

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Cawdor Capital (Hopwood) Limited.	Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout. Land To Rear Of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire		24/00079/FUL

RECOMMENDATION:

(a) **MINDED** to **GRANT** Full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- i) The provision of 34 affordable dwellings on the site (social rented).
- ii) A financial contribution of £96,000 for Public Transport improvements.
- iii) A financial contribution of £29,665.41 for necessary School Transport Services.
- iv) A financial contribution £3,798.90 for necessary Community Transport Services
- v) A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- vi) £41.80 contribution for refuse and re-cycling bins per dwelling
- vii) A section 106 monitoring fee.

(c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Consultations

WRS - Noise

No objection subject to conditions

Noise mitigation conditions relating to glazing, ventilation and solid boundary fencing, Construction Environmental Management Plan

North Worcestershire Water Management

No objection subject to proposed drainage scheme condition.

Housing Strategy

No objection, Housing Strategy support this application and social rent tenure subject to there being a priority for 3 bed properties.

Worcestershire Archive and Archaeological Service

No archaeological condition required.

Highways England

No objection subject to construction management condition

Highways - Bromsgrove

No objection subject to conditions and Planning Obligations

Approved Plans – Highways works

Approved Plans – Layout works

Construction Environmental Management Plan

Residential Welcome Pack

Cycle Parking

A financial contribution of £96,000 for Public Transport improvements.

A financial contribution of £29,665.41 for necessary School Transport Services.

A financial contribution £3,798.90 for necessary Community Transport Services

Bromsgrove Strategic Planning and Conservation

Object as the application represents development that is:

- Contrary to key NPPF considerations (presumption in favour of sustainable development and Green Belt).
- Contrary to BDP policy.
- Contrary to Alvechurch Neighbourhood Plan policy.

WRS - Contaminated Land

No objection subject to conditions

- Tiered Investigation
- Reporting of Unexpected Contamination

Arboricultural Officer

No objections to the scheme following amendments, subject to conditions.

- Tree Protection measures in place prior to commencement
- All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010)

Education Department at Worcestershire

The development is not liable for a contribution due to the tenure of the housing proposed.

NHS/Medical Infrastructure Consultations

A developer contribution will be required to mitigate the impacts of this proposal.

Herefordshire and Worcestershire CCG calculates the level of contribution required in this instance directly relating to the number of dwellings to be £24,000.

Alvechurch Parish Council

APC: Objection

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

- The proposed development is outside of the Village Envelope, on Green Belt land and does not therefore conform to APC's NDP/relevant, statutory policies contained therein and there are no justifiable exceptional circumstances.

- APC challenge the applicants sustainability argument regarding local amenities and this was clearly stated in the objections to the previous application.
- APC do not consider that the change from a mixed development for sale to 100% rentable is justifiable.
- Once again, APC refer BDC to the letter dated 6th November 2018 to the Case Officer Paul Lester and the criteria detailed therein has not changed since that date.
- APC consider that the development proposal is extremely dense for such a small site area.
- APC do not consider the application warrants the 'special circumstances for building in the Green Belt'.

Public comments

54 letters sent to neighbours 05.02.2024 expired 29.02.2024

Press advert 09.02.2024 expired 26.02.2024

Site notice displayed 09.02.2024 expired 04.03.2024

4 objections have been received, comments are summarised as follows:

Green Belt

Harm to openness and visual amenity, the site is not brownfield. Previous applications have been refused, no very special circumstances

Highway matters

Safety of access/egress onto the site in the context of prevailing traffic speed

Capacity of the existing roundabout to take additional demand

Lack of safe pedestrian crossings

Other matters

Premature to consider this site prior to local plan review restarting

Contrary to Policy BDP9 (Rural Exception Site)

Lack local amenities/unsustainable site

Contrary to neighbourhood plan (outside of village boundary)

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

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance
ALVNP Alvechurch Neighbourhood Plan
APDS Alvechurch Parish Design Statement
High Quality Design SPD

Relevant Planning History

22/01419/FUL	Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout.	Refused	09.11.2023
21/00873/FUL	Development of 22 dwellings, associated landscaping and siteworks and construction of new access from existing highway roundabout.	Refused	11.03.2022
17/01290/OUT	Outline application (matters of access and scale to be considered) for the development of up to 10 two storey dwellings and alterations of existing access	Refused Dismissed at Appeal	05.02.2019 16.12.2019
12/1040	Residential development of 21 dwellings (outline)	Refused Dismissed at Appeal	10.01.2014 14.10.2014
08/1038	Nursing home and associated offices - OUTLINE	Refused	26.08.2011
B/2007/0261	Office development (outline)	Withdrawn	30.11.2007
B/2006/0080	Office development (outline)	Withdrawn	10.05.2006
B/1995/0862	Erection of public house and associated Parking and area for social housing and /or public open space	Refused	15.01.1996
B/1991/0966	Proposed B1 development comprising 2 No. blocks of 15,000sq ft each	Withdrawn	09.12.1991

COU/1/85 Established Use Certificate relating to Granted 06.02.1995
the storage of plant

Assessment of Proposal

Background to the application

This is a resubmission of planning application 22/01419/FUL for the erection of 34 affordable dwellings. The application was refused by Members (contrary to the officer's recommendation) in November 2023 due to green belt matters and concerns regarding the sustainability of the site.

