

2022 Annual Review of the Catshill and North Marlbrook Neighbourhood Plan (NP)

1. Introduction

The NP was commissioned by Catshill and North Marlbrook Parish Council (PC) in 2016 and was approved in a referendum held in November 2021. Over 800 residents voted in the NP in this referendum with 723 in favour. As a result, the twenty planning policies in the NP became part of the statutory planning framework and were adopted by Bromsgrove District Council (BDC) meaning that new planning applications, submitted in the Parish, were to be considered against these policies (together with all other policies of the development plan regime).

Paragraph 11 of the NP states that;

“Catshill and North Marlbrook Parish Council will ensure there is compliance with the NP and that it is regularly reviewed. In order that the NP is actively managed the Parish Catshill and North Marlbrook Parish Council will ensure there is compliance with the NP and that it is regularly reviewed.

The Council will carry out an annual review which, on completion, will be placed on the Parish Council’s website and made available as a hard copy version at the Parish Council Office and the local library.”

This report is the first review of the NP covering the period 2022.

2. Details on planning applications for the NP area

Twenty four planning applications were submitted in the NP area during 2022 (see Appendix at the end of this report). Due to a shortage of Parish Councillors during this period, the Parish Council submitted a limited number of responses to these applications and did not assess any of them against the relevant plan policies of the NP.

It is the intention to reform the Planning Committee at the beginning of 2023 and fully implement the NP, with the assistance of a projects officer. It is planned to make an appointment for this post in the first quarter of 2023.

BDC planning officers also did not assess these planning applications against the NP, focussing on Local and National plan policies and guidance. The Parish Council will ask BDC to assess future planning applications for the NP area against its plan policies which are now legally part of the Local Plan.

3. The effectiveness of NP plan policies in the determination of these applications

As previously noted, the 2022 planning applications have not been tested against the NP’s planning policies. It is the intention to assess future planning applications in 2023 to determine their effectiveness and report back at the next annual review.

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4. Outcomes of discussions with developers in producing and agreeing design briefs for preferred sites prior to planning submissions

No discussions have taken place with developers or their agents since the NP was made. In November 2021 at least 4 developers were active in the Parish and have made representations to both BDC and the PC through 'Call for Sites' exercises in the recent past.

The Preferred Options Report from BDC has been delayed from its publication date of September 2022 as the following statement confirms;

Bromsgrove Local Plan Preferred Option – Statement from Cllr Phil Thomas, Portfolio Holder for Planning and Regulatory Services, 17th August 2022:

'Today I'm announcing that we have taken the decision to delay the publication of the Preferred Options stage of the Local Plan review. We understand the frustration that this will cause those wishing to comment on the Plan this September, however this decision has not been taken lightly.

Whilst significant progress has been made in all areas of the Plan, I feel that it is vital to provide as much certainty as possible to our residents and businesses regarding the likely infrastructure required to support the Plan's delivery. To do this we feel that further work is required.

Officers have been instructed to work with all those responsible for infrastructure provision to secure the further evidence required. In due course a new timetable will be published which will take into account the collection and analysis of this evidence. Whilst this work is taking place, officers will be available meet with those stakeholders wishing to do so. Again, we apologise for this delay, but would reiterate that providing the highest levels of certainty in our plan-making is of the utmost importance to us.'

It is hoped that the proposed changes to legislation and the National Planning Framework will not further delay this important stage in the Local Plan Review. (See section 7 below). It is envisaged that once the Preferred Options Report is published, discussions can begin in earnest with developers.

5. Implementing the Green Infrastructure Network and monitoring results

Natural Networks is a five-year partnership between Worcestershire Wildlife Trust and Worcestershire County Council and is funded by the European Regional Development Fund (ERDF). It aims to help create and enhance these wildlife corridors across the county. Once registered, the programme team offers advice and grants, in a two-stage process, to projects that aim to restore wildlife-rich habitats.

Natural Networks has undertaken a Biodiversity Enhancement Assessment of a number of sites within the Parish. The sites include a variety of road verges and green spaces, including Lingfield Wildlife Walk and Barley Mow Meadow. In addition to these sites is Catshill Village Meadow (George Wagstaff Memorial Meadow). Much discussion has taken place as to the scope of any projects going forward.

