



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 16TH JULY, 2007, AT 2.00 PM

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, S. R. Colella, Mrs. J. Dyer M.B.E., D. Hancox, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. R. Scurrall, P. J. Whittaker and C. J. K. Wilson

(NOTE: Updates to the Reports of the Head of Planning and Environment Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.)

AGENDA

1. Apologies for absence and notification of substitutes
2. To confirm the accuracy of the Minutes of last Meeting (Pages 1 - 6)
3. Declaration of Interests
4. B/2007/0263-LDO - Kitchen extension, garage conversion to utility/WC, bedroom/en-suite extension (re-submission of B/2006/1094) - 5 Sandhills Lane, Barnt Green - Mr. K. Neale (Pages 7 - 10)
5. B/2007/0356-DMB - Industrial and warehouse units with use classes B1(a) and (c), B2 and B8 with associated access, parking, service yards and landscaping: outline - Part Cofton Centre, Groveley Lane, Cofton Hackett - Redman Heenan Properties Limited (Pages 11 - 20)

6. B/2007/0392-DMB - Single storey laboratory classroom - Bromsgrove School, Worcester Road, Bromsgrove - Bromsgrove School (Pages 21 - 24)
7. B/2007/0411-DMB - Erection of six no. commercial units for B1/B2/B8 use - Plot 8, Saxon Business Park, Hanbury Road, Stoke Prior - Mongoose Limited (Pages 25 - 28)
8. B/2007/0433-HLP - Erection of three storey building comprising retail use in ground floor and 22 apartments above and associated works - At Land at junction of new Road/Beverley Road, Rubery - Rubery Development Limited (Pages 29 - 46)
9. B/2007/0454-SW - Proposed redevelopment to provide 12 x 1 bedroom apartments (resubmission of B/2006/1405) - 34 and adjoining land, Rock Hill, Bromsgrove - Elmsvyne Homes Ltd. (Pages 47 - 52)
10. B/2007/0456-SW - Erection of 3 Stables, feed store and 1 tack room Pool House Farm, Hockley Brook Lane, Belbroughton - Mr. and Mrs. Halls (Pages 53 - 58)
11. B/2007/0466-DMB - Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: resubmission of B/2006/1048 - Land at School Drive, Bromsgrove - Persimmon Homes (South Midlands) Limited (Pages 59 - 84)
12. B/2007/0496-DMB - Change of use to residential care home (Class C2), extensions and erection of replacement structure - The Lodge, Wast Hills House, Wast Hills Lane, Alvechurch - Castlebeck Care (Teesdale) Limited (Pages 85 - 92)
13. B/2007/0498-DI - Cross Roads Garage, Kidderminster Road, Woodcote Green - Amended application - Proposed car showroom and shop - R. D. Skidmore (Pages 93 - 96)
14. B/2007/0573-LDO - Change of use from dwelling to home for people with learning difficulties - 47 Wellington Road, Bromsgrove - Mr. K. Thakqar (Pages 97 - 108)
15. Tree Preservation Order (No.1) 2007 - 47 Wildmoor Lane, Catshill, Bromsgrove (Pages 109 - 118)
16. Tree Preservation Order (No. 2) 2007 - 18 and 16a Littleheath Lane, Lickey End, Bromsgrove (Pages 119 - 122)
17. Appeal Decisions (Pages 123 - 124)

18. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

16th July 2007

This page is intentionally left blank

Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 18TH JUNE 2007, AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, S. R. Colella, Mrs. J. Dyer M.B.E., D. Hancox, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, P. J. Whittaker and C. J. K. Wilson

Observer: Councillor Mrs. R. L. Dent

Officers: Mr. D. Hammond, Mrs. C. L. Felton, Mrs. S. Sellers, Mr. D. M. Birch, Mrs. S. Willetts, Mrs. J. Burton, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

15/07 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors C. R. Scurrall and C. B. Taylor.

16/07 MINUTES OF LAST MEETING

The Minutes of the meeting of the Committee held on 21st May 2007 were submitted.

RESOLVED: that the Minutes of the meeting of the Committee held on 21st May be confirmed as a correct record and signed by the Chairman.

17/07 DECLARATION OF INTERESTS

The following interests were declared in respect of matters to be considered by the Committee:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor Mrs. J. M. Boswell	B/2007/0478	Personal. Member of the Bromsgrove Conservative Association.
Councillor S. R. Colella	B/2007/0478	Personal. Member of the Bromsgrove Conservative Association.
Councillor G. N. Denaro	B/2007/0478	Personal. Member of the Bromsgrove Conservative Association.
Councillor G. N. Denaro	TPO (No. 15) 2006	Personal. Knows the householder who owns the land on which the trees are located.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor Mrs. J. Dyer M.B.E	B/2007/0478	Prejudicial. President of the Bromsgrove Conservative Association. During consideration of the application, Councillor Mrs. Dyer left the room.
Councillor Mrs. J. Dyer M.B.E.	TPO (No. 15) 2006	Personal. Knows the householder who owns the land on which the trees are located.
Councillor D. Hancox	B/2007/0478	Personal. Member of the Bromsgrove Conservative Association.
Councillor Mrs. J. D. Luck	B/2007/0478	Personal. Acquainted with the applicant.
Councillor S. R. Peters	B/2007/0478	Personal. Acquainted with the applicant.
Councillor P. J. Whittaker	B/2007/0478	Personal. Member of the Bromsgrove Conservative Association.

18/07

B/2007/0258-SW - NEW GOLF RANGE AND ACADEMY - HAGLEY GOLF AND COUNTRY CLUB, WASSELL, GROVE LANE, HAGLEY - HAGLEY GOLF AND COUNTRY CLUB

The Head of Planning and Environment Services reported the receipt of the comments of Worcestershire County Council's Lighting Engineer.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on pages 11 and 12 of the report, together with the following additional condition:-

20. Prior to the commencement of development on site the applicant shall provide details of boundary fencing to the perimeter of the site. This shall be amalgamated and form part of the overall landscape plan and be submitted and approved in writing by the Local Planning Authority.

19/07

B/2007/0303-LD'O - CHANGE OF USE TO HOLIDAY LETS - THE MILL, FINSTALL NURSERY, ALCESTER ROAD, FINSTALL, BROMSGROVE - MRS. J. POWELL

The Head of Planning and Environment Services reported that this application had been withdrawn and that the breach of planning control referred to in the report would be the subject of a separate report to a future meeting of the Committee.

20/07

B/2007/0381-DMB - EXTERNAL FITTERS STORE - S P GROUP, RAVENSBANK BUSINESS PARK, HEDERA ROAD, REDDITCH - S P GROUP

REOLVED: that permission be granted subject to the conditions and notes set out or referred to on pages 18 and 19 of the report.

21/07

B/2007/0388-SW - 1 & 3 STOREY EXTENSIONS TO EXISTING UNIT TO PROVIDE (25 NEW UNITS) NEW ENTRANCE PORCH AND ASSOCIATED PARKING AND LANDSCAPE ALTERATIONS - GILBERT COURT, CHARFORD, BROMSGROVE - BROMSGROVE DISTRICT HOUSING TRUST

At the invitation of the Chairman, Ms. D. Furniss addressed the Committee and spoke against the application, and Mr. J. Pearson spoke in favour on behalf of the applicant.

The Head of Planning and Environment Services reported the following amendment to the description of the application, showing amended access arrangements in line with comments of Worcestershire County Council's Highway Officer, and minor revisions to landscaping:-

"(And further amended and augmented by plans dated 08.06.2007 plan 20c)."

The receipt of comments from the Landscaping Officer and the Drainage Engineer were also reported, as were the additional comments of Worcestershire County Council's Highways Partnership (Bromsgrove), together with a correction to the Consultations section of the report amending "WME" to "WMC" (West Mercia Constabulary).

The Head of Planning and Environment Services also clarified the size of the proposed extension which was to be 42 metres in length, 18.5 metres in width and 11.5 metres in height.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on pages 30 and 31 of the report, together with the following additional conditions and note:-

20. H9
21. H13
22. H17
23. H27

Note

No works on the site should be commenced until engineering details of the improvements to the Public Highway have been approved by the Highways Authority and an agreement under Section 277 of the Highways Act 1980 entered in to.

22/07

B/2007/0459-SMcN - FIXED GLAZED CANOPY TO THE REAR OF THE EXISTING BUILDING, SUPPORTED BY ALUMINIUM POSTS TO CREATE SHELTER FROM THE ELEMENTS - GOLDEN CROSS HOTEL, 20 HIGH STREET, BROMSGROVE - J. D. WETHERSPOON PLC

At the invitation of the Chairman, Councillor Mrs. R. L. Dent addressed the Committee and spoke against the proposal.

The Head of Planning and Environment Services reported the receipt of comments from the Environmental Health Officer, and stated that the Ownership Certificate in respect of the application should be changed from "A" as stated in the report to "B".

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on page 35 of the report.

23/07

B/2007/0473-SMcN - PAVEMENT CAFÉ SEATING AREA, LOCATED TO THE FRONT OF THE BUILDING, TO INCLUDE FREE STANDING DEMOUNTABLE SCREENS AND REMOVABLE FURNITURE - GOLDEN CROSS HOTEL, 20 HIGH STREET, BROMSGROVE - J. D. WETHERSPOON PLC

The Head of Planning and Environment Services reported the receipt of comments from the Drainage Engineer, and stated that the Ownership Certificate in respect of the application should be changed from "A" as stated in the report to "B".

He also reported the status of the accuracy of the plans which had been submitted.

RESOLVED: that permission be refused for the reason set out on page 41 of the report.

24/07

B/2007/0478-DMB - SECOND FLOOR BEDROOM EXTENSION AND ASSOCIATED ALTERATIONS (RESUBMISSION OF B/2007/0478) - 5 BEOLEY HALL, ICKNIELD STREET, BEOLEY - MS. J. KIRKBRIDE

The Head of Planning and Environmental Services reported the receipt of comments from the Drainage Engineer and Beoley Parish Council.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on pages 46 and 47 of the report.

25/07

B/2007/0511-CE - INSTALLATION OF SOLAR PANELS TO FORMER PIGGERY BUILDING (RETROSPECTIVE) - NEWHOUSE FARM, LEA END LANE, ALVECHURCH - J. H. M. CONSTRUCTION

The Head of Planning and Environment Services reported the receipt of comments from the Local Plans. Policy Officer and Alvechurch Parish Council.

The Head of Planning and Environment Services also reported receipt of an amended location plan and stated that the description of the application should be amended to include the addition of:-

"(as amended by plan received 30/05/2007)."

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services. On the matter being put to the vote it was decided that permission be granted because

Members considered that the development related to a sustainable form of development that would not unacceptably harm the character of the barn..

RESOLVED: that permission be granted.

26/07 **B/2007/0514-SMcN - NEW CANOPY, TABLES AND SEATING TO FRONT OF BUILDING - HOGS HEAD, 126-130 HIGH STREET, BROMSGROVE - THE LAUREL PUB COMPANY**

The Head of Planning and Environment Services reported that this application had been withdrawn.