The full reasons for refusal are outlined below:

1) The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework (2023) (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The proposal would also result in a detrimental impact on openness of the Green Belt due to its scale and location and conflict with the Green Belt's purposes, as identified in the NPPF paragraph 138. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is contrary to Policy BDP4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.

2) The proposed development by reason of its distance from essential services, job opportunities and public transport links would mean that future occupiers would be reliant upon motor vehicles as a means of transport. As such it would result in an unsustainable location of development, which is exacerbated by the tenure of the dwellings. The proposal would therefore be contrary to Policies BDP1 and BDP16 of the Bromsgrove District Plan and Paragraphs 110 and 112 of the National Planning Policy Framework.

The NPPF was revised in December 2023 and therefore the references in the refusal reasons above reflect the previous version of the NPPF.

As part of the resubmission, the applicant has provided further justification in relation to the reasons for refusal, including a report regarding the sustainability of the site. These are assessed in this committee report.

At the time of drafting the committee report a planning appeal against the refusal of the 22/01419/FUL application has been received by the Planning Inspectorate (APP/P1805/W/24/3339483). However, while the appeal has been accepted by the Planning Inspectorate there is currently no start date. From submissions from the appellant

and the Local Planning Authority, the Planning Inspectorate have confirmed that appeal will be considered via a hearing.

Site Description

The application site relates to a 0.8ha parcel of land located to the east side of the A441 Redditch Road adjacent to the roundabout junction with the B4120. The site is predominantly open scrubland although some areas are covered with a thin layer of crushed stone and discarded rubble. The site is bounded by some semi mature tree specimens. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern site boundary and the Woodpecker Close development (B/2007/0495) adjoins the site to the northeast. An existing vehicular access is located to the north-west corner of the site leading off Redditch Road. The site is in the Green Belt as defined in the BDP, is within the Alvechurch Parish Neighbourhood Plan area and is located adjacent to but outside of the defined Village Envelope of Hopwood.

Proposal

The full planning application is for the development of 34 affordable dwellings, associated landscaping and siteworks and construction of a new access (fourth arm) from the A441/B4120 roundabout. The development would close off the existing site access from A441 Birmingham Road and include removal of all materials pertaining to the current use of the site.

The application proposes all the dwellings will be social rented. This meets the definition of Affordable housing in found in Annex 2 of the NPPF. Bromford Housing Association have been identified as the proposed operator.

The proposing housing mix is as follows:

Total	Form	Type
16	Semi Detached	3b5p house (Ra_1)
1	Semi Detached	3b5p house (Ra_1.1)
9	Semi Detached	2b4p house (Ra_2)
4	Semi Detached	2b4p house (Ra_2.1)
2	Maisonette	1b2p GF Flat (Ra_3)
2	Maisonette	1b2p FF Flat (Ra_3.1)

	1bed	2bed	3bed
Total Units	4	13	17
Percentage	12%	38%	50%

Assessment

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

The main issues are therefore considered to be:

- Five Year Housing Land Supply
- Green Belt
- Provision of affordable housing
- Alvechurch Neighbourhood Plan
- Existing Use/Fall-Back
- Design
- Residential Amenity
- Highways
- Sustainability– Distance to Facilities
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Planning Obligations
- Planning Balance

Five Year Housing Land Supply

The Council has identified that it can currently demonstrate a housing land supply of 3.3 years (up from 3.23 years previously). Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the Framework is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- "i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for restricting the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

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

The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Green Belt

Paragraph 142 of the Framework identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. The Framework also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Paragraphs 154 and 155 of the NPPF allow for some exceptions to inappropriate development, one of which is:

“g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

The starting point is to consider whether the site constitutes previously developed land, which is defined by the NPPF Annex 2 as: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The operation of the site and whether it is previously developed land has been contentious, in relation to this specific issue the conclusion made by two previous Inspector’s decisions on this site are helpful.

The Council does not dispute that the site constitutes previously developed land. It therefore needs to be assessed as to whether the proposal complies with either part of paragraph 154 (g).

It is acknowledged that the existing storage of portable cabins and associated paraphernalia does have an impact on the openness of the site. However, there are no permanent structures on the site and any other structure including the portable cabins are moveable and not permanent. By the nature of the use of the site for storage purposes these are transient structures stored at the site for temporary periods only and then moved off. As such they do not have the same level of impact on the openness of the Green Belt as permanent structures.