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A second assessment has been undertaken, in conjunction with North Worcestershire Water Management, concerning the Millennium Way Cycle Route. The aim of the project is to increase the availability and quality of wetland habitat and to alleviate localised flooding. The site is adjacent to the Millennium Way cycle route. A grant has now been awarded by Worcestershire County Council and work should start in the near future on this project.

6. Implementing Community Action Projects and monitoring results

To date the following action has been undertaken on Community Action Projects:

CA1. A recreation and community strategy should be developed for the Parish in order to maintain and improve existing facilities and to provide a focus for coordinating and advertising local events and services.

A Community Builder has recently been appointed by the Local Authority. This person has worked with the PC, local churches, schools and the social club to develop a 'Warm Places Strategy'. The strategy is advertised on the PC's and local groups' face book pages.

CA2. The introduction of speed restrictions and traffic calming measures will be supported, particularly on all main roads through Catshill and North Marlbrook.

Illuminated speeding signs have been introduced in many parts of the Parish.

CA3. The Parish Council will support improvements in local bus service to provide more sustainable travel to meet the needs of local residents.

The curtailment of bus services on 144 route has been opposed by the PC and BDC, resulting in an improved service into Birmingham than that originally intended.

CA4. The Parish Council will endeavour to further the Green Infrastructure Network by raising and providing funds to maintain and improve existing footpaths, develop new ones, enhance blue/green corridors and promote better linkages between green spaces.

An active footpaths group has been formed and undertakes maintenance work to footpaths throughout the Parish. A website has been developed showing a number of walks that are available in the village area.

7. Effect of changes to National and District Council planning policies on the Neighbourhood Plan

There has been continued support for Neighbourhood Plans (NPs) in forthcoming legislation including proposed changes to the National Planning Policy Framework in 2023.

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The Levelling up and Regeneration Bill

The Levelling up and Regeneration Bill (the Bill) aims to reverse geographical disparities between different parts of the UK by spreading opportunity more equally. This wide-ranging Bill has at its heart planning reform. It seeks to change the way powers can be devolved to local authorities and introduces reform to the planning system in England. Many of the provisions in the Bill take forward the proposals set out in the 2020 Planning White Paper.

The Bill will place a duty on the government to set levelling up missions for a period of no less than five years, through a levelling up mission statement, and produce an annual report updating the country on the delivery of these missions.

However, the Bill has been criticised as being too broad and lacking in detail, especially with regard to sustainable development. Hence, comprehensive consideration by way of pre-legislative consultation and scrutiny is expected and it is hoped that this will result in clearer clauses detailing how green development such as making homes more energy efficient will be achieved. The remaining sections of the Bill that are not dealt with via consultation and amendment will be delivered by secondary legislation.

Who's affected

The main beneficiaries of the Bill are homeowners, local businesses and residents. Hence, the Bill will impact the following lines of business: construction, real estate, local authorities and their insurers.

Purpose of the Bill

The Bill aims to “promote local growth” and “empower local leaders”. The government has therefore pledged to:

- Support 20 towns, starting with Wolverhampton and Sheffield and undertaking green regeneration projects in the style of Kings Cross;
- Fund brownfield sites in the North and Midlands (£120 million);
- Build more genuinely affordable social housing and publish a social housing regulation bill to deliver commitments made following the Grenfell tragedy in 2017;
- Launch £1.5 billion Levelling Up Home Building Fund which will provide loans to SMEs and support the UK Government’s wider regeneration agenda in priority areas.

The Bill prioritises a green regeneration scheme using green principles, methodologies and technology/innovation to transform local areas to beautiful communities that achieve net zero emissions. The key to delivering these communities will be planning reform.

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Key measures of the Bill

The derived outcomes of the Bill are to:

- Introduce a street vote system giving residents the chance to propose new developments, such as extensions to an existing house, and hold votes on whether they should be given planning permission;
- Introduce a new infrastructure levy for developers to pay, charged on the value of property when sold by the developer with rates and thresholds set locally by planning authorities;
- Replace the Environmental Impact Assessment and Strategic Environmental Assessment regime with a new system of environmental assessment; Environmental Outcomes Reports (EORs);
- Require local areas to produce a 'design code' to inform planning decisions to further the aim of clear design standards. This will include the requirement for developers to produce EORs;
- Make changes to compulsory purchase orders to support the green regeneration of brownfield sites;
- Digitally transform planning services to increase the use of high-quality data and digital services in the planning process. This includes powers to require compliance with data standards and make planning data publicly available through an open licence;
- Ensure local plans are simplified to speed up the planning process;
- Strengthen enforcement powers for local authorities when dealing with those who fail to comply with EOR rules.