27/07 **B/2007/0515-SMcN - NEW CANOPY TO FRONT ELEVATION OF SITE - HOGS HEAD, 126-130 HIGH STREET, BROMSGROVE (LISTED BUILDING CONSENT) - THE LAUREL PUB COMPANY**

The Head of Planning and Environment Services reported that this application had been withdrawn.

28/07 **PI/2006/00194 - ENFORCEMENT OF PLANNING CONTROL - LAND ON THE SOUTH-EAST SIDE OF NEWTOWN LANE, ROMSLEY**

Members gave consideration to a report which gave details of a breach of planning control in respect of the failure to adhere to a condition attached to planning permission B/2005/0777.

RESOLVED: that the Head of Planning and Environment Services, in consultation with the Head of Legal and Democratic Services, be authorised to issue a Breach of Condition Notice for failure to comply with Condition No. 3 of planning permission B/2007/0777.

29/07 **TREE PRESERVATION ORDER (NO. 15) 2006 - TREES ON LAND AT SEVEN BAYS, MIDDLE LANE, HEADLEY HEATH, BIRMINGHAM, B38 0DU**

Consideration was given to a report relating to an emergency Tree Preservation Order which had been made in respect of four trees on land at Seven Bays, Middle Lane, Headley Heath.

RESOLVED: that the Bromsgrove District Council Tree Preservation Order (No. 15) 2006 be confirmed without modification.

30/07 **TREE PRESERVATION ORDER (NO. 16) 2006 - TREES ON LAND AT HOLLY DELL, WALKERS HEATH, BIRMINGHAM, B38 0AG**

Consideration was given to a report relating to an emergency Tree Preservation Order which had been made in respect of two oak trees on land at Holly Dell, Walkers Heath.

RESOLVED: that the Bromsgrove District Council Tree Preservation Order (No. 16) 2006 be confirmed without modification.

31/07

APPEAL DECISIONS

Members considered a report which detailed the decisions of planning appeals which had been determined since the last meeting of the Committee.

RESOLVED: that the report be noted.

The meeting closed at 3.20 pm

Chairman

Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr. K. Neale 'A'	Kitchen extension, garage conversion to utility/WC, bedroom/en-suite extension (re-submission of B/2006/1094) at 5 Sandhills Lane, Barnt Green	RES	B/2007/0263 06/06/2007

RECOMMENDATION: that permission be **REFUSED**.

Councillor Mrs. A. E. Doyle has requested that this application is not dealt with under delegated powers, and that it be submitted to the Planning Committee for determination.

Consultations

WCC (HP)	Consulted - Views received 23/04/2007: No objection
Barnt Green PC	Consulted - Views received 02/05/2007: No objection
Publicity	Three letters sent 11/04/2007 (expires 02/05/2005): No responses received

The site and its surroundings

The application site relates to a semi-detached dwelling located on the northern side of the highway within an established run of development in the residential area of Barnt Green. The streetscene is characterised by a variety of dwelling types with different architectural styles.

Proposal

Planning permission is sought for a first floor/two-storey side extension to this semi-detached property. The extension will be 2.7 metres wide reducing down to 2.4 metres wide some 4.8 metres in from the front elevation. The overall depth of the extension will be 7.1 metres set back 300mm from the front main wall and projecting 1-metre beyond the rear main wall. The gable end roof will be subordinate to the main ridge by some 100mm, although this is incorrectly shown on the front and rear elevations as 200mm and 300mm respectively.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10
Others	SPG1, PPS1

Relevant Planning History

B/2006/1094 Bedroom/en-suite extension - permission refused 29.11.2007

Notes

Design / Impact upon the streetscene:

The proposal is a resubmission of B/2006/1094, which was refused due to the proposed extension's non-subordinate design and terracing impact. The current proposal will therefore have to successfully overcome previous refusal reasons.

The proposed extension originally submitted under application B/2006/1094 was located within some 800mm of the common boundary at a pinch point due to the boundary taper. In this re-submission part of the flank wall has been stepped in at the rear to achieve a minimum gap of 1-metre from the boundary. I note that this amendment has resulted in a contrived flank wall design with an exaggerated eaves overhang that will still encroach upon the gap between properties. In this instance the adjoining property No.7 is located on the boundary and the current first floor gap between dwellings will be reduced from 3.7 metres to just 1 metre between flank walls and even less in reality as No.7's eaves overhang and chimney breast also encroach into this space. The loss of gap is exacerbated further by the change in levels making the proposed gable end extension loom over the neighbouring property.

In terms of avoiding terracing SPG1 states in paragraph 4.2(d) that two-storey or first floor extensions should be set at least one metre off the common boundary. I believe that the spirit of this policy is intended to ensure that if two neighbouring properties extend at least two metres will be retained between dwellings at first floor, although I note that greater distances can be sought for more spacious plots. Furthermore paragraph 4.2 of SPG1 states that the appropriate size of an extension depends upon its position and on the individual circumstances of the site, including factors such as the proximity of the next house, changes in ground level and visual dominance, which are all relevant factors in this case. With this in mind I consider that the proposed 1-metre gap will be insufficient to avoid a terracing effect and the extension will subsequently appear cramped and 'squeezed' into the streetscene to the detriment of the visual amenity of the area.

The previous application was also refused on the insufficient set down and set back, which is sought by SPG1 to create a design break between old and new. The current proposal remains unaltered following the refusal of B/2006/1094 and will be set 300mm back from the front main wall, which will result in a drop of some 100mm in the ridge. I would consider that this insufficient drop in the ridge will make the extension appear poorly designed when viewed from street level and will unbalance the symmetry of the semi-detached property to the detriment of the building's existing style and character. Given the difference in levels and insufficient gap I would consider that a more generous set down and set back that usually required would be of particular importance in this instance to reduce the extension's prominence and help mitigate the visual impact upon the streetscene. Although the side gable wall will have an awkward step and eaves overhang this element will be largely screened from the highway given the close proximity of the neighbouring property.

In conclusion I consider that the proposed extension has totally failed to overcome previous refusal reasons and will therefore have a negative impact upon the character of the dwellinghouse and the visual amenity of the streetscene.

Residential amenity issues:

The proposed extension will be located largely within the established run of development and will not breach the 45-degree code. The flank wall of the adjacent neighbour No.7 is blank with the exception of a small obscure glaze window. I am content that the proposed extension will not be overbearing and will not cause any significant loss of light or amenity to surrounding neighbours.

RECOMMENDATION: that permission be **REFUSED**.

1. The proposed development by reason of its size and siting would be detrimental to the character and appearance of the area due to the loss of gap at first floor between the dwelling and the boundary and would introduce a bulky and incongruous feature into the streetscene. The result would be to create a terracing effect in the streetscene to the detriment of the visual amenities of the locality contrary to the Council's SPG1, Bromsgrove District Local Plan Policy DS13 and the aims and objectives of PPS1.
2. The design of the proposed extension does not create a sufficient design break between old and new failing to be visually subordinate, unbalancing the symmetry of the to the semi-detached dwelling and exacerbating the extension's cramped effect within the streetscene to the detriment of the character of the dwellinghouse and the visual amenities of the area. The proposal is therefore contrary to the Council's adopted SPG1 and Policy S10 of the Bromsgrove District Local Plan 2004.

This page is intentionally left blank

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Redman Heenan Properties Limited 'A'	Industrial and warehouse units with use classes B1(a) and (c), B2 and B8 with associated access, parking, service yards and landscaping: outline - Part Cofton Centre, Groveley Lane, Cofton Hackett - (as amended by transport assessment received 10.05.2007, letter received 25.06.2007 and plans received 25.06.2007)	EMP	B/2007/0356 02.08.2007

RECOMMENDATION: that subject to the receipt of the satisfactory views of the WCC(HP), the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19th July 2007. **MINDED TO APPROVE**

Consultations

WCC (HP)	<p>Consulted - views received 31.01.2007: Recommends application is deferred for the following reasons:</p> <ul style="list-style-type: none"> • The Transport Assessment has been passed to the appropriate officer for consideration, but I am unable to comment on the impact of the development on the network until I have received the results of the audit of the Transport Assessment. • The application indicates a proposed B1, B2 and B8 usage, however the drawings provided appear to indicate B2 and B8 with ancillary offices. There is no separation in parking standards for the various elements of B1, therefore in worst case scenario the development could have a parking need of 934 parking spaces, therefore the applicant is requested to clarify the usage types and areas for each category to determine the required parking provision. • It is therefore recommended that this application be deferred pending the receipt of comments from representatives of the Highway Authority and clarification of the land usage types and areas for the proposed development. • I am collecting information relating to the Section 106 contributions required for network and service enhancement. I will respond to you detailing the level of the requested contribution when I am in receipt of this information.
ENG	<p>Reconsulted on additional information 27.06.2007: views awaited Consulted - views received 01.06.2007:</p> <ul style="list-style-type: none"> • No objection subject to Conditions
Planning Policy	<p>Consulted 03.05.2007: views awaited</p> <ul style="list-style-type: none"> • The proposal is for new employment uses on land currently identified as employment land in the BDLP and as such

guidance contained in PPG4 and policies PA1 of the RSS, WCSP polices on employment land are not particularly relevant to this application, particularly relevant BDLP polices are E9 and TR8. The Preferred Option Longbridge Area Action plan is also relevant in this instance.

- The general principle of new employment development on this site is acceptable in terms of the existing development plan and is supported by the emerging Area Action Plan for the whole of the former MG rover works. The preferred options draft of the AAP is looking to reallocate this site for employment uses beyond the life span of the currently adopted planning policy. This AAP has been through extensive public consultation, and is backed up by a substantial amount of technical baseline evidence.
- I do have a number of concerns especially the lack of sustainable technologies/design within the proposal, and also the lack of any infrastructure contributions for development of the wider Longbridge area.
- It is envisaged the redeveloped Longbridge site will become an exemplar of sustainable development principle 2 of the AAP states *"Longbridge will demonstrate best practice in sustainable development through design, construction and management of buildings and supporting infrastructure with the aim of showcasing best practise in all forms of sustainable development."*
- It is unclear from the current proposal how this has been addressed, if at all.
- Similarly under principle 13, the AAP is proposing *"The plan will ensure that all appropriate on and off site infrastructure and facilities to serve the development and measures to compensate for the impact of the development are addressed."*
- Whilst I accept the policy is in its infancy this is a clear statement of intent that all new development should contribute to the delivery of a suite of improvements across the full extent of the site and beyond. The current proposal again does not address this issue.
- The validity of the Transport Assessment should be evaluated at by Worcestershire county council and if necessary, works or financial contributions to enhance the highway network should be requested.

