

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs Rebecca Crann	Variation of Condition of 4 of planning permission 14/0408 (Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance)) to substitute plots 13-16 with alternative house types Land Rear, Algoa House, Western Road, Hagley, Worcestershire		24/00416/S73

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

No objection subject to conditions relating to:

- Access, parking and turning facilities
- Visibility splays
- Implementation of construction management plan

North Worcestershire Water Management

No objection, subject to the submission of an updated drainage drawing to reflect changed house types.

Hagley Parish Council

No Objection

Public Comments

10 letters were sent to neighbours 25.04.2024 (expired 19.05.2024)

Site notice displayed 26.04.2024 (expired 20.05.2024)

Press advert published 03.05.2023 (expired 20.05.2024)

No comments have been received.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP5B Other Development Sites

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance
National Design Guide
Bromsgrove High Quality Design SPD

Relevant Planning History

23/00027/REM	Approval of Reserved Matters relating to landscaping pursuant to outline planning permission 14/0408 (Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance)).	Approved	08.03.2023
14/0408	Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance)	Approved	06.01.2023

Assessment of Proposal

The Site and its Surroundings

The application site is located to the south-east of a proposed residential area on the south-east side of the settlement of West Hagley. The site is bordered on the north-west and south-west by areas granted planning permission for residential development, which has subsequently been built. To the north-east is open countryside located in designated Green Belt. To the south-east is mainly existing residential development fronting Western Road. To the immediate south, the site is bounded by two dwellings known as Algoa House and Eightlands. The gardens of these dwellings are separated from the site by 1.8 metre high close-boarded fencing. Beyond Western Road is open countryside located in designated Green Belt. The site is allocated as a Development Site in the Bromsgrove District Plan.

Proposal Description

Section 73 of the Town and Country Planning Act 1990 allows an application to be made for permission to develop without complying with a condition previously imposed on a planning permission. A section 73 application can either seek the removal of a previously imposed condition or it may seek to vary the wording a condition previously imposed. In this case, the application proposes to vary Condition 4 attached to planning permission reference 14/0408 to swap the SL1 and SL2 approved dwellings which are stepped units

with a one storey bungalow appearance at the front which step down to the rear. To a more standard house type which does not require a stepped unit for these dwellings. If successful, relevant plans approved under application 14/0408 would be substituted by plans submitted by the applicant under this application.

Following the relevant discharge of conditions. Development has commenced on site in February 2024.

A section 106 Agreement (S106) was completed for the application. The legal agreement was worded such that, if a s73 consent is granted (such as this application), the obligations in the S106 legal agreement (such as affordable housing, education, off site open space, etc) shall relate to the new s73 consent. This was specified in Section 17 of the agreement. Therefore, a supplemental deed/new legal agreement is therefore not required in this case.

Layout and Design

Since acquiring the site, the current developer seeks to make changes to the appearance of the development and has submitted amended floorplans and elevations together with a site layout plan to reflect those changes.

The following changes are proposed as part of the amendment to the approved scheme.

- Proposing to swap the SL1 and SL2 dwelling types on plots 13-16 which are stepped units with a one storey bungalow appearance at the front which step down to the rear. To a more standard house type which does not require a stepped unit design for these dwellings.
- Reconfigured access and parking arrangement for plots 13-16
- Minor changes to the elevational treatment.

The elevational and layout changes to the dwellings are acceptable. The height, scale and massing of the development while altered based upon the submitted levels information is satisfactory. Overall, the changes in terms of design are acceptable. The proposed development is in accordance with the BDP19, the Bromsgrove High Quality Design SPD and the NPPF.

Other Matters

Technical matters regarding the number of affordable housing, flood risk, drainage, ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the changes to the plans under this application do not result in any material change to these matters, subject to relevant conditions being imposed.