Both Bottom up and Top Down

First of all, there are measures to further advance the localism agenda.

Neighbourhood planning is re-engineered in the 'levelled up' system. The draft legislation includes proposals for a 'neighbourhood priorities statement' intended to provide communities with a simpler and more accessible way to set out priorities and preferences for their local areas.

These statements will need to be considered by local authorities in local plan preparation.

The Bill also includes a placeholder for provisions to introduce a 'Street Votes' system that permits residents to propose development on their street and hold a vote on whether it should be given planning permission.

According to the Explanatory Notes the concept is 'to incentivise neighbours to consider the potential for development, especially in areas of higher demand, and support a gentle increase in densities through well-considered, well-designed and locally supported proposals'.

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However, the proposals for **neighbourhood planning** also reflect another theme that permeates the Bill and which is at direct odds with localism - namely reducing the influence of local democracy in key aspects of planning decision making.

To ensure that neighbourhood planning does not act as a brake on housing delivery, the intention is to introduce a new basic condition for neighbourhood plans so that they do propose less housing development than would have been the case if the plan was not to be made.

Perhaps the starkest example of this selective retreat from subsidiarity in planning decision making is the reformulation of the statutory status of the development plan in decision-making.

Currently the effect of section 38(6) of The Planning and Compulsory Purchase Act 2004 is that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

If enacted, clause 91 of the Bill would replace this test with a requirement that determinations must be made in accordance with the development plan together with national development management policies, unless material considerations strongly indicate otherwise.

In the event of conflict between the development plan and national development management policy, the latter will have primacy, which means that under the new arrangements national will trump local policy.

This begs the question, what is a 'national development management policy'?

The answer is that it is a policy, which the Secretary of State by direction designates as a national development management policy. So, the Secretary of State will have considerable latitude when it comes to steering planning decision making at local level.

Timeline

The Bill was introduced to the House of Commons on 11 May 2022 and is currently at committee stage in the House of Commons.

Changes to National Planning Framework (NPPF) for 2023

(Extract from article by Executive Director – Sarah Hamilton, Pegasus Group.)

The intention is to set out more detail on the approach in NPPF consultation by Christmas 2022 and concluded by April 2023.

Community Control

The changes set out below are to be included in the NPPF:

- Whilst a method will be retained for the calculation of **housing need, changes are proposed that the housing number is an advisory starting point, but not mandatory**. According to the PPG Housing and Economic Needs (December 2020), the use of the current Standard

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Method is not mandatory, “if circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. *There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances*”. The proposed approach states that it is now up to local authorities with their communities to determine how many homes they should provide, taking into account what should be protected in each area. This is a move away from the approach in the PPG where any other figure than the Standard Method (SM) is the exception rather than the rule. Currently the NPPF expects LPAs to follow the Standard Method to identify the “minimum” number of homes expected to be planned for, although the SM does not produce a housing requirement. The current guidance also sets out the circumstances in which it may be appropriate to plan for a higher housing need figure.

- The Secretary of State has stated that:

“For those areas that would like to bring forward their own method for assessing housing needs, I will be clear on the exceptional circumstances under which they may do so, for example where a case can be made for unusual demographic and geographic factors”.

This will be made clear in an updated NPPF and also in guidance to the Planning Inspectorate. Sarah Hamilton-Foyn, Executive Director commented: “we have already seen local authorities seeking to reduce their housing figure, rarely do we see those authorities that seek to go above and beyond their housing need.”

- Up to Local Authorities to determine with communities how many homes are built and decide on the proportion of affordable housing.
- The Inspectorate should no longer override sensible local decision making.

