there in the event of the death of the occupant, who was over 55. The description of development suggests a level of control which might not unreasonably lead to a perception by interested parties that the development would have materially lesser impacts than that which might be expected from that of a conventional residential development, but in reality, would not deliver that outcome.

Whilst it is reasonable to assert that the data regarding household changes demonstrates that there will be a higher demand for properties for 'older person households' as a result of the aging population, it does not follow that in providing homes for the older generation to downsize, that this would actually free up housing for young families in the area. But even if this were the result, it is not necessary for the Local Planning Authority to impose an age limit of over 55's upon the occupancy of the park homes in an attempt to engineer that outcome. It would be sufficient to just provide that typology of accommodation.

Officers are not satisfied that a condition limiting occupant's over 55 as proposed could be practically monitored for compliance but moreover, is essentially unnecessary for planning purposes. A similar age restrictive limitation in the form of a clause in a legal agreement might reasonably relate to the County Council Education contribution to ensure that a contribution which would otherwise be required, were not evaded without a safeguard to ensure that the development did not generate a demand on that function in the absence of such a control. As no education contribution is proposed, the legal agreement could preclude occupancy by the under 18's. Such a restriction would serve a planning purpose.

## **Viability**

The Revised NPPF (2021) appear to have dispensed with a formal definition of viability; i.e. the previous paras (173 and 174) which dealt with the willing developer and land owner and competitive returns have been removed. The most relevant paragraphs of the Framework now appears to be Numbers 47, 48 and 58 which deal with the relationship between Local Plans and planning applications

*'Determining applications 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*

*48. Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

And:

*'58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

In October 2021 the applicant commissioned Avison Young to provide a viability report which concluded: *'In summary, having regard to the criteria set out in this report, the proposed development results in a residual land value of £1,661,518 which exceeds our assessment of the benchmark land value. At the above-stated level of planning obligation contributions, the scheme is, therefore, viable while providing an appropriate profit to the developer. Given a benchmark land value of £1,532,800 based on the value of the site in the most likely alternative use (open storage), this leaves a surplus for affordable housing (and/or any other planning obligations in addition to the four stated above) of £128,718.*

*Accordingly, it is proposed to make an affordable housing contribution of £128,718 towards the off-site provision of affordable housing. For the scheme to remain financially viable in the event that additional planning obligations are levied, such as an off-site open space contribution and/or annual monitoring fee, these payments would need to be drawn from the identified surplus 'pot' totalling £128,718 and necessarily the affordable housing contribution would need to be reduced by a commensurate amount.'*

In response, the Council engaged its own viability consultant to review the applicant's figures and challenged that position. Following further negotiation both the applicant's and Council's respective consultants have reached a consensus with regard to the level of contribution which the scheme can sustain to attribute to affordable housing provision off-site, in lieu of on-site provision.

In further reviewing the applicant's viability submissions, the Council's Viability Consultant has concluded that the proposal shows a residual value of £5,125,000 and this means that the revenue is greater than the costs. This means that the scheme is viable to deliver an affordable housing contribution at 10%.

Notwithstanding the fact the Local Plan Policy does not make provision for a financial contribution in lieu of on site provision, the Council's Consultant has calculated that -

The viable position, on the strength of the scheme before us is 9 Affordable units and the payment as a commuted sum is £667,000. This is calculated as the difference:

Residual Value at 10% Affordable Housing = £1,417,000 and

Residual Value at 0% Affordable Housing = £2,084,000.

This is an equivalent approach which should allow for Affordable units to be provided elsewhere either by a RP or by the Council itself.

### **Planning Balance**

The Council do not have a 5-year supply of deliverable housing sites. Consequently, the requirements of Paragraph 11 of the Framework are engaged. This states that where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In terms of benefits, it is accepted that –

- The development would utilise a brownfield site for a beneficial use; This is a matter to which I attribute some weight.
- The application site represents a deliverable scheme which would make a contribution to meeting the Authority's housing requirements, provide a contribution towards affordable housing (albeit off-site) and would assist in helping reduce the amount of Green Belt that would possibly have to be released for further residential development. This is a further matter to which I attribute substantial weight.
- The application has the potential to release some family homes by encouraging downsizing. This is a matter to which I attribute some limited weight.

I consider that issues arising in respect of safe pedestrian access, flood risk, land contamination, highway safety, setting of conservation area and ecology could be dealt with or satisfactorily mitigated by condition, and that financial contributions to mitigate the impact of the development in respect of local health care, education, public transport and affordable housing could be secured; so, would not constitute matters weighing against the grant of permission. However, weighing against the benefits of the proposal, it is necessary to balance the fact that –

- The development would result in the further loss of designated employment land. This is a further matter to which I attribute considerable weight.
- The development would not be compatible with the established industrial land uses to the south-west and north-east and consequently fails to create a satisfactory living environment for future occupiers. This is a matter to which I attribute substantial weight.
- The proposal would concentrate accommodation for the retired in one location

Cumulatively, therefore, in your officer's opinion, the harm associated with the adverse effects of the proposal weigh substantially against the development. Consequently, for the reasons identified above, cumulatively, I consider that the adverse impacts of granting

planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development and the application should be refused.

## **Conclusion**

Having carefully considered the proposal, it is considered that the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and adopted Development Plan taken as a whole, and that those matters could not be satisfactorily mitigated by the imposition of planning conditions. Further, the proposal fails to meet the key components of sustainable development, the economic objective, social objective, and environmental objective. Irrespective of whether the site should be released from employment use, officers consider this is not a suitable site for residential use given its physical context and position relative to neighbouring land uses. Accordingly, officers recommend that the application be refused.

**RECOMMENDATION:** That planning permission be Refused

## **Reasons for Refusal**

1. The proposal would result in the loss of a designated employment site on previously developed land which is capable of being developed for employment purposes and flanked on two sides by established employment development. Accordingly, the development would be contrary to Policies BDP1 and BDP14 of the Bromsgrove District Local Plan and would lead to an unsustainable form of development by failing to meet the economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, contrary to paragraph 8a) of the NPPF
2. Adjacent to the proposed development site is an operational scrap yard, vehicle dismantlers and waste management company which are inherently noisy industrial activities. To the south-west of the site there are several Industrial units used for general industrial and storage and distribution purposes. Consequently, the relative position of the proposed residential park homes between these established employment uses, compounded by the Gloucester to Birmingham Railway line to the north and Saxon Business Park to the south would result in an unsatisfactory living environment for future occupants, a significant proportion of which are likely to be retired. The proposal places significant reliance upon an acoustic fence to mitigate noise nuisance and without existing or proposed levels data to show the relative height of this feature to noise sources. The juxtaposition of the proposed use and existing employment uses is likely to generate complaints from future residents which would serve to impede the legitimate pre-existing, established employment activities. Furthermore, the resultant insular development would be almost wholly enclosed and physically isolated from its surroundings. Accordingly, the development would be contrary to Policies BDP1 and BDP14 of the Bromsgrove District Local Plan, Paragraph 4.2.53 of the BDC High Quality Design SPD and paragraphs 8b), 185 and 187 of the NPPF.

Plan reference

**Case Officer:** Simon Jones Tel: 01527 548211  
Email: [simon.jones@bromsgroveandredditch.gov.uk](mailto:simon.jones@bromsgroveandredditch.gov.uk)