This view is supported by a legal case of *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where it was concluded that there is a

difference between permanent and temporary structures and their impact on the Green Belt cannot necessarily be compared.

The applicant acknowledges in its Planning Statement (paragraph 4.1) that the 'contents' on the site are not permanent and indeed can be moved around:

"4.1 The application site has an established use for the open storage of plant and equipment. This use was confirmed on 6th February 1985 and is unrestricted both in terms of its nature and operating hours. As such it can be used for the open storage of large items, and the movement thereof [my emphasis], on a 24/7 basis."

The first part of paragraph 154(g) refers to the redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

The second part of paragraph 154(g) refers to the redevelopment of previously developed land that does not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. This is a lesser test of harm than under the first part of para. 154(g) accepting that some harm can be caused to the openness of the Green Belt.

This application is a 100% affordable housing development that is more than the affordable housing required by the district plan. The redevelopment of previously developed land, which provides policy compliant affordable housing is appropriate development under paragraph 154(g) if it does not cause substantial harm to the openness of the Green Belt.

As such the proposal needs to be assessed whether it would cause substantial harm to the openness of the Green Belt compared to the existing situation having regard to Para 154(g) of the NPPF.

Openness

The NPPG sets out what characteristics can be considered when assessing the impact of a development upon openness. It sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified several matters which may need to be considered in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;
- and - the degree of activity likely to be generated, such as traffic generation.

The proposal would result in the erection of dwellings across the entire site as well as the associated works such as garages, the introduction of other domestic paraphernalia, new access junction, internal access roads and boundary treatments.

This proposal would result in a permanent volume and floor space across the site. Whilst the site is currently covered by structures these are transient and not permanent.

Based on the existing development on the site, it is considered that there would clearly be a significant and substantive increase in the number of permanent buildings on the site, together with an increase of the sprawl of buildings across the whole site. Although the site is screened by landscaping across the front of the site, the proposed new access point would open the site up and it is considered it would be substantially more visible.

The applicant contends there would be an intensification of storage operation were permission to be refused. It may be that anyone with a commercial interest may look to intensify the use of the site. The aerial images since 2008 show that some areas have undergone intensification at certain times but there is a clear transient nature to storage on this site. It fluctuates within the plot as items are hired out and returned or users and their needs change.

I accept that the areas confirmed as lawful by the LDC to be used for storage could be used for the storage of shorter/taller and less/more numerous items. However, it is not correct that items could be stacked to reach any height as there would be a physical limit to such stacking which may necessitate further development requiring planning. However, the existing areas of open storage confirmed as lawful by the LDC have an adverse impact on the openness of the Green Belt, and that impact could be lawfully increased or decreased to a limited extent.

It is noted that in the conclusions made by the Planning Inspector in relation to the consideration of the 2017 proposal. The Inspector concluded in paragraph 19 that:

“As set out above, the appeal site constitutes PDL, and the appeal scheme would involve no greater impacts on either the GB’s openness or purposes than the existing use. The proposed scheme would therefore not constitute ‘inappropriate development’ in terms of GB policies, under either Policy BDP4.4 or the NPPF. As such, the development would not conflict with GB policy.”

However, this was based upon a scheme for up to 10 dwellings which would provide a large area of the site for open space and landscaping. On this basis the previous planning application is simply not comparable with the current planning application for 34 dwellings. The assessment of the Planning Inspector for the 2012 application for 21 dwellings is more pertinent, in this the Inspector concludes in paragraph 24 that:

“...I consider that the housing development proposed would have a fundamentally different built character in comparison and this would materially harm the ‘openness’ of the Green Belt. As such, the proposal does not constitute an exceptional case in accordance with paragraph 89 of the Framework but conflicts with it and substantial weight has to be given to this harm”.

By comparison with the existing site, the proposed development would be markedly taller and comprise of permanent buildings and spread across the whole of the area of the application site. The proposed dwellings would be accompanied by a formal driveway, parking, and garden areas, which would be enclosed by planting and fencing and would comprise a different character and intensity of use. Taking everything together, the application would give rise to an intensely developed site, with a considerably different and greater coverage, footprint, floorspace, height and overall extent of built form compared to the existing situation.

Consequently, due to the permanent nature of the proposed development and its overall visual and spatial implications, it would not result in an equivalent or improved state of openness when compared to the existing use of the site but would rather lead to a marked reduction of openness in these terms.

Applicants case and conclusions on openness

As outlined in the applicants Planning Statement, it is their case that the application does not cause substantial harm to the openness of the Green Belt since the development is contained within the open storage area of the site and, furthermore, there will be substantial landscaping within and around the site to actually mitigate any impact upon openness to the extent that whether there is any greater impact upon openness is itself a moot point. Furthermore, there will be no 'substantial impact' upon openness of the Green Belt.