Tree Officer Consulted - views received 22.05.2007:
 • No objection

EHO Consulted - views received 16.05.2007:
Contaminated Land • No objection

- EDO Consulted - views received 09.05.2007:
Economic Development supports the application
- Network Rail Consulted - views received 16.05.2007:
- No objection
- EA Consulted - views received 02.07.2007:
No objection subject to Conditions
However would make the following comments:
- (a) Groundwater/Contaminated Land:
- The site has been used for the storage of new cars and crash test cars. The soil contamination profile appears to mirror this land use. Based on the information provided there appears to be no significant total soil or leachable contamination within re-worked and in-situ ground analysed from this site. There is limited longer chain hydrocarbon and VOC contamination at low concentrations within deeper groundwater within the Triassic Sherwood Sandstone. The groundwater contamination profile does not appear to be representative of low level soil contamination identified in soils analysed from this site. It is possible that the identified groundwater contamination has originated from an off-site source. The groundwater flow direction and hydraulic gradient have not been determined, this information would have been useful to aid interpretation. Therefore, based upon the information provided, it would appear that remedial treatment is not required at this site, in order to ensure appropriate protection of Controlled Waters.
 - We are currently in various stages of discussion with St Modwen Developments and their agents regarding the assessment and remediation of other areas of the former works. Notably the East Works/Powertrain, where the aim is to investigate and remediate contamination originating from this site and to investigate and remediate dissolved phase hydrocarbon contamination from a large scale fuel spill up-gradient of the site (Flight Shed).
 - In addition, remediation of the large scale light non-aqueous phase liquid (LNAPL) plume under the Flightshed, consisting predominantly of unleaded petrol. The remediation of this LNAPL plume is well advanced, a full-scale product recovery system was commissioned in August 2006. The successful assessment and treatment of these two areas of the site may therefore deal with the source of deeper groundwater contamination identified at the Cofton Centre site.
- (b) Flood Risk/Surface water drainage
- The site is located in Flood Zone 1 (little or no risk, <0.1% annual probability of flooding). PPS25: Development and Flood Risk para E9 states " For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the

probability and consequences of flooding".

- The drainage strategy submitted states that there will be no increase in surface water discharge to the River Arrow. We are presently requiring developers to incorporate a 20% decrease in the amount of water discharged from any development site and would expect this to be investigated as part of the surface water proposals. We note that the discharge of surface water is controlled by Environment Agency consent.
- We recognise that it is intended to increase the size of the balancing pond in order to cater for a 1 in 30 storm event. Whilst we support the use of a balancing pond we expect any site to be protected from a 1 in 100 storm event and contain sufficient capacity to store an additional 20% in order to account for climate change. In accordance with PPS25 flooding from all sources must be considered and the sustainable management of rainfall is an essential element of reducing future flood risk. We recognise that there appears to be sufficient scope to increase attenuation on site.
- We therefore would require a plan showing what will happen to the excess water in the 100 year storm event to ensure that the units and third parties will not be at risk from flooding. As stated in Paragraph 4.7 of the PPS25 Practice Companion Guide, no flooding of property should occur in 100 year events and this should include an appropriate allowance for climate change.

(c) Waste management

- Only clean, uncontaminated rock, subsoil, brick, rubble and crushed concrete should be used as fill material on site.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

(d) Nature Conservation Enhancements

- The magnitude of the Longbridge redevelopment site provides considerable scope for nature conservation enhancement to be incorporated into all phases of the proposed scheme. This can be achieved through management and protection of any existing mature features, appropriate ecological design and management of newly created habitats within the re-developed site.
- Nature Conservation Management Plan (NCMP). It is essential longer-term protection of the areas designated and set aside for the benefit of wildlife are protected from future anthropological impacts by robust ongoing site

management plans agreed in writing with the Local Planning Authority.

- Given the magnitude of the Longbridge site re-development and the significant change in land use, we would strongly recommend an ongoing Nature Conservation Management Plan (NCMP) is prepared for the whole site.
- The NCMP should seek to limit future anthropological impacts on the sites wildlife species, review ecological impacts and monitoring enhancement opportunities at pre-development, construction and post development phases.

BW	Consulted 03.05.2007: views awaited
HSE	Consulted 03.05.2007: views awaited
Ramblers Association	Consulted 03.05.2007: views awaited
Rights of Way AWM	Consulted 03.05.2007: views awaited
Natural England	Consulted 18.06.2007: views awaited
Birmingham CC	Consulted 29.06.2007: views awaited
	Consulted - views received 02.07.2007:
	No objection to the principle of development subject to the following comments:
	<ul style="list-style-type: none">• The Cofton Centre area of the Longbridge Area Action Plan (LAAP) includes a number of opportunities both on and off site to enhance green wildlife corridors, as well as pedestrian access to the countryside for local employees and residents. Any planning application approval should be conditioned to include a plan with an implementation schedule for improving both wildlife corridors and countryside access.• There are substantial concerns that the transport assessment submitted contains a number of factual inaccuracies and flawed assumptions. For example, the base scenario contains inaccurate information about 'consented development' and essentially underplays base scenario traffic flows. It is recommended that a further review of the transport assessment is undertaken before a recommendation is made on the application.• Under Principle 13 (Delivery of Infrastructure Improvements) of the LAAP the emerging policy states that 'All new developments' will contribute proportionally to the implementation of public transport, walking, cycling and highways improvements - achieved through legal agreements including s.106 and s.278 agreements'. It also states that all new development will contribute proportionally to other infrastructure and facilities to serve the development including:<ul style="list-style-type: none">• Improvements to Cofton Park and recreational areas

- Other public realm and environmental improvements
- Measures to compensate for impact of development (e.g. ecological mitigation)
- Local employment and training agreements
- Provision for local community and sport development
- There are concerns that unless each new AAP development scheme contributes proportionally to infrastructure and other costs then this will leave later stage developments to pick-up a disproportionate level of infrastructure and other costs. This may have the impact of jeopardising the future delivery of the LAAP. It is therefore recommended that Bromsgrove District Council should consider requiring the developer to enter into a S.106 obligation, or apply another mechanism such as a Grampian Condition to secure infrastructure and other off site improvements.

Cofton
Hackett PC
Publicity

Consulted - views received 24.05.2007:

- No objection

3 letters sent 08.06.2007: (expire 29.06.2007)

2 site notices posted 28.06.2007: (expire 19.07.2007)

1 press notice published 18.05.2007 (expires 08.06.2007)

2 letters received:

- Concern development will lead to reduction in storm water that feeds reservoir
- Visual prominence of development

The site and its surroundings

The application relates to a plot of land some 11.8 hectares located to the south of Groveley Lane. The site forms part of the former MG Rover works at Longbridge known as the Cofton Centre and is accessed via Groveley Lane, with this access shared with the existing buildings (storage and distribution uses) to the northern aspect of the Cofton Centre. The site is bounded to the west by the main Birmingham to Bristol railway line, beyond with is the former East Works which is currently undergoing site clearance. To the east and south is open countryside located in designated Green Belt. To the north of the site across Groveley Lane, the site adjoins the main outer urban area of Birmingham, including to the north west across a railway bridge, other parts of the former Longbridge works site, much of which in this part of the site is occupied by the Nanjing Automotive Company.

The application proposals relate to the southern most part of the Cofton Centre which is almost entirely hard surfaced and was previously used for the storage of completed motor vehicles prior to despatch and distribution. The site is formed by two plateaus with a narrow landscaping strip of limited quality and value separating the two. Much of the site is surrounded by an existing landscaped bund.

The site is located in an employment zone.

Proposal

The application relates to an outline application for industrial and warehouse units within Use Classes B1(b) (research and development of products or processes) and B1(c) (for any industrial process), B2 and B8. The scheme does not relate to the provision of B1(a) offices, other than those ancillary to the principal uses.

All matters are reserved for future consideration except access to the site and except the full details of the first phase of the proposed development comprising the two employment units 3 and 4.

For the reference of Members, if at least one Reserved Matters is reserved for future consideration by the LPA the application is considered to be made in outline, although where details are submitted with the application on a matter which could have been treated as a Reserved Matter the LPA must not reserve its approval unless the applicant withdraws the details. These are known as hybrid applications. On this basis I consider the scheme to represent a hybrid application.

The total development proposed amounts to 27,928 square metres of which 21,000 square metres is proposed in outline and 6,928 square metres in full detail (with Units 3 and 4 providing for 2,515 square metres and 4,413 square metres respectively).

The eastern part of the site is shown illustratively to accommodate Units 5 and 6 providing nearly 21,000 square metres of building for B1, B2 or B8 uses with ancillary offices, 172 parking spaces, turning and service yards. The proposals for this part of the site are entirely illustrative and would be the subject of future reserved matters submissions. An illustrative layout has been submitted for this aspect.

The western part of the site, adjacent to the site access is proposed to accommodate two buildings, Units 3 and 4, providing for 2,515 square metres and 4,413 square metres respectively for B1, B2 and B8 purposes with ancillary offices, 88 parking spaces, turning and service yards as well as proposed areas for landscaping. The proposals for this part of the site are set out in full for detailed planning approval and would not be the subject of further reserved matters submissions.

Unit Three

The building has dimensions 64.3 metres by 40 metres with a height to ridge of 12.4 metres. The schedule of accommodation relates to 2391 square metres of warehousing and 124 square metres of ancillary office accommodation. The building would be externally finished with a mix of brick cladding, composite panels and vertical cladding. The roof contains rooflights and horizontal cladding. Industrial access doors are located to the southern elevation facing the service yard. The southern elevation also contains extensive glazing to serve the ancillary office accommodation.

Unit Four

Unit Four is located to the south of Unit Three to the southern boundary of the site. The building has dimensions 63.1 metres by 71 metres with a height to ridge of 12.4 metres. The schedule of accommodation relates to 4181 square metres of warehousing and 232 square metres of ancillary office accommodation. The building would be externally finished with a mix of brick cladding, composite panels and vertical cladding. The roof contains rooflights and horizontal cladding. Industrial access doors are located to the southern elevation facing the service yard. The southern elevation also contains extensive glazing to serve the ancillary office accommodation.

Access to the site would be via the established access onto Groveley Lane, utilising the shared access drive which passes and also serve the existing buildings 1 and 2 on the northern part of the Cofton Centre. The access road from Groveley Lane would continue along the western boundary as far as Phase 1 (Units 3 and 4) and then continue eastwards to served Phase 2.

Additional planting is proposed to the perimeter of the site.

There is a change in level within the site. A full application has been received that deals solely with proposed earthworks, including cutting and filling (planning application B/2007/0539). Given this application relates to an outline, such works cannot form part of the appraisal of this scheme.

A number of documents have accompanied the application including an environmental report (covering archaeology, ecology, landscape, noise and air quality issues), drainage strategy, geo-environmental audit report, transport assessment, design and access statement and supporting planning statement. These are available in the relevant planning file should Members wish to view them.

Relevant policies

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5,
WCSP	SD.2, CTC.1, CTC.10, CTC.12, CTC.13, CTC.14, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C11, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPG4, PPS9, Circular 06/05, Longbridge Area Action Plan: Issues and Options Report

Relevant planning history

B/2007/0539 Earthwork regrading: pending

Notes

The main issues to consider in the determination of this application are:

- (i) The appropriateness of the development in this location

- (ii) Highway safety and egress and amenity issues
- (iii) Environmental and ecological effects

Policy E4 of the Bromsgrove District Local Plan sets out a number of criteria that proposals for the expansion, consolidation or expansion to existing commercial uses in non-Green Belt locations should meet. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences. Paragraph 11.5 of Policy E4 states that such schemes can offer an increased source of employment and thus contribute to a more sustainable pattern of land use. Such schemes, however, must not conflict with other land use objectives.