For example, in Local Plan examinations Inspectors will have to take into account:

Genuine constraints – Local Planning Authorities (LPA) will be able to plan for fewer houses if building is constrained by National Parks, Heritage restrictions and areas of high flood risk

Green Belt – **local planning authorities are not expected to review the Green Belt to deliver housing**. This is in line with commitments made by the Prime Minister in the Summer. (Sarah Hamilton-Foyn, executive Director commented that: **“the statement is silent on how housing need should be addressed if the whole of the LPA and neighbouring LPAs are covered by GB.”**)

Character – densities – ‘gentle densities’ as championed by the Building Better, Building Beautiful Commission. The Bill’s provisions for mandatory design codes, which will have the same legal force as the local plan.

The Secretary of State will “also review how the ‘soundness’ test for reviewing plans at examination is operated by the Planning Inspectorate. “I will ensure that plans no longer have to be ‘justified”, meaning that there will be a lower bar for assessment, and authorities will no longer have to provide disproportionate amounts of evidence to argue their case.”

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“The effect of these changes will be to make absolutely clear that Local Housing Need should always be a starting point – but no more than that – and importantly, that areas will not be expected to meet this need where they are subject to genuine constraints.”

Inspectors will be expected to take a more pragmatic approach at examination which reflects the updated policy.

Local Plans

- “We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up-to-date;
- Change the system of rolling 5yr Housing Land Supply;
- “Therefore for authorities with a local plan, or where authorities are benefitting from transitional arrangements, the presumption in favour of sustainable development and the ‘tilted balance’ will typically not apply in relation to issues affecting land supply”;
- The consultation will include “dropping the 20% buffer to be added for both plan making and decision making – which otherwise effectively means that local authorities need to identify six years of supply rather than five”;
- There are proposals to recognise historical over delivery on housing – the proposal is to allow LAs to take this into account when preparing new Local Plans, thus lowering the number of new houses they need to plan for;
- Transitional arrangements to be put in place: “Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two-year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis (from the current five years to four)”;
- Increase community protections afforded by Neighbourhood Plans against developer appeals from 2 to 5 yrs. There is no indication when this will be effective from. “The power of local and neighbourhood plans will be enhanced by the Bill; and this will be underpinned further through this commitment”;
- “clarify and consult on what areas we propose to be in scope of the new National Development Management Policies, and we will consult on each new Policy before it is brought forward by the Government. National Development Management Policies will also not constrain the ability of local areas to set policies on specific local issues”;
- There will be a consultation on increasing fees and a new planning performance framework.

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Build Out

Some measures are already in the Bill to ensure the build out of sites. The intention is to consult on two further measures:

- i) on allowing local planning authorities to refuse planning applications from developers who have built slowly in the past; and
- ii) on making sure that local authorities are not punished under the housing delivery test when it is developers who are not building.

There will also be a consultation on a new approach to accelerating the speed at which permissions are built – on a new financial penalty.

Brownfield First

The Government is investing to incentivise and enable brownfield development. The new Infrastructure Levy will be set locally by local planning authorities. They *“will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development”*.

The Government also intend to *“provide further protection in national policy for our important agricultural land used for food production, making it harder for developers to build on it.”*

The changes will also propose the ending the Duty to Co-operate to *“prevent urban authorities imposing their housing on suburban and rural communities”*.

Conclusions

Taken together, the proposed changes to the NPPF are fundamental and will encourage more local councils to pause plan preparation and look to deliver lower housing numbers. Whilst Michael Gove has re-affirmed the 300,000 a year housing target, it is hard to see how the changes will do anything other than stifle housing provision and make this target even more unachievable. A return to ‘brownfield first’, as we all know, will not plug the gap in housing delivery that will result.

So what effect will these proposed changes to Government Legislation have on the Bromsgrove District Plan Review? A Statement was made on delays to this Review by Cllr Phil Thomas due to the need for a review of infrastructure; see section 4 for the Statement.

Obviously the loud and public outburst against the Whitford Vale and Perryfield developments, particularly concerning infrastructure and the lack of a Western Orbital Route has delayed production of the Preferred Options Review. But how will the planners react to The Government’s doubling down on building on brownfield sites and not Green Belt due to increasing pressure from rural Conservative MPs? Will they be able to negotiate a lower housing figure as 90% of available land in the District is Green Belt, which will delay the review further?