Conclusion

In conclusion, the proposed changes are considered to comply with Bromsgrove District Plan policies, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions. Under section 73 applications, conditions attached to the original consent are

carried across to the new section 73 application where those conditions continue to have effect. The recommendation below together with conditions, where they are required to be amended, reflects this.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

1. The development hereby approved shall be carried out in accordance with the following plans and drawings:

5563-01D Location Plan

2332-03-02 Rev B - Proposed Site Layout

H-4-1625-ELY

H-5-2171-SEYMOUR

H-5-2381-WEBB

Planning Drawing - House Type J4 (4 bed detached) - Plots 1, 3, 12, 25 & 26 (handed)

Planning Drawing - House Type J5 (4 bed detached) - Plot 21

Planning Drawing - House Type M (4 bed detached) - Plot 22

Planning Drawing - House Type N (3 bed detached/link detached) - Plots 4, 7 & 8 (link-detached) & 20

Planning Drawing - House Type W1 (4 bed detached) - Plot 2

Planning Drawing - House Type AF2 (2 bed terrace) - Plots 9, 10, 11, 17, 18 & 19

Planning Drawing - House Type 920 (3 bed semi) - Plots 5, 6, 23 & 24

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

2. The materials to be used externally on the development hereby authorised shall comply with the details outlined within External finishes schedule - Rev.

Reason: To ensure that the external appearance of the building is satisfactory.

3. The approved Construction Environmental Management Plan (CEMP) Report by Worcestershire Wildlife Consultancy shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

4. All trees to be retained within the site or within influencing distance of any ground or development work on any adjoining land are to be afforded protection in accordance with BS5837:2012 recommendations throughout the works.

Reason: In order to protect the trees which form an important part of the amenity of the site.

5. All pruning of trees should be in accordance with BS3998:2010 recommendations.

Reason: In order to protect the trees which form an important part of the amenity of the site.

6. No ground level alteration work should be carried out with 2 metres of the general hedge line on the Eastern and Western boundaries of the site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

7. Any section of the access road that falls within the RPA of G1 is to be installed by use of suitable grade of No Dig construction and be porous in nature as to minimise the effect on the water and gaseous exchange levels currently available to these trees.

Reason: In order to protect the trees which form an important part of the amenity of the site.

8. The development should comply with the approved Landscape and Ecological Management Plan (LEMP) by Worcestershire Wildlife Consultancy (2013/221 D). The approved landscape and ecology measures shall be implemented in accordance with the details outlined in the implementation and management sections of the report unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

9. No dwelling hereby approved shall be occupied until the access, parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing BK20502A.

Reason: To ensure conformity with submitted details.

10. The development hereby approved shall not be occupied until the visibility splays shown on drawing BK20502A have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

11. The measures set out in the approved construction management 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.

- 12.No new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of the top of any bank of the Gallows Brook or on land at or below 106.4m AOD inside or along the boundary of the site.

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

- 13.No part of the development hereby approved shall be occupied until all soft landscaping has been planted in accordance with the specification given on the detailed planting plan as to be approved by way of the reserved matters application. If within a period of 5 years from the date of planting any part of that scheme, or any replacement planting, is removed, uprooted, destroyed/critically damaged, dies or becomes, in the opinion of the local planning authority, seriously defective, replacement planting of the same size and species as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In order to add character to the development and to integrate the development into the area.

- 14.Unless otherwise agreed by the Local Planning Authority development, the development should be implemented in accordance with the recommendations and measures outlined in the following reports.

Report 1- Supplementary Geo-environmental Assessment Report for a proposed residential development to the rear of Algoa House, Western Road, Hagley. Report by GIP dated 24th May 2023 ref: KCD/32071/A(Final).

Report 2 - Remedial Strategy and Verification for a proposed residential development to the rear of Algoa House, Western Road, Hagley. Report by GIP dated 24th May 2023 ref: KCD/32071/B. Rev 2 Issued 18th July 2023. Final

Report 3 - Soil Contamination Discovery Strategy - Land to the rear of Algoa House, Western Road, Hagley. Report by GIP dated 24th May 2023 ref: KCD/32071/C(Final).

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.

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 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. The development should comply with the approved Water Management Statement February 2023 by Structural Design Services Limited. Prior to the commencement of plots 13-16 an updated surface water drainage strategy for these plots shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

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

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