Policy E9 of the Bromsgrove District Local Plan reflects the guidance contained in Policy E4 for new employment development. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences.

Appropriateness of the development

The site is located in a designated employment zone and is bounded by the established Cofton Centre buildings to the north. As such it is my view that in principle the erection of commercial units for B1, B2 or B8 uses would not be so demonstrably harmful in this location.

The functional design of the buildings would be reflective of other commercial buildings located within the vicinity. I note that the modern style of the proposed units is generally utilitarian with a mix of glazing and profile cladding sheeting. I consider it pertinent, however, to impose a suitable Condition relating to the submission and approval of external facing materials.

The eastern, southern and western boundary of the site forms the edge of designated Green Belt as detailed in the Local Plan. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. Members will note this site is contained within a landscaped bund and this will enable the development to be softened by enhanced perimeter planting. Given this landscaping, the employment status of this site and the lower level designed buildings, I am of the view that the scheme would have limited harm to views out of the Green Belt in this location. Members should also be aware of the current lack of planning conditions on external storage in this location (materials, scale, stacking heights).

Highway and Amenity Issues

Policy E9 resists development that would overload the capacity of the highway network and seeks to ensure adequate loading, off-loading, manoeuvring and parking space for cars is made available.

The WCC(HP) has raised concern over the application. These views have been put forward to the applicant and the applicant's Agent has responded. I have reconsulted the WCC(HP) and I am currently awaiting a response. I will update Members at your Committee on this issue.

Given that the site is located some distance away from the nearest residential property, I find the application would not raise any issue of adverse residential amenity.

Landscaping

The perimeter of the site is formed by a landscaped bund. The site contains minimal landscaping on no merit. The Tree Officer has raised no objection to the scheme.

Conclusions

I note the views of the Council's Policy Officer in relation to concerns over the lack of any infrastructure contributions for development of the wider Longbridge area. This is reflected in the consultation response from Birmingham City Council. However, Members will note that the Longbridge Area Action Plan does not form part of the Development Plan and the Policy Officer accepts that this policy is in its infancy. Given this weak policy base as such I consider it would be difficult to insist on any form of monetary contributions for improvement across the full extent of the Longbridge site and beyond on the back of any approval on this site at this stage. Furthermore I have no tangible information as to what monetary amounts are required and for what purpose. Members will note the WCC(HP) has not suggested any form of monetary contributions towards highway improvements works.

Subject to the receipt of the satisfactory views of the WCC(HP), I consider the application to be acceptable and I am mindful to approve the scheme. I note the publicity period does not expire until 19 July 2007. I would therefore request delegated powers be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period.

RECOMMENDATION that subject to the receipt of the satisfactory views of the Environment Agency, the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19 July 2007.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Bromsgrove School 'A'	Single storey laboratory classroom - Bromsgrove School, Worcester Road, Bromsgrove	RES	B/2007/0392 10.08.2007

RECOMMENDATION: that permission be **GRANTED**

Consultations

WCC(HP)	Consulted - views received 22.05.2007: No objection
ENG	Consulted - views received 15.05.2007: No objection subject to Conditions
Publicity	18 letters sent 15.5.2007: no response received (expire 05.06.2007) 1 site notice posted 13.06.2007: no response received (expires 04.07.2007) 1 press notice published 25.05.2007: no response received (expires 15.06.2007)

The site and its surroundings

This application relates to the established Bromsgrove School campus site located to the east of Conway Road. This aspect of the school campus occupies a large area, with residential dwellings to the north, east and south.

The site is surrounded by a number of buildings of differing heights and ages. The structures have been incrementally constructed, with the complex consequently being of different architectural eras. The application site is within a courtyard of modern two-storey buildings, with the remnants of a former outdoor swimming pool within this section. The main campus is accessed via Worcester Road, with vehicular access to the boarding buildings from Hill Lane to the east of the site. The site is within a recognised residential area.

Proposals

The scheme relates to the erection of a single storey classroom to be used as a laboratory. The building contains a main laboratory room, preparation room and lobby. The building is to be located in an existing courtyard surrounded on three sides by two-storey buildings.

Relevant policies

WMSS	QE1, QE2, QE3
WCSP	SD.2, CTC.1, T.1
BDLP	DS3, DS13, S28, S29, S31, S32, TR11
Others	PPS1

Relevant planning history

Numerous applications relating to additional classrooms, educational function buildings and boarding accommodation.

Notes

I consider the main issues whilst considering this particular application relate to whether the proposal is appropriate for this location and whether the proposal complies with the Policies identified in the Bromsgrove District Local Plan. The proposal must also be considered in terms of impact on the amenity of the area and on the adjacent occupiers.

Design

The scheme has been approached sensitively to reflect that of the modern design of the surrounding two-storey buildings. I therefore consider the scheme to be acceptable in design terms and the modern architectural approach will compliment the existing historic and modern additions to the school complex and reflect the architectural evolution of the school campus. The building is located wholly within the campus of the school within a courtyard setting and is not visible from any public vantage points.

Amenity

Given the location of the building, the proposal does not raise any issues with regard to residential amenity.

Conclusions

The scheme accords with Policy S31 and S33 of the Local Plan pertaining to developments at educational establishments. As such I find the scheme to be acceptable.

RECOMMENDATION that permission be GRANTED

2. C39
3. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence

Reasons

3. To ensure the provision of adequate surface water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan January 2004

Notes

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, the Worcestershire County Structure Plan (WCSP)

June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS QE1, QE2, QE3
WCSP SD.2, CTC.1, T.1
BDLP DS3, DS13, S28, S29, S31, S32, TR11
Others PPS1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

This page is intentionally left blank

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mongoose Limited 'A'	Erection of six no. commercial units for B1/B2/B8 use - Plot 8, Saxon Business Park, Hanbury Road, Stoke Prior	EMP CA SETTING	B/2007/0411 20.07.2007

RECOMMENDATION: that permission be **GRANTED**

Consultations

WCC(HP)	Consulted - views received 14.05.2007: <ul style="list-style-type: none">• No objection• Please note that there is a reduction in the number of parking spaces compared to the County Council's standards. However, the development is sufficiently sited away from the Public Highway that any displacement will not be on to a public highway and there is not considered safety impact as a result of the shortfall
ENG	Consulted - views received 01.05.2007: <ul style="list-style-type: none">• No objection subject to Conditions
Conservation Officer	Consulted 20.04.2007: views awaited
BW	Consulted - views received 27.04.2007: No objection
HSE	Consulted 24.04.2007: views awaited
Stoke PC	Consulted - views received 15.05.2007: <ul style="list-style-type: none">• Councillors are concerned that the increase in traffic on the already stretched infrastructure. They are also concerned about the proximity of the development to the Polymerlatex plant
Publicity	1 letter sent 24.04.2007: no response received (expires 15.05.2007) 1 letter sent 03.05.2007: no response received (expires 24.05.2007) 4 letters sent 14.06.2007: no response received (expire 05.07.2007) 1 site notice posted 13.06.2007: no response received (expires 04.07.2007) 1 press notice published 04.05.2007: no response received (expires 25.5.2007)

The site and its surroundings

The application site is located on Saxon Business Park. The Park relates to a number of commercial buildings constructed from a variety of materials of both single storey and two-storey type. The site is open in character and consists of scrubland and is located off a tarmac access road. A vegetated bank runs parallel to the Worcester to Birmingham Canal Conservation Area located to the northern boundary of the site. The remnants of a former brick building are located to the western boundary. Other commercial buildings to the south and east flank the site. The site is located within a recognised employment zone.

Proposal

The proposals relate to the addition of two no. buildings for Use Classes B1, B2 and B8 with a total floor space of 1363 square metres. Building A (containing two units) is located to the western boundary, with Building B (containing four units) located to the rear of one of the recently constructed similar buildings located on Plot 10. Both buildings contain four no. units. Both buildings are two-storey and of typical design to the Park and are to be constructed with a mix of brickwork and plastic faced profiled metal cladding to the walls and plastic faced profiled metal decking to the roofs.

The site is accessed via the existing tarmac access road to the south of the site and proposes 32 no. car-parking spaces and service access. Additional landscaping is proposed to the northern boundary adjacent the Conservation Area and to the southern boundary adjacent the service road.

Relevant Policies

WMSS	PA1, QE1, QE3, QE5
WCSP	SD.2, CTC.1, CTC.2, CTC.19, CTC.20, D.25, D.26, T.1
BDLP	DS13, E1, E2, E3, E4, E5, E6, E7, E8, E9, S35a, TR1, TR11, TR12
Others	PPS1, PPG4, PPG15, PPS23, PPG25

Relevant Planning History

B/2000/0910	Approval of reserved matters (details of access and landscape proposals) of outline planning permission B/1999/1159 for B1, B2 and B8 development: approved 26.10.2000
B/1999/1159	Construction of unadopted service roads and associated engineering works for development of buildings to be used for class B1, B2 & B8 uses: approved 18.01.2000

Notes

I consider the main issues to relate to the impact of the development on the locality and the impact on highway safety and egress. The proposal must also be considered in terms of its impact on the setting of the designated Worcester to Birmingham Canal Conservation Area.

Policy E4 of the Bromsgrove District Local Plan sets out a number of criteria that proposals for the expansion, consolidation or expansion to existing commercial uses in non-Green Belt locations should meet. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences. Paragraph 11.5 of Policy E4 states that such schemes can offer an increased source of employment and thus contribute to a more sustainable pattern of land use. Such schemes, however, must not conflict with other land use objectives. Policy E9 of the Local Plan reflects the guidance contained in Policy E4 for new employment development.

Impact on Highway System, Parking and Service Space

Policy E9 resists development that would overload the capacity of the highway network and seeks to ensure adequate loading, off-loading, manoeuvring and parking space for cars is made available. The views of the Parish Council are noted. Members will be aware, however, that this proposal is located on a site allocated for employment use within the Local Plan and consequently the principle of traffic movements and volume has already been accepted.

The views of the WCC(HP) are currently awaited and I will update Members at your Committee on this issue.

Environmental Disturbance

Policy E9 resists development that would cause harm to the amenities of the occupiers of any adjacent residential dwelling. Given that the site is located some distance away from the nearest residential property, I find the application acceptable in this aspect.

Landscaping

Additional landscaping is proposed to the northern boundary adjacent the Conservation Area and to the southern boundary.

Design

Both buildings are to be externally finished with a mix of facing brickwork and plastic coated profiled metal cladding to the walls and steel profile roof sheeting. Given the context of the site and the design and appearance of the surrounding structures, I raise no objection to the design or appearance of the new units.