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Neighbourhood Plans have been strengthened to support 'localism' and more 'beautiful designed' housing, through local design codes. Also the proposal for 'Street Votes' so that residents can vote on planning permissions on their street. The Parish website needs to advertise parish planning permission submissions as proposed several months ago.

There will be increased community protections afforded by Neighbourhood Plans against developer appeals from 2 to 5 years.

The Levelling Up Bill is now in committee stage and is vulnerable to significant changes before reaching the Statute Book. It is hoped these delays do not reflect in further delays to the District's review and some certainty is available to Parish Councils in 2023.

Appendix

NUMBER	APPLIC NUMBER	ADDRESS	REQUEST	SENT TO PC
822	22/00231/FUL	26 Church Road, Catshill	Proposed first-floor side extension over the existing garage and a single storey flat roof extension to the rear of the current property	02/03/2022
823				
	22/00321/FUL	1 Woodrow Lane, Catshill B61 0PS	Two storey side extension above existing garage, single storey rear and front elevation with a Lean to roof across the front of the house	21/03/2022
824				
	22/00351/FUL	6 Cottage Lane, Marlbrook	Extension to existing bungalow to the rear first floor added. New double garage to the side.	28/03/2022
825				
	22/00367/FUL	328 Stourbridge Road, Catshill	Proposed single storey rear extension with flat roof	04/04/2022
826				
	22/00431/HHPRIO	72 Wildmoor Lane, Catshill	Single storey rear extension at a length of no more than 3.6m and a height of no more than 4m.	04/04/2022
827				
	22/00465/FUL	53 Marlbrook Lane, Marlbrook	Proposed single storey rear extension following removal of existing conservatory	19/04/2022
828				
	22/00494/FUL	29 Redland Close Marlbrook	Single storey front, side and rear extension	03/05/2022
829				
	22/00560/FUL	469 Birmingham Road Marlbrook B61 0HZ	Two storey side and single storey rear extensions and porch to front	03/05/2022
830				
	22/00561/FUL	474 Birmingham Road, Marlbrook B61 0HS	Demolition of existing garage and car port and construction of single-storey side extension; enlarged dormer window and replacement windows.	03/05/2022
831				
	22/00574/FUL	73 Golden Cross Lane, Catshill	Roof extension to existing dwelling to accommodate additional first floor habitable space, including two storey front extension and erection of new porch	09/05/2022
832				
	22/00367/FUL	328 Stourbridge Road, Catshill	Proposed single storey rear extension with flat roof	09/05/2022
833				
	22/00651/FUL	27 Hinton Fields, Catshill	Demolition of existing garage and construction of two storey extension	10/05/2022
834				
	22/00573/FUL	2 Cottage Drive, Marlbrook B60 1DN	Removal of existing rear extension and erection of single rear extension	10/05/2022
835				
	22/00715/FUL	18 Wildmoor Lane, Catshill	Single storey side and rear extension and raising the roof of the existing garage for a garage conversion	06/06/2022
836				
	22/00811/FUL	45 Golden Cross Lane	Loft conversion with rear hip to gable extension	28/06/2022
837				
	22/00813/FUL	296A Stourbridge Road, Catshill	Proposed outbuilding located at end of garden to provide gym and leisure space	11/07/2022

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838	22/01027/FUL	29 Bracken Grove	New higher roof and garage conversion	08/08/2022
839	22/01014/FUL	31 Hinton Fields Catshill	First floor extension	15/08/2022
840			Erection of a front canopy extension, a proposed first floor side extension over garage, two storey side extension, single storey rear extension and overall roof raise.	22/08/2022
	22/01059/FUL	526 Birmingham Rd Marlbrook		
841	22/01117/FUL	2 Wildmoor Lane	Replacement first floor rear extension	26/09/2022
842			Part single part two storey rear extension plus render to front elevation	03/10/2022
	22/01249/FUL	33 Marlbrook Lane		
843	22/00795/FUL	17 Braces Lane	New drop kerb to create a vehicular access to new driveway	24/10/2022
844	22/01374/FUL	34 Rocky Lane	Single Storey Rear extension to the existing dwelling	15/11/2022
845	22/01464/FUL	296A Stourbridge Road, Catshill,	Proposed extensions, Internal and external alterations and change in facing material.	19/12/2022