However, it is considered that based on the submitted information that the redevelopment of this site to provide 34 dwellings would have a greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.

For these reasons, the proposal would result in substantial harm to the openness of the Green Belt. It would not therefore constitute an exception as specified within Paragraph 156g of the Framework and would be inappropriate development.

Purposes of the Green Belt

Paragraph 143 of the Framework sets out the purposes of the Green Belt. These include (amongst other things) to assist in safeguarding the countryside from encroachment.

The effect of development as encroachment on the countryside may also be in the form of loss of openness or intrusion and through that loss of openness, there can also be an intrusion or encroachment into the countryside.

Given its existing use and brownfield nature, some encroachment of development into the countryside has already taken place at the site. Even so, in introducing permanent built residential development, and impinging more on openness, it is considered that the proposal would not be consistent with the site's role in assisting in safeguarding the countryside from encroachment.

The site forms part of the countryside and the proposal would result in physical encroachment of development into and onto parts of the site that are currently free from development, other than hardstanding and temporary storage.

It would result in vertical and permanent encroachment of larger built form overall (with some dwellings being approximately 9m in height) and across a large area of the site. Although this would be within the confines of this previously developed site, nevertheless the proposal would have a significantly greater urbanising effect. The current predominance of openness, trees and vegetation with some intervening storage would be replaced by closely spaced permanent built form. In this location the proposal would not safeguard the countryside from encroachment, it is considered that this would cause moderate harm to the Green Belt.

Thus, the proposal would cause substantial harm in terms of loss of openness and modest harm to one of the purposes of including land in the Green Belt. In accordance with the Framework (Paragraph 153) substantial weight is given to this harm to the Green Belt.

Affordable Housing

Policy BDP8 relates to affordable housing and requires 30% affordable housing provision on brownfield sites over a threshold of 11 dwellings. In this case the applicant is proposing to provide 100% of the houses as affordable and as such the proposal complies with Policy BDP8.

The applicant has submitted an Affordable Housing Statement prepared by Tetlow King. This concludes the following on Affordable Housing Needs and Delivery.

“In the eleven year period since the start of the Local Plan period in 2011/12, net affordable housing delivery represented 19% of net overall housing delivery , equating to 51 net affordable dwellings per annum.

The level of affordable housing delivery is significantly lower than the identified needs of the District. When comparative analysis is undertaken against either of the assessments of affordable housing need in the District (the 2012 SHMA; and 2022HEDNA) substantial shortfalls have arisen in the provision of affordable housing. Against the most recent assessment of affordable housing need contained in the 2022HEDNA it is notable that a shortfall of -84 net affordable dwellings has accrued in the first year of the period between 2021/22 and 2040/41.

Since 2016/17 there have been a total of 84 net overall housing completions and 35 net affordable housing completions within Barnt Green & Hopwood Ward.

The delivery of up to 34 affordable dwellings would make a significant contribution towards the delivery of affordable housing in Bromsgrove District”.

The following table is an extract from Housing Land Supply in Bromsgrove District 22-23
Table 5 Affordable Housing Completions (Net) 2011/12 to 2022/23

Year	Total Completions
2011/12	157
2012/13	50
2013/14	52
2014/15	12
2015/16	166
2016/17	40
2017/18	62
2018/19	36
2019/20	90
2020/21	0
2021/22	8
2022/23	55
Total	728

Based upon the 12 years from the adoption of the District Plan the average annual number of affordable dwellings is 60 per annum (does not include right to buy losses). This is lower than the 219 per annum new affordable dwellings that were identified in the 2012 Worcestershire Strategic Housing Market Assessment (SHMA).

The applicant has proposed to provide 100% affordable rented. Whilst this is not the split that Housing Strategy generally recommends (one third shared ownership and two thirds socially rented) given the applicant is overproviding on affordable housing and our confident that the scheme would be useful to alleviate the pressure on the housing register, the 100% affordable rented scheme is considered acceptable.

Furthermore, the applicant has also provided a supporting letter from Bromford who intend to purchase the site and manage the affordable housing. This letter is available to view on the public access record for the application.

A Section 106 Legal Agreement would be required to be secure the affordable housing and set out how the housing shall be managed. The significant provision of affordable housing, more than Districts standards provides substantial weight in the planning balance in favour of the proposal.