Impact on the setting of the Worcester to Birmingham Canal Conservation Area

Policy CTC.20 of the WCSP and Policy S35a of the BDLP and seeks to preserve or enhance the character or appearance of the Conservation Area. Criteria (b) of Policy S35a requires new development, in or adjacent to such areas, to be sympathetic to the character of buildings in the detailed treatment of matters of design including the form, scale and materials. Policy CTC.19 of the WCSP states that any development which would adversely affect those features and areas of historic and/or architectural significance which contribute to the character of the urban or rural parts of the County will not normally be allowed. Such features and areas include Conservation Areas and their settings.

The CO has raised no objection to the scheme on Conservation Area grounds subject to the imposition of a suitable landscaping scheme Condition.

Conclusions

Given all material circumstances I find this application to be acceptable.

RECOMMENDATION that permission be **GRANTED**:

1. Time limit
2. C39
3. Prior to the commencement of the development hereby permitted, details of storm water and foul sewage drainage systems to serve the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and operational before the buildings hereby approved are first used
4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Roof water shall not pass through the interceptor
5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund
6. C10

Reasons

3. To prevent pollution of the water environment in accordance with Policy DS13, ES1 and ES2 of the Bromsgrove District Local Plan
4. To prevent pollution of the water environment in accordance with Policy DS13, ES1 and ES2 of the Bromsgrove District Local Plan
5. To prevent pollution of the water environment in accordance with Policy DS13, ES1 and ES2 of the Bromsgrove District Local Plan

Notes

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS PA1, QE1, QE3, QE5
WCSP SD.2, CTC.1, CTC.2, CTC.19, CTC.20, D.25, D.26, T.1
BDLP DS13, E1, E2, E3, E4, E5, E6, E7, E8, E9, S35a, TR1, TR11, TR12
Others PPS1, PPG4, PPG15, PPS23, PPG25

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Rubery Development Ltd. 'B'	Erection of three storey building comprising retail use in ground floor and 22 apartments above and associated works (as amended by plans, planning statement and Design and Access Statement received 31.05.2007) - Land at junction of New Road/Beverley Road, Rubery	Shopping	B/2007/0433 26.07.2007

RECOMMENDATION: That, subject to the applicants entering into a suitable Legal mechanism covering financial contributions towards the (1) Education Provision and (2) Off Site Play Space, that determination of the application be **DELEGATED** to the Head of Planning and Environment Services.

MINDED TO APPROVE.

Consultations

WCCHP	<p>Recommends deferral as there are inconsistencies between drawings and between plans and the contents of the Planning Statement. Queries need for a Toucan crossing. The HA have already received the Section 106 monies as part of the previous scheme. 15.05.2007</p> <p>Consulted with amended information on 11.06.2007</p>
Adjacent LPA	<p>Recommends conditions (by email) 22.06.2007 Birmingham City Council consulted 27.04.2007 No response received.</p>
PROW	Consulted 27.04.07. No response received.
RA	Development is adjacent to a route that leads to Lickey Hills Country Park and therefore to is important that the opportunity is taken to improve this part of the route if possible. Adds information concerning advertising proposals and refers to relevant legislation, including PPS7, PPG13, Circular 2/93, PPG17. 03.05.2007.
WME	Requests that building use Secure by Design standards. Has some concerns about parking layout and natural surveillance. Request that lighting to the parking area be carefully considered. 08.05.2007.
STW	No objection to proposal, subject to including conditions relating to drainage details and location of existing public sewer. 03.05.2007.
ENG	Existing facilities are available on site; they require checking to ensure correct function. No objections, subject to conditions. 01.05.2007.
EHO	Notes contents of submitted Phase I and Phase II ground investigation reports which provides an initial risk assessment for the development of the site. Further discussion and assessment of the data is required and this should be used to determine what further action is appropriate. Further intrusive site investigation works are required following the demolition of buildings on the site to identify possible pollutant linkages and enable a more detailed risk assessment. Recommends the use of conditions to address these matters. 18.06.2007.

- EA Consulted 11.06.2007. No response received to date.
- WCC(Education) As proposal relates to housing there is a need to seek a contribution towards education provision in accordance with the SPD on planning obligations for education facilities. Table supplied setting out contribution according to dwelling type. 04.05.2007.
- LP Notes that Outline consent has been granted under application B/2003/0987. Site is in Shopping area and Policies RUB2, S7, S21, S25, S26, S27, S27A and SPG2 apply. Good design is advocated in PPS1, PPS3, notes that this application represents a design improvement. Notes parking ration and considers may be substandard, but recognise sustainable characteristics of location. Considers decked area to be amenity space and not play space. Play Space should be provided in accordance with SPG11, which for 22 units equates to 158sq.m. A commuted sum would be requires to address this. 06.06.2007.
- HLS Consulted 27.04.2007. No response received.
- Publicity. Five neighbours notified, expires 21.05.2007.
Press notice displayed, expires 24.05.2007.
Site notices displayed, expires 06.06.2007.
No responses received.

The site and its surroundings

The application relates to a rectangular site on the corner of New Road and Beverley Road, Rubery, extending to 0.285 Hectares.

The site was, until recently, occupied by Mr. B'S Market Hall which was subdivided internally into a number of small retail outlets. That building was a flat roofed two storey structure when viewed from New Road which had an unattractive external appearance and which made little positive contribution to the appearance of the area. At first floor and accessed from the rear were four residential flats.

To the rear of the Market is a vehicular access to the site leading off Beverley Road. This serves a rear access to the market hall, and associated buildings which run along the west-facing boundary and back onto a footpath leading from New Road into Graham Crescent.

At the New Road/Beverley Road junction is a small cluster of more traditional two storey units with narrower frontages and retail uses to ground floor with residential uses above.

Proposal

That scheme includes:

1. The entire demolition of all buildings on the site including the market hall and the two storey units on the corner.
2. The erection of a new retail area at ground floor and fronting onto New Road extending to 1369 sq. m (as opposed to the original 1444sq. m). This area will be divided into four discrete areas with their own shopfront accessed off New Road.

3. To the rear, and using a similar access to the existing off Beverley Road, 18 parking spaces are proposed for the retail element with 22 parking spaces for residential use.
4. Two floors of residential units over the retail area are proposed. This area will have arranged in a shallow 'L' shape around a central communal space at first floor level in the form of a decked area. The resultant building will have a three storey form and the submitted elevations show the ridge height of the structure sitting slightly below the existing three storey development to the west of the site. The development will be made up of 21 two bed units and 1 one bed units.

The application has been accompanied by the following documentation;

1. Design and access statement.
2. Planning Statement.
3. Ground conditions report.
4. Noise assessment Landscape scheme
5. Drainage proposals.

Relevant Policies

WCSP	SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34
BDLP	DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7.
Others	PPS1, PPS3, PPS6, PPG13, PPG17, PPG23, SPG1, SPG10, SPG11.

Relevant Planning History

B11918	Internally illuminated sign. 1984.
15536	Change of use from carpark to display of vehicles for sale. Granted 12.10.1987
B1992/0242	Change of use from garage to indoor market. Granted 15.06.1992.
B1992/0748	Permanent change of use to indoor market. Granted 14.12.1992.
B1993/0008	External cladding. Refused. 26.04.1993
B1993/0488	External elevational alteration. Granted 23.07.1993.
B1993/0499	Shop sign. Granted 23.07.1993.
B/2003/0987	Residential and retail development - Outline. Granted with S106. 28.06.2006.
B/2007/0142	Demolish existing structures and construct three storey development of retail and residential with associated works -Reserved Matters. Withdrawn.

Notes

Members will note the planning history for this site and in particular the extant planning permission B/2003/0987. That application was submitted prior to the housing moratorium coming into force in July 2003 and whilst being submitted in Outline, following the issuing of a direction for further information, resolved the matters including access, siting and design. A copy of the report is contained in the attached Appendix.

That application approved four units of retail accommodation at ground floor with a total of 18 two bed, 8 one bed and 2 studios units above arranged in a 'U' shaped configuration around a communal decked area. Some 42 parking spaces were proposed to the rear (divided into 21 spaces for residential use and 18 for retail use). The application was approved in July 2006 following the preparation of a Section 106 agreement relating to education provision, upgrading of a pedestrian crossing and off site play area. That application remains as a live consent and details of materials and landscaping are all that would be required under a Reserved Matters submission in order to enable the application to be implemented. I consider that this fact represents a strong and readily available fall back position to the applicant.

Members will be aware that the suitability of the scheme has already been assessed against Policy RUB2 of the Local Plan and the advice in PPG6 and Draft Planning Statement 6 (DPS6) as it was at that time. In addition the appropriateness of the site for the residential development proposed and the associated requirements for play space and amenity space and the suitability of the proposed parking and serving and access for the site have all been considered on that earlier application.

I consider therefore the matters that require consideration under the current scheme are restricted to those changes proposed to the external appearance of the building and the housing moratorium, as well as the details of any associated S106 agreement.

EXTERNAL APPEARANCE

Guidance contained in PPS1 sets out the Governments objectives for the planning system, which includes the key principle of promoting '*...high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the life time of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted*'.

In addition PPS1 includes a section on design which refers to the need for high quality design to go beyond the purely aesthetic considerations and to ensure that designs are integrated into the existing urban form and the natural and built environments and that they respond to their local context and create or reinforce local distinctiveness as well as being visually attractive. The guidance refers to policies which concentrate on guiding the scale, density, massing height and layout of new developments in relation to neighbouring buildings and the local area generally.

With this guidance in mind I note that the previous scheme had a relatively poor external treatment. The two residential floors were designed with an external corridor and a number of balconies and screened walkways. These were not designed with any degree of unity and as such the two residential floors did not relate well to each other. In addition there was little relationship to the fenestration at the ground floor. The current submission seeks to provide a greater cohesion to the external appearance with the introduction of vertical elements along the New Road frontage. This relates to a greater extent to the existing form and design of Rubery as well as creating interest and variety along this frontage. That approach has been replicated along the Beverley Road frontage also.

In addition the variety of external finishes has been reduced from that original scheme and the building will be predominantly brick with some rendered panels. These changes to the external appearance of the unit are considered to improve the appearance of the resultant building and represent a design improvement in relation to the fall back position.

HOUSING MORATORIUM

Policies D2 and D4 of the WSP set out an indicative number of dwellings to be provided in Bromsgrove, and the phasing of that provision. On the basis of these indicative figures the Council identified an oversupply of housing land which, if it continued, could lead to the failure to satisfy the requirements of the then extant Regional Planning Guidance and the WSP. Accordingly, following public consultation, it adopted *Supplementary Planning Guidance Note 10: Managing Housing Supply in the District of Bromsgrove* (SPG10) in July 2003.

The effect of SPG10 is to restrict residential development to a limited number of Categories, however criteria IV includes; *Where renewals of extant planning permissions conform fully with the specific requirements of PPG3, PPG25 and other relevant planning policy guidance.* The guidance produced in July 2003 emphasised that existing permissions that have not yet been started contribute to current housing land supply figures and whilst not all existing permissions are needed to meet the phasing target, the majority are needed.