Alvechurch Neighbourhood Plan

Policy H2: Housing for Hopwood and Rowney Green of the Alvechurch Parish Neighbourhood Plan (APNP) is relevant in the consideration of this application, Policy H2 supports housing developments, subject to several detailed criteria as to their location. This policy states the following:

“New housing developments that are well designed will be supported if they show consideration for the Alvechurch Parish Design Statement, meet the other requirements set out in the APNP and the Bromsgrove DP and where development:

- a) Is limited to small residential infill development and maintains the continuity of existing frontage buildings, or is on brownfield land within the built up area of the village where the site is closely surrounded by existing buildings*
- b) Is not considered to be back garden development*
- c) Is consistent with the character of the locality as outlined in the Alvechurch Parish Design Statement on its pages 29-32*
- d) Provides at least one small home with two or fewer bedrooms for every one large dwelling with three or more bedrooms*
- e) Is in suitable locations, on small infill plots giving opportunities for some well-designed self-build homes*
- f) Is within the built up area and does not involve the outward extension of the village envelope as shown on the adopted Bromsgrove District Plan policies map”.*

In relation to criterion (a) as outlined above the site also abuts existing housing on its northern side, at Smedley Crooke Place, and on a short part of its eastern boundary, where it meets one of the houses at Woodpecker Close. To the west, the houses on the opposite side of Redditch Road are separated from the site by the main road and roundabout, plus a service road and a broad verge. To the south of the roundabout there is only sporadic development, and on its two remaining boundaries, the application site is adjoined by open land. On the site itself, although the land is in commercial use, there are no permanent structures. The site is therefore not closely surrounded by existing buildings, and nor does it form part of the existing built-up area, as criterion (a) requires.

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

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

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

The development mix is as proposed in the table below.

Number of bedrooms	Proposed Number of Dwellings	Percentage	Percentage Required under Policy H6
1 bed	4	12%	10%
2 bed	13	38%	40%
3 bed	17	50%	40%
4 bed	0	0%	10%

It is evident from this table that the mix broadly meets the mix as outlined in Policy H6. Therefore, it can be concluded that the proposed housing mix is acceptable.

It is worthwhile to note that Policy H6 is different to Policy BDP 7 Housing mix and density in the Bromsgrove District Plan. That policy requires development proposals to focus on 2 and 3 bedroom dwellings but outlines that on schemes of 10 or more a wider mix of dwelling types may be required. It is considered that the development complies fully with BDP7.

Existing Use/Fall-Back

It is accepted that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, it is accepted that there is a real possibility that it would be implemented should planning permission for the scheme be refused.

However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the application scheme. On this basis the agent considers in terms of openness and encroachment, the proposed development will not lead to any encroachment of development into the Green Belt as the existing development extends across the entire area now proposed for housing. Therefore, there can be, and will be, no further encroachment into the Green Belt.

As indicated in the planning history, there have been planning applications on this site dating back to 2006 (albeit not by this applicant) and most recently an application for 10 dwellings in 2017 and subsequent appeal. Therefore, it is evident that there has been a clear aspiration to redevelop the site through the erection of dwellings or other development for well over 17 years. The applicant has actively sought other uses, including the proposals that have come forward. Therefore, while the intensification of the site is a material consideration, the likelihood of the fall back occurring and to the extent described by the applicant is considered unlikely, and therefore the weight this can be given is low.

Consequently, I afford the fallback position moderate weight in support of the proposal.

Design

Paragraphs 131-141 of the Framework deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy BDP7.2 encourages efficient use of land with whilst adhering to local character and high-quality design. Policy BDP19.1 encourages high quality gateway buildings, character-sensitive design, functional open spaces, and design that promotes legibility, permeability, and safety.

Building heights are in line with the generally two storey context of the area and do not dominate over the treelines in front of them, mitigating the visual impact that the development will have on the environment.

The development will result in a high density of approximately 38 dwellings per hectare. This layout and the overall quantum of development is appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the varied pattern and grain of development in the village and surrounding area.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear overly cramped and would have spaciousness appropriate to this location. Amendments have been made to ensure that the dwellings have the recommended garden size which is 70 sq m.

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

The design of the individual house-types is modern and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area.

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

Residential Amenity

The proposed dwellings are positioned in an arrangement that would create ample space for external landscaping and private amenity space. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

Objections have been received from neighbours based on loss of privacy. It is considered important to distinguish between overlooking (and a consequential loss of privacy) and merely being able to see towards another property.

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed housing.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

In relation to noise, the submitted noise assessment has been reviewed by WRS and appears satisfactory. The recommended noise mitigation measures relating to glazing, ventilation, and solid boundary fencing, within Section 8 of the Noise assessment, should be implemented. WRS have also recommended that post completion noise testing is carried out to demonstrate that both internal and external noise levels will meet the required standards.

It is noted that objectors are concerned with any construction phase of development, it is considered that this could be adequately controlled by a construction management condition.

Highways

The A441 Redditch Road is a single carriageway, principal distributor route which provides frontage access to residential properties and businesses. To the south, the A441 Redditch Road links with the M42 Junction 2.

The A441 Redditch Road joins the B4120 Redditch Road at a roundabout from which the Applicant proposes to provide access to the proposed site. Both the A441 and B4120 are subject to a 40mph speed limit. All three existing arms on the A441/ B4120 roundabout have two entry and exit lanes, separated by a splitter island.

The applicant proposes to gain vehicle access to the development site via the creation of a fourth arm from the A441/ B4120 roundabout as shown on 210672-01 Rev B. Site Access Arrangements Sheet 1 of 13. A supporting Safety Risk Assessment has been produced by the Applicants highway consultant TTC, which considered the appropriate design standards for the roundabout and the approach roads. Access arrangements have also been subject to a Road Safety Audit (RSA) Stage 1.

County Highways has assessed this element and conclude that in terms of the form, scale, operation efficiency and footprint of the junction, the roundabout satisfies the requirement of the NPPF to ensure safe and suitable access.

The following enhancements are proposed to the local highway network:

- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving along the Smedley Croke Place junction with Redditch Road;
- Where the existing T-junction is to cease use, the dropped kerbs will be lifted and footway resurfaced;
- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving across the roundabout's splitter island; and

- Footway provision from the internal layout will tie in with sufficient, existing provision for disabled road users.

Existing public transport services within the limited local area (this is noted in the supporting Transport work). The Highway Authority advised, in numerous previous observations, that there is scope to enhance the public transport services. On this basis, to enhance the peak time services and provide a link to the high frequency rail network offering the new residents a genuine choice of travel mode, a contribution of £96,000 is advised and will be secured within a s106.

The application has been evaluated by the Highway Authority. The Highway Authority determines that the impacts would not be severe based on the evidence supplied, and hence has no objection subject to conditions and requirements, in accordance with paragraph 115 of the Framework.

Sustainability – Distance to Facilities

As part of the planning application to address the second reason for refusal regarding sustainability, the applicants transport consultant TTC have produced a Technical Note. In summary the following key points are made regarding sustainability matters.

- The development aligns with local and national policy.
- The development is firmly within the settlement of Hopwood and close the village centre, where most of the existing local service and facilities are situated.
- Appropriate financial contributions have been identified through extensive consultation with WCC Highways and agreed by the applicant. The contributions will:
 - Increase peak period bus services.
 - Ensure school transport services are provided to students attending Bromsgrove High School.
 - Funding to support Community Transport will ensure elderly and less-abled residents are provided with a dedicated service.
- Access into the site has been designed to the satisfaction of WCC Highways, which includes appropriate connections onto the footway network and improvements to existing local pedestrian crossings.
- The site is situated within proximity of several local services and facilities, which are all within walking distance of the site and can be accessed via a combination of the existing footway network and proposed connections. The proximity and available services is not dissimilar to much larger strategic sites and in some cases a significant improvement over other residential sites approved by BDC.
- Several local precedents have been set, with BDC and the Planning Inspectorate confirming Hopwood to be a sustainable settlement.

The 2019 planning appeal on this site did not consider sustainability matter. In terms of local precedents, it is considered the most relevant is a nearby site on Ash Lane which proposed 15 dwellings (App ref no 21/00872/FUL, Appeal ref APP/P1805/W/22/3294824) did examine this matter.

In that case, the Inspector outlines in paragraph 39:

“... to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and where there are groups of smaller settlements, development in one village may support services in a village nearby. At minimum, I consider the proposal would assist in maintaining the vitality of the rural community of Hopwood as well as supporting services in nearby villages.”

The Inspector concluded the following in paragraph 41:

“I conclude that the proposal would accord with policies BDP1 and BDP16 of the BDP, and paragraphs 79, 104, 105, 110 and 112 of the Framework. Collectively, and among other things, these policies require development to have regard to accessibility to public transport options, provide a safe and convenient access related to the wider transport network, promote modes of transport other than the private motor vehicle taking account of the rural setting, minimise the scope for conflicts between pedestrians, cyclists and vehicles, and locate houses in rural areas where they will enhance or maintain the vitality of rural communities and support services in nearby villages”.

While the appeal was dismissed in February 2023, the reasons for dismissal did not relate to the sustainability location of the site, the Inspectors assessment on this matter are a useful reflection on these matters.

Neither WCC Highways nor officers consider the site to be in an unsustainable location. On this basis, it is concluded that the site is accessible and complies with policies BDP1 and BDP16 as well as the NPPF.

Flooding and Drainage

The site is located within the river Arrow catchment, Environment Agency fluvial mapping indicates that the site is located within Flood Zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the surface water flood maps there is also minimal surface water pooling to the site even at the 1 in 1000 year return period.

NWWM have raised no objection subject to a drainage condition.

Ecology

The application includes a Preliminary Ecological Appraisal Report prepared by Seed. This concluded that there are no protected species constraints including negligible bat roosting opportunities but identified opportunities to increase biodiversity.