With respect to criteria (iv) I note the Outline approval on the site and the fact that that allowed for a total of 24 units. The current proposals equates to a total of 22 units and I consider that this represents a fall back position. I do not consider therefore that the application could be resisted on the grounds of the housing moratorium.

PROVISION OF PLAY SPACE/OPEN SPACE

The previous application noted that there was only one amenity area provided for residents on site in the form of the central communal space at first floor level. This area has been amended, however a planted up external space will be provided for residents at this level. This will be substandard with respect to the 30m² suggested per unit in SPG1. However, given the location of the site within the urban area, the constraints provided by the access and parking and extent of the retail use at ground floor, I consider that the location of the adjacent open space off Whetty Lane, provides suitable opportunity for amenity for the residents of the proposed site.

With respect to play space, the constraints on site are such that no on-site provision is proposed.

On the previous submission the Head of Leisure Services objected to the principle of accepting any reduction in play space however if a commuted sum were accepted, his view was that this should be utilized for a broader community based initiative. The Section 106 agreement related to a commuted sum of £80,750 for open space provision.

With respect to the current submission, SPG11 now sets out that 1582m² of play space should be provided. With respect to the current submission the applicants accept the need to enter into a Section 106 agreement to provide for off site play area. However they

are of the view that any new Section 106 contributions should not exceed that required by the 2003 application.

The Section 106 agreement is currently being prepared and Officers are continuing to negotiate on this point.

CONCLUSIONS

The application proposes a mixed retail and residential scheme within a District Centre. The use reflects advice in both PPS3 and PPS6 and the location of the site enables the principle approaches of sustainable development to be implemented.

The proposal seeks to improve a visually poor part of the shopping area of Rubery and would make effective use of urban land. I consider that the application complies with the aims of Policies in both WCSP and BDLP and in addition I consider that the current submission represents a significant visual improvement in relation to the fall back position of the previous application.

RECOMMENDATION: That, subject to the applicants entering into a suitable Legal mechanism covering financial contributions towards the (1) Education Provision and (2) Off Site Play Space, that determination of the application be **DELEGATED** to the Head of Planning and Environment Services.

MINDED TO APPROVE.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
12.	The development hereby permitted shall not commence until drainage works for the disposal of both foul and storm water have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be implemented and operational before the buildings hereby approved are first occupied.		
13.	H3 (4.5M X 33M)		
14.	H6.		
15.	H9.		
16.	H13.		
17.	H20.		
18.	H21.		
19.	H27.		

Reasons

9. To ensure the amenity of surrounding residents is protected in accordance with Policy DS13 of the BDLP2004.
10. R008
11. To ensure the amenity of surrounding residents is protected in accordance with Policy DS13 of the BDLP2004.
12. RO11

NOTES

1. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul sewer. There will be a need to deal with surface water disposal and extensive land drainage systems may be required which must be designed as to not adversely affected neighbouring dwellings.
2. The disposal of foul sewage may require a gravity feed or pumping depending on the outfall and appropriate easements.
3. HN1.
4. HN7.
5. HN8.
6. HN5.
7. HN10

DODD HOMES 'B'	Residential and Retail development – Outline Consent as Amended by Transport Statement, Design Statement and plans received 27.04.04, augmented by plans received 23.07.04 (Site /sewer survey) and supplementary transport statement received 14.10.04. and amended plans received 10.11.04 and 11.11.04. at Land at junction of New Road and Beverley Road, Rubery, Rednal.	SHOP P	B/2003/0987 17.07.04
---------------------------	--	-----------	--------------------------------

RECOMMENDATION that subject to an appropriate legal agreement to include contributions for;

1. education provision,
2. an appropriate community initiative,
3. and the upgrading of pedestrian crossing.

Outline planning permission be **GRANTED**

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
<u>Consultations</u>			
WCCHP	Recommends deferral to establish size of development and impact on highway safety. 12.08.03.		
	<u>Reconsulted on additional information 14.05.04.</u>		
	Recommends deferral for additional parking provision on site and for the comments of WCC on the Traffic Assessment. 01.07.04.		
	<u>Additional comments sent 16.07.04.</u>		
	Recommends deferral to enable additional parking spaces, provision of covered cycle stands, demonstration of visibility splays, a Traffic Impact Assessment in connection with the suitability of the junction at Beverly Road/New Road to accommodate the additional traffic, including capacity calculations, clarification of a financial contribution to upgrade existing crossing. 22.07.04.		
	<u>Following receipt of supplementary transport statement on 14.10.04</u>		
	No objections, subject to conditions and Legal Agreement to secure upgrade of existing pedestrian crossing. Bus shelters to be replaced/provided under Section 278 of the Highways Act 1980. 21.10.04		
	<u>Consulted on amended plans 12.11.04.</u>		
	Recommends conditions and Section 106. 18.11.04.		
PROW	No response received, consulted 22.07.03.		
RA	Highlights that the impact of development on a public footpath is a material consideration and refers to circular 2/93 highlighting that development cannot obstruct a public right of way. 28.07.03.		
WMC	Asks that all dwellings conform to secure by design standards. 29.07.03.		
	<u>Consulted on amended plans 12.11.04.</u>		
	Asks for dwellings to conform to secured by design, for lighting to confirm to BS and control on access gates. 19.11.04.		
Economic Dev	<u>Consulted on amended plans 12.11.04.</u>		
	Economic development does not get involved in residential schemes. Insofar as this scheme involves retail development and the promotion of new shops, Economic Development supports the application. 16.11.04.		
SAA	<u>Consulted on amended plans 12.11.04.</u>		
Head	<u>Consulted on amended plans 12.11.04.</u>		
Leisure			
Services			
Birmingham	No comments to make. 13.08.03.		
City Council	<u>Reconsulted on additional information 14.05.04.</u>		
	No response received		
CEHO	Improvements are welcomed, but recommend conditions with respect to working hours, site clearance and construction work. 24.07.03.		
CEHO	The proposed development is on the site of a former garage and could therefore be contaminated. Recommends condition requiring an assessment of any potential on site contamination to be submitted prior to the commencement of development. 07.08.03		
ENG	No objections, subject to conditions and surveys. 15.08.03		
STW	No objection, subject to conditions. 22.08.03		
WCC	Lists relevant S106 figures for education contribution. 05.08.04.		
(Education)			
LP	Lists relevant policies, as outline detailed assessment is difficult, however principle of development appears acceptable, retail element should be integrated to existing frontage and on ground floor. Retail should be the primary use and the development should not lead to the loss of retail units. The proposal represents an opportunity to improve the visual appearance		

of the area. 04.08.04.

Reconsulted on additional information 14.05.04.

Scheme is acceptable in light of RUB2. Need to clarify subdivision of unit and total floor areas. Considers scheme would enhance area. Should be 30% Affordable Housing. Need provide play space in accordance with RAT6 – Commuted sum may be necessary. Private Amenity needed and should reflect advice in PPG3. 19.05.04.

Clarified no need for full retail impact assessment. 01.10.04.

Consulted on amended plans 12.11.04.

Publicity

Site notices displayed 29.07.03, expired 19.08.03.

Press notices displayed 31.07.03, expired 21.08.03.

Ten neighbours notified, expired 13.08.03 and 30.08.03.

28 objections received (26 of which were from residents of Graham Crescent using a pre printed letter which was signed by individual residents) on the grounds of;

1. Increased traffic levels and pedestrians using the right of way along side dwellings.
2. Noise and light pollution.
3. Loss of trees on the site and skyline and light.
4. Detrimental impact on quality of life in Graham Crescent
5. Development would reduce benefits of living in this location
6. Harm to character of this part of Rubery to the detriment of residents
7. Overlooking to rear of dwelling which will impinge on quality of life.

Bromsgrove Society Object The development should be restricted to five replacements only, the existing car park is needed in this area. 15.08.03.

Reconsulted on additional information 14.05.04.

19 Objections received on the grounds of;

1. Overlooking as a result of the three storey height
2. Three storey development will look out of place
3. Concerns over size and extent of building
4. Disturbance from traffic using carpark, especially at night.
5. Increase in dirt and pollution, especially during construction
6. No control over use of carpark
7. Devalue property values
8. Increase in traffic levels adding to volume of traffic using access adjacent to Kwik Save and market garden, already weight restriction in this area and will create a dangerous junction, concerns over deliveries to Kwik Save and size of attendant vehicles
9. On street parking would be affected as would access to some driveways
10. Peaceful area and development would be out of character in road and reduce quality of life, have a devastating effect.
11. Proposed bin area abuts residential boundary and adjacent to parking area for mobile business.
12. Noise from flats, unsure if flats for rent or council owned, litter will be a problem
13. Over development of site, developers only interested in profit.
14. Concerns over all residents in area not having received letter

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	15. Safety of children would be at risk 16. Disruption from shops, concerns over type of shops proposed, if fast food would be litter and noise problems especially at night. 17. Loss of employment and rented accommodation on the site at present 18. Why are more retail units when places are empty in the town centre?.		

The site and its surroundings

The application relates to a rectangular site on the corner of New Road and Beverley Road, Rubery.

The site is currently occupied by Mr. B'S Market Hall which operates as an indoor Market and Café and is subdivided internally into a number of small outlets. This building is a flat roofed two storey structure when viewed from New Road which has an unattractive external appearance and which makes little positive contribution to the appearance of the area. At first floor and accessed from the rear are four residential flats.

To the rear of the Market is a vehicular access to the site leading off Beverley Road. This serves a rear access to the market hall, which extends back into the site using a single storey building with a rounded roof and the ground floor of an existing two storey building, which is vacant at first floor. These buildings run along the west-facing boundary and back onto a footpath leading from New Road into Graham Crescent.

On the corner of the site 212-218 New Road are more attractive and traditional two storey units with retail uses at ground floor and residential uses above. The corner site being occupied by Funeral Directors which has recently been incorporated within the site boundary.

The site extends to 0.27 hectares and is within the Shopping Area as defined by the BDLP.

Proposal

The application was submitted in Outline form with all matters reserved for future consideration. The Council considered that additional information was required in order to address the merits of the application and therefore requested details of access, siting and design as well as information to establish the balance between residential and retail, on 8th August 2003.

The agent for the application has changed since that time and significant delays have been experienced in collecting the relevant information.

On 27th April 2004 additional information was submitted including a Planning Statement, a Design Statement, a Transport Assessment, a Drainage Assessment and plans and elevations of the proposal as well as a covering letter from a Planning Consultant. The planning statement and site plan are included in APPENDIX 2.1 as is the conclusion presented with respect to the supplementary transport statement received 14.10.04. That scheme related to a three storey building which include 24 one bed roomed and 12 two bed roomed units.

That scheme has since been amended. Details were submitted on 10th and 11th November 2004 and the scheme now includes ;

1. The entire demolition of all buildings on the site.

2. The erection of a new retail area at ground floor and fronting onto New Road. This will effectively fill the front half of the site with parking spaces extending down the east and west-facing boundary.
3. To the rear and using a similar access to existing, 42 parking spaces are proposed.
4. Two floors of residential units over the retail area are proposed. This area will have arranged in a shallow 'u' shape around a central communal space at first floor level in the form of a decked area. The resultant building will have a three storey form and the submitted elevations show the ridge height of the structure sitting below the existing three storey development to the west of the site. The development will be made up of 14 two beds, 8 one beds and two studios.

The applicant's architects have confirmed in writing their acceptance to a commuted sum for Education Provision (Received 08.07.04). As well as contributions to the upgrading of the existing pedestrian crossing (Rec. 03.09.04) and a contribution for off site play space (Rec 18.11.04).

Relevant policies

WCSP	SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34
BDLP	DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7.
Others	PPG1, PPG3, PPG6, PPG7, PPG13, PPG17, PPG23, SPG1, Draft Planning Statement 6, RPG11.

Relevant planning history

B11918	Internally illuminated sign. 1984.
15536	Change of use from car park to display of vehicles for sale. Granted 12.10.87
B1992/0242	Change of use from garage to indoor market. Granted 15.06.92.
B1992/0748	Permanent change of use to indoor market. Granted 14.12.92.
B1993/0008	External cladding. Refused. 26.04.93
B1993/0488	External elevational alteration. Granted 23.07.93.
B1993/0499	Shop sign. Granted 23.07.93.

Notes

I consider that this application raises a number of issues;

1. The suitability of the site to accommodate the retail scheme proposed, in the light of Policy RUB2 of the BDLP and the advice in PPG6 and Draft Planning Statement 6 (DPS6)
2. The appropriateness of the site for the residential development proposed and the associated requirements for play space and amenity space.
3. The suitability of the proposed parking and serving and access for the site.

Retail Aspect

Policy D34 of the WCSP sets out that the preferred location for retail developments, primarily to meet day to day needs, will be District and Local Centres and those such proposals should be consistent with the scale and function of the centre.

Policy S21 of the BDLP sets out the sequential approach to major new retail facilities for food and non-food shopping as advocated by PPG6. This policy sets out that the first preference is for town centre sites and goes on to list the order of preference of alternative sites. The policy lists other criteria including the need for development to be well located in relation it different modes of transport, there must be no potential increase in motorized trips

and the availability of the site. The supporting text clarifies that the application site is located within a defined District Center.

Advice in PPG6 aims to sustain and enhance vitality (how busy a centre is at different times and in different parts) and the viability (the ability to attract continuing investment to maintain fabric and adapt to changing needs). The vitality and viability of a town centre will depend on:

- a) Retaining and developing a wide range of attractions
- b) Creating and maintaining attractive environments
- c) Ensuring good accessibility to and within the centre
- d) Attracting continuing investment in development and refurbishment of buildings. (para2.2)

In addition I am mindful of the advice in DPPS6. Para 1.8 recognizes that housing will be an important element in most mixed use – multi storey developments. Para 3.4 states that Local Planning Authorities should require applicants to demonstrate ;

- a) the need for the development
- b) that the development is of an appropriate scale
- c) that there are no more central sites
- d) that there are no unacceptable impacts on existing centres and
- e) that the location is accessible.

Criteria a) and c) are not relevant due to the position of the site within a defined centre. The scale and impact of the development are relevant issues, especially if the development would substantially increase the attraction of the centre which could in turn impact on other centres. The accessibility of the site is relevant. This should be attainable by a choice of methods, including public transport, walking, cycling and car. Developments should be orientated to front the street and provide level access to provide ease of access and locate parking to the rear/under. The effect of the development on local traffic levels and congestion should be considered in the light of public transport and traffic management measures.

In addition Policy RUB2 of the BDLP is also relevant and states that proposals which supports retail at ground floor (A1, A2, or A3) and retail, office or residential at first floor are likely to be acceptable. It defines the areas as a District Centre in accordance with Policy S21 and will only allow retail proposals, which are capable of being integrated within existing frontages.

The proposal relates to 1279m² net of retail floor area and the applicant suggests that the current site supports 1501m² gross (Calculated from ground floor only with first floor of market being storage and remaining buildings being office/residential). The proposed space is capable of subdivision and the amended plans received 11.11.04 show four units at ground floor with pedestrian access onto New Road with rear servicing off the parking area.

The Head of Local plans has commented that ;

While I note that the applicant states “as the proposed new retail floorspace would be a replacement for existing retail floorspace, it would have no adverse impact upon the shopping area”, this will not necessarily be the case, especially as it is also stated that “overall the new retail floorspace will be more efficient than the existing retail floorspace”.

The proposed retail unit is also one of the largest in Rubery. If the proposed retail unit were to consist of one occupier, using all of the available trading space and trading more efficiently (than the current units), this could have an adverse impact upon the vitality and viability of Rubery.

While it is accepted that a full Retail Impact Assessment is unnecessary in this instance, I believe it would be reasonable to condition the use of the proposed unit to ensure that the vitality and viability of the centre is not detrimentally affected. In particular, I believe it to be reasonable to condition the use of the unit so it is not used as one unit but rather a variety of smaller units. 01.10.04

Considering the above I am of the view that the principle of the provision of the retail aspect of the scheme in this location complies with advice in PPG6 and PPS6 as well as the policies contained in the BDLP and RUB2 in particular. I note the need to condition the extent of the unit as advised by the Head of Local plans.

Residential Aspect

Noting the context of policy RUB 2 and the location of the site, the principle of providing residential units at first and second floors is acceptable. In addition there is support from PPG3 to site new residential development within existing urban areas to ensure support for the provision of employment, leisure and retail provision within such areas and to ensure making good use of previously developed land. Local planning authorities are encouraged to make efficient use of land with housing developments of between 30 – 50 units per hectare.

Whilst the principle of the residential aspect is therefore supported, I note the criteria attached to policy S7 which are also relevant to the consideration of this application. These include considerations of the density, the form and layout of the development, reducing the loss of trees, not being harmful to amenity, no loss of open space, appropriate servicing, not being harmful to highway safety and conforming with the rest of the plan.

In this respect I note the density as being 88 units per hectare. This level of provision of new units clearly exceeds those levels advocated in PPG3 and in WCSP Policy D9. However PPG3 goes on in Para 58 to suggest that '*local authorities should seek greater intensity of development at places with good transport accessibility, such as .. local centres or around major nodes along good quality public transport corridors*'. I am aware that no guidance is given in PPG3 or Policy D9 as to a maximum density in such locations, however I am aware that the provision of higher densities does create knock on effects with respect to the provision of play space, amenity space, parking, impact on surrounding amenity etc and these are addressed within this report.

The form of the development sits close on the back of the pavement and this reflects the position of the existing market hall and the associated units on the corner of New Road, Beverley Road. Given the relationship of the site to New Road and the character of that area, I do not consider the general form or layout of the development to be harmful to the street scene or the character of the area.

The only tree growth of merit is sited along the southern boundary. These trees appear as self set specimens in close proximity to each other and of a multi stemmed form. It is your tree officers view that these trees do not warrant retention and suitable replacements should be secured.

Concerns have been raised with respect to the impact of some of the residential units on the amenity. I consider that this impact is centred on three areas; 206 New Road ,1A Beverley Road and 2 Beverley Road. I would remind Members that since that time that amended

plans have omitted two wings of development that ran down the side of the site and as such the recent amended plans reduce this impact significantly.

The properties in New Road are maisonette style dwellings where a two storey dwelling is sited above a retail use and accessed from the rear by an elevated platform and staircase. These existing dwellings are served by a sitting out area immediately behind the building line. Whilst there will be some opportunity to overlook these areas from the southern most part of the balcony of the proposed units, I note the set back nature of the windows serving the units and the fact that these are in general bathrooms and bedrooms. I also note the visually exposed nature of that amenity area, within a District Centre location and do not consider that this relationship would be so harmful to amenity as to refuse the application.

With respect to 1A Beverley Road, I note that that dwelling is a two storey property sited 20m away from the site boundary and looking directly down the flank wall of the development and onto the carpark/service area with associated single storey structures. I consider that the impact on amenity is acceptable.

With respect to 2 Beverley Road, no windows are proposed in the flank elevations. Given that the elevated decked area is 24m away from the boundary with this residential dwelling, I do not consider that there is any direct overlooking to this dwelling.

Highways Issues

Members will note that the WCCHP have requested on a number of occasion's that additional information is provided with respect to the impact of the development on the local road network. Most recently they requested in a memo dated 22.07.04 a capacity study for the junction of New Road with Beverley Road. This could not be undertaken until after the Schools had returned from Summer Holiday.

A supplementary Transport Statement was therefore prepared and submitted on 14th October. This document examined access, visibility, parking and traffic impact assessment.

With respect to visibility, provision has now been made for a 2.4m x 70m splay serving north bound traffic and 50m to the south. This access is some 20m from the secondary access serving Kwik Save's carpark.

With respect to parking, the statement highlights the comments in PPG13 with respect to 'reducing parking in new development as part of a package of planning measures to promote sustainable transport choices'.

The submission proposed 42 spaces, 24 for residential use and 18 for retail. Additional parking is available to retail users at the carpark opposite the site and linked by a Pelican Crossing. Improvements to this crossing are proposed as part of the scheme.

With respect to traffic generation a TRICS assessment has been made and a traffic count undertaken on the site. The report concludes there would be negligible queuing delays at the New Road/Beverley Road junction as a result of the development. An increase of 15% at the junction is anticipated and this does not take into account the sustainable location of the site and the likelihood that many trips would be dual purpose trips or trips generated by foot. In addition this submission was based on the earlier scheme for 36 units rather than the current scheme for 24 units.

WCCHP are satisfied with the conclusion reached by the report and concur with the view that there will be no material traffic implications for the junction and that this facility should continue to operate satisfactorily. PPG3 in Par 51 encourages mixed use development

where Local Planning Authorities allow housing development with limited or no off street parking where good transport accessibility exists. Para 59 – 62 warns against rigid standards for parking, over provision of spaces, the need to recognize changing levels of car ownership with household type and the need for lower standards in town centres with alternative transport methods, such as walking or cycling. However WCCHP remain concerned that the scheme needs to provide for a minimum of one space per residential unit. As such they require a distinction between that parking to serve the residential aspect and that for the retail. In addition 6 cycle stands are required.

As a result the users of the retail aspect of the development will use parking opposite the site (or indeed will visit Rubery on foot/cycle or by public transport or will be involved in linked trips). Agreement has been reached with the developer for a contribution to improve the operation of this pelican to the site as part of the scheme.

Provision of Play Space/Open Space

The development generates a demand for private amenity space for each dwelling (30m² as described by SPG1) and an associated play space requirement as stemming from RAT5/RAT6.

Whilst the scheme provides for a network of corridors and landings, It is my Officers view that in reality only one main area of amenity space is provided within the site in the form of the central communal space at first floor level. This equates to 340m², under 50 % of the requirement of 720m² required.