Biodiversity Net Gain (BNG) has become mandatory for major applications submitted from 12th February 2024. This application was submitted prior to this date and is therefore not subject to mandatory BNG. However, the NPPF advocates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. At this time there is no specific local plan policy either adopted or emerging that requires the equivalent compensatory measures as BNG.

Subject to conditions it is considered that it is considered that the scheme will not have an adverse impact on biodiversity. This application is considered in accordance with Policy BDP1, BDP21 and Section 15 of the NPPF.

Trees and landscaping

The site is presently dominated by hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

The submitted application documents include a landscape plans which provide acceptable overall landscaping scheme for the site. However, it is considered that insufficient details of the planting specifications for trees, shrubs and hedgerows have been provided. A condition is therefore recommended that notwithstanding the submitted plans, additional details of planting specifications are provided and approved. Accordingly subject to conditions, the proposal would not have an undue impact on existing trees and would secure enhancements to the landscape character and visual amenity of the site.

Planning Obligations

In accordance with Paragraph 55 of the Framework and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development if the application were to be approved.

The obligation in this case would cover:

- The provision of 34 affordable dwellings on the site (social rented).
- A financial contribution of £96,000 for Public Transport improvements.
- A financial contribution of £29,665.41 for necessary School Transport Services.
- A financial contribution £3,798.90 for necessary Community Transport Services
- A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- £41.80 contribution for refuse and re-cycling bins per dwelling
- A section 106 monitoring fee.

On that basis, it is considered that this is in accordance with the aims of BDP6 and BDP16 of the BDP, which, among other things, require financial contributions towards public transport, pedestrian, cycle and highway infrastructure to ensure the sustainable movement of people.

Planning Balance

The Framework establishes (at paragraphs 152 to 153) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial harm is to be given to any harm to the Green Belt, and 'very special circumstances' will not exist unless this harm is clearly outweighed by other considerations. This is a high hurdle for a proposal to overcome. The applicant has suggested a number of other considerations, which they consider to weigh in favour of the proposal, I cover these below where they have not been substantively addressed in the main issues set out above. In approaching this balancing exercise, I have also taken

into account the applicant's reflections on various appeal decisions and Court judgements that they consider to be relevant to this case.

The proposed development would make a significant contribution to both housing supply generally and a significant contribution in terms of affordable housing specifically, in both the parish and the wider Bromsgrove area. Significantly increasing housing supply is an objective of the development plan and the Framework. Having regard to the existing and seemingly future delivery, supply and affordability issues for housing in Bromsgrove area, including the Council's 5 year housing land supply shortfall, the benefits of the housing provision attract substantial weight in favour of the proposal. This weight is increased compared to previous applications on site because of the 100% affordable housing provision.

Furthermore, this housing would be in a sustainable location, it would provide safe access to the wider transport network, promote modes of transport other than private motor vehicles and take into account the rural setting. The dwellings will enhance or maintain the vitality of the rural community and support services in Hopwood and nearby villages.

The proposal would utilise previously developed land, and remediate any contamination and damage caused by the extant uses, in a way that seeks to optimize the use of the site. Paragraph 123 of the Framework advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or brownfield land. Moreover, the use of previously developed land could reduce pressure to build on other green belt sites that could yield a similar quantity of development elsewhere. The cessation of the existing use of the site could also yield benefits. The cessation of the existing use of the site could also yield benefits in terms of improvement to the residential amenity of occupants of dwellings in its surroundings. Again, these matters are public benefits which carry moderate weight in favour of the proposal in environmental and social terms.

Economic benefits arising primarily relate to direct and indirect jobs, and the longer-term boost to local spending power. This could arise from any similar development but that does not detract from the fact that this development would offer such benefits, some of which would be temporary and short term, but others would be longer lasting and permanent.

While several planning obligations have been agreed, However, as such payments are proportional to the type and scale of development to be delivered and relate to the provision of infrastructure to be used by its future occupants, this is a matter that has only a neutral effect on the planning balance.

The site itself is of negligible ecological value and some enhancement measures could occur through some limited enhanced connectivity with other wildlife and ecology resources. However, given the site's density and layout, I see no reason why some small biodiversity enhancement measures could not be secured to which I give limited weight.

In addition, the proposed housing mix includes units for those with restricted mobility, and the occupiers would contribute to the vitality and vibrancy of the local community. Having regard to the amount of housing proposed, these are benefits of limited weight. There would also be limited economic benefits from the construction of the housing and the occupiers spending on services and facilities in the vicinity of the site. The pedestrian accessibility improvements and rest features, bus stop improvements and dial-a-ride service would benefit some of the existing residents in the area and attract limited weight.

Conclusion

In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) to comprise the VSC necessary to approve inappropriate development.

In the context of the NPPF paragraph 153 which states: "Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Therefore, although every case must be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for Very Special Circumstances (VSC) to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case, it is considered that the contribution towards housing land supply and that the proposal will provide 100% affordable housing are material considerations that weigh very strongly in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above. It is concluded that the Green Belt arguments are no longer finely balanced. For this application, it is considered that the benefits of the proposals now clearly outweigh the harm to the Green Belt, and consequently, VSC does apply.

Furthermore, neither WCC Highways nor officers consider the site to be in an unsustainable location.

Having considered all material planning considerations, I am thus minded to recommend approval of the full planning application, subject to conditions and the signing of a s106 agreement.

RECOMMENDATION:

(a) **MINDED to GRANT** Full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- i) The provision of 34 affordable dwellings on the site (social rented).
- ii) A financial contribution of £96,000 for Public Transport improvements.

- iii) A financial contribution of £29,665.41 for necessary School Transport Services.
- iv) A financial contribution £3,798.90 for necessary Community Transport Services
- v) A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- vi) £41.80 contribution for refuse and re-cycling bins per dwelling
- viii) A section 106 monitoring fee.

(c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

Conditions:

- 1) The development to which this permission relates shall not be commenced later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of s.91 of the Town and Country Planning Act 1990 as amended by s.51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Site Location Plan	Ra_3298_S3_001
General Site Plan	Ra_3298_S3_004 F
Landscape Masterplan	4202 101 Rev B
Planting Plan (1 of 2)	4202 201 Rev B
Planting Plan (2 of 2)	4202 202 Rev B
Housetype Ra_1	Ra_3298_S3_100 B
Housetype Ra_1.1	Ra_3298_S3_101 B
Housetype Ra_2	Ra_3298_S3_200 B
Housetype Ra_2.1	Ra_3298_S3_201 B
Housetype Ra_3&3.1	Ra_3298_S3_300 B
Site Access Arrangements	210672-01 Rev B
Proposed Pedestrian Crossings	210672-01 Rev

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Notwithstanding the materials site plan submitted as part of this application, no development above ground floor slab level shall take place until samples of materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority (to include those materials to be used externally on the walls and roofs, doors and windows, door and window frames and block work materials on drives/specific access points). Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure the satisfactory appearance of the development.

- 4) The Development hereby approved shall not be occupied until the highway works comprising:

- Approved access plan in general accordance with 210672-01 Rev B Site Access Arrangements Sheet 1 of 13
- Works plan in general accordance with drawing 210672-01 Rev Proposed Pedestrian Crossings Sheet 13 of 13

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 5) The Development hereby approved shall not be occupied until the layout, turning areas and parking facilities have been provided in general accordance with Drawing Ra_3298_s3_004_e. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: To ensure conformity with submitted details.

- 6) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 7) 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.

- 8) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 9) All retained trees shall be protected throughout all phases of development in accordance with BS5837:2012 and measure in accordance with those made within the Seed Arboricultural Impact Assessment reference number 1222-AIA-V1-C, unless otherwise agreed with the Local Planning Authority in writing.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 10) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within a distance of influence of any ground or development work on any adjoining land shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 11) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 12) All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010) to the satisfaction of the Local Planning Authority.

Reason: To ensure the environment of the development is safeguarded and enhance.

- 13) 1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified.

The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the resulting approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15) No works or development above foundation level shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority.

- Construction ready drawings showing surface and foul private connections.
- A survey of the ditch line identified along the southern site boundary. There are no records of this ditch, so this needs to be clarified and downstream connectively proven. If not suitable an alternative discharge point should be proposed along with an amended drainage strategy to reflect any changes.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 16) No part of the development to which this permission relates shall be occupied until a Landscape and Ecological Management Plan (LEMP) including long term objectives, management responsibilities and maintenance schedules for all landscape areas, both hard and soft (other than small, privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including extent and location of proposed works and an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Legal and funding mechanism(s) by which the long-term implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be implemented in accordance with the approved details.

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework, to protect the trees, hedges and landscape features which form an important part of the amenity of the site and in order to secure well-planned development.

- 17) No part of the development to which this permission relates shall be occupied until details of any proposed external lighting have been submitted to and approved in writing by the local planning authority; lighting shall thereafter be provided and maintained in accordance with the approved plan for the lifetime of the development.

Reason: To safeguard the site from increased light pollution, protect visual amenity and maintain the existing value of biodiversity on and adjacent to the site to protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005 and the National Planning Policy Framework.

- 18) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area.

- 19) No works or development above foundation level shall take place until full details of proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason: In the interests of residential amenity and in accordance with National Planning Policy Framework.

- 20) Prior to the occupation of the development, details of the boundary treatments to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene.

- 21) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the dwellings has been submitted to and approved in writing by the Local Planning Authority. This should include details glazing and ventilation. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources.

- 22) Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:

Noise tests showing that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014.

Non-compliance with any of the above levels will require additional mitigation measures to be incorporated into the development prior to first occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

Reason: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources.

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