Given the location of the site within the urban area, the constraints provided by the access and parking and extent of the retail use at ground floor, I consider that whilst this provision is substandard, that the location of the adjacent open space off Whetty Lane, provides suitable opportunity for amenity for the residents of the proposed site.

With respect to play space, the constraints on site are such that no provision is proposed. RAT5/RAT6 requires 1615m² of play space with 30% being provided on site i.e. (538m²).

I have discussed this matter with the Head of Leisure Services and he has objected to the principle of accepting any reduction in play space. He considers existing levels of play per 1000 of population should be maintained and reductions in those standards (which are minimum standards) should not be acceptable. He considers allowing additional residential accommodation to be provided and so increasing demand for such facilities in the ward, that failing to provide play space on site will bring about a real reduction in the provision in the area as a whole. In addition Rubery has recently been awarded funds through the Livability Fund from the Office of the Deputy Prime Minister with £160,000 being invested in the St Chad's Park and Brook Road Park. The Head of Leisure Services is therefore of the view that were a commuted sum accepted that this should be utilized for a broader community based initiative.

In recommending to Members that a commuted sum is accepted, I am mindful of the contents of PPG3 para 54, 'Designing for Quality', which refers to thinking imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. Para 53 refers to the need for new housing development to incorporate sufficient provision (of open space) where such spaces are not already adequately provided within easy access of new housing. PPG17 sets out in para 33 that Planning Obligations should be used as a means to remedy local deficiencies in the quality or quantity of open space and will be justified in seeking obligations where new development increases local need.

Conclusions

The application proposes a mixed retail and residential scheme within a District Centre. The use reflects advice in both PPG3 and PPG6 and the location of the site enables the principle approaches of sustainable development to be implemented. The proposal seeks to improve a visually poor part of the shopping area of Rubery and would make effective use of urban land. I consider that the application complies with the aims of Policies in both WCSP and BDLP and should be supported.

RECOMMENDATION that subject to an appropriate legal agreement to include contributions for;

1. education provision,
2. an appropriate community initiative,
3. and the upgrading of pedestrian crossing.

Outline planning permission be **GRANTED**

1. C1 (Omit reference to access, siting and design)
2. C30.
3. C37. (To include, louvers, cladding, fenestration, facing and roofing, surfacing)
4. No development, site clearance or demolition works shall be undertaken until further assessment of the nature and extent of any contamination within the application site and a remediation program based on the assessment have been submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the submitted plans and prior to the commencement of development additional details shall be submitted and approved in writing by the LPA in connection with;
 - i. Elevations of bin stores.
 - ii. Cycle racks/space provision for 6 cycles, including design and siting.
 - iii. Boundary treatments to Beverley Road, southern site boundary and boundary with footpath leading to Graham Road and within the site.
 - iv. Layout and design of communal space at first floor.
 - v. Detailed scheme for shopfronts which includes provision of security measures behind glazing.
 - vi. Amended elevation to south facing elevation to units 12/24 to include added visual interest.
6. H3.(2.4m x 49m north bound and 70 m southbound)
7. H6
8. H27.
9. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan no; 2056AL(2)O1C have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall be thereafter be retained and kept available for those uses at all times. Spaces 1- 24 being for residential use and 25 - 42 being for retail use.
10. The development hereby permitted shall not commence until drainage works for the disposal of both foul and storm water have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be implemented and operational before the buildings hereby approved are first occupied.
11. C21.
12. Notwithstanding the submitted plans the ground floor retail area shall not be used as a single retail unit, for the life of the development hereby approved. The communal decked area shall be laid out and made available for use at the time of the first occupation of the residential aspect of the scheme.

Reasons

4. In order to safeguard the site in accordance with policy CTC9 of the WCSP and ES3 AND ES7 of the BDLP.
5. RO32
9. RO36
10. RO11
12. To protect the retail viability and vitality of Rubery in accordance with Policy RUB2 and S21 of the BDLP.
13. RO32 and in accordance with Policy S7.

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WCSP	SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34
BDLP	DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7.
Others	PPG1, PPG3, PPG6, PPG7, PPG13, PPG17, PPG23, SPG1, Draft Planning Statement 6, RPG11

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

1. Dwellings and new commercial buildings must conform to Secured by Design Standards.
2. The applicants attention is drawn to the comments of the Ramblers Association in their consultation response dated 24.07.03 (attached) and the need to ensue that the adjacent public right of way does not become obstructed during works or as a result of the development.
3. A public sewer crosses the site. No buildings shall be erected or trees planted within 2.5m of the site. The applicant may wish to apply to STW to divert the sewer in accordance with section 185 of the Water Industry Act 1991.
4. Note that consent is subject to a legal agreement.
5. HN1.
6. HN10.
7. HN5.

MR ROBERT WHITBY "A"	Retrospective application to replace building burnt in fire for a building part stables, part agricultural repair. Additional info received 11.11.03. Augmented by plan received 20.11.03. Mousehall Farm Cottage, Bromsgrove Road, Clent, Stourbridge.	GB	B/2003/1281 10.10.03
--------------------------------	---	----	--------------------------------

RECOMMENDATION; That Planning Permission be **GRANTED**

Consultations

Clent PC	Clent Parish has no objection to the granting of this application, but details of finishes should have been included on the application 06.11.03.
WCC	No objection 21.10.04.
Agricultural	The building is located within an existing complex of buildings. The

This page is intentionally left blank

Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
ELMSVYNE HOMES 'B'	Proposed redevelopment to provide 12 x 1 bedroom apartments (resubmission of B/2006/1405) (as amended by plans dated 05.06.2006) 34 and adjoining land, Rock Hill, Bromsgrove	RES	B/2007/0454 01.08.2007

RECOMMENDATION: Subject to the applicants entering into a suitable legal mechanism covering contributions toward the off site provision of play space that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services.

MINDED TO APPROVE

Consultations

WCC(HP)	<p>Consulted - Defer require details of junction arrangement etc 15.05.2007</p> <p>Further information provide - Details are satisfactory - suggest conditions - 22.06.2007</p>
ENG	Consulted - comments awaited -
CEHO	<p>Consulted - Suggest conditions re contaminated land</p> <p>Consulted - Suggest conditions re acoustic glazing etc. 01.06.2007</p>
LP	<p>Consulted - Comments received 29.06.2007 - Area is within residential area of Bromsgrove. Relevant documents are PPS1 PPS3 and SPG1.. Extant permission for 9 dwellings and therefore residential development use is established. This application is a effectively a renewal of existing permission although slightly higher density in line with exception 4 of SPG10.</p> <p>As development exceeds 5 units triggers requirement for open space. In this instance and given previous permission I am happy an alternative approach is taken.</p> <p>This should be calculated in proportion to increase of dwellings 12 in lieu of 9</p> <p>9 dwellings attracted £3277 per dwelling so 12 should be £39,324. If this proposal had no site history etc then the full requirement for SPG11 should apply</p>
LT	Consulted - No issues - conditions 20.05.2007
WMC	Consulted - Suggest home should comply with secured by design standards 18.05.2007
Publicity	<p>Site notice posted- 31.05.2007 expires 07.06.2007</p> <p>Press notice posted 18.05.2007 expires 08.06.2007</p> <p>I letter received unaddressed but individually signed by 10 people in Breakback Road concerned about the state of the existing property and its related security 03.05.2007.</p>

The site and its surroundings

This application site relates to a corner site located on the west side of Rock Hill. This site presently contains an existing dwelling (number 34).

Number 34 sits at right angles to Rock Hill and is in an elevated position. The house dates back to the late Victorian period with domestic revival detailing. The house is in a poor state of repair and this also includes a neglected garden area to the side and rear of the house.

The site also includes a commercial frontage, which is presently unused although previously used for car sale. Adjacent plot also has car sales. The level here is situated on the junction with Fox Lane. The Greyhound pub stands on the opposite corner of the Road. The site slopes, especially where the present dwelling (number 34) is located and at the boundary (west) with Breakback Road there is a significant change in levels between the two sites.

The land is situated within predominantly a residential area and is in a prominent location on one of the main routes into the Town.

Proposal

This particular proposal relates to the redevelopment of the site to provide 12 X 1 bedroom apartments

The proposal is for 12 one bedroom apartments set over 2 and three storey levels. Units proposed will face onto Rock hill with a vehicular access to the rear providing 12 car space and bin store with associated landscaping and amenity space.

Relevant Policies

WMSS	CF2, CF3, CF4, CF5, CF6, WE1, QE3, T2
WCSP	SD.3, SD.4, SD.5, SD.6, SD.7, D.1, D.2, D.3, D.4, D.5, D.9, D.11, T.1
BDLP	DS3, DS13, S1, S3, S7, S14, S15, S28, RAT5, RAT6, TR11
Others	PPS1, PPS3, PPS9, PPG13, SPG10, SPG1

Relevant Planning History

B/2003/1004	OUTLINE - Site Redevelopment for provision of 9 x 1 bed apartments - Granted 4.3.05
B/2006/1004	Residential for affordable and low cost housing - Refused 23.2.07

Notes

This is a revised full application and is for the provision of 12 1 bedroom apartments.

In consideration of this proposal I have considered the main issues as indicated under separate headings as follows:

Location of Development

PPS1 advocates sustainable development through the planning process and the re-use and re-development of brown field sites will occur through. The site is a presently utilised for residential and a mixed use function. The site represents a redevelopment of an existing site, which is in a well-established residential/mixed context with good transportation links to the Town centre and beyond. I also consider this location is sustainable in terms of its location and is broadly in line with the principles of policy DS13 of the BDLP.

PPS3 encourages housing especially on previously developed land and the West Midlands Regional Spatial Strategy encourages the delivery of housing and mixed communities through policies in the RSS 2004. This is with particular reference to policies CF5 and CF6. Both the Worcestershire Structure Plan WCSP and the Bromsgrove District Local Plan BDLP identify land outside Greenbelt areas which may be suitable to housing development subject to a number of criteria which will be considered below in accordance with policy S7.

The Development and Housing Oversupply - SPG10

I am mindful of the previous permission granted on the site for the provision of 9 units. This permission is currently still live and covers the site. This application has been revised and now only incorporates the previous land as approved. The application has been described for 12 units. This obviously represents an increase over the original consent granted for 9. Members will be aware of the criteria and justifications for SPG10. In this instance the site relates to a site where existing permission exists and presently contribute to housing supply figures. If the site area, as per this submission remain the same it is not unreasonable to consider a higher density on the site as long as other criteria are fully met. For this reason I find this increase in numbers of 3 reasonable given the guidance in PPS3 and SPG10.

Density

The area of the site is 0.13 hec with 12 units proposed. This would equate to a density 88 dwellings per hectare, which appears very high density. This location is adjacent to a main route and the amenities of the town centre. The density of this is well in excess of the guidance contained in the Structure Plan which indicates that 30-50 is the norm with up to 70-80 in areas with good public transport links and on major nodes. I consider this to be a reasonable density in respect to this site and would therefore not conflict with policy D9 of the WCSP and S7 of the BDLP and the guidance contained in PPS3.

Form and Layout

Members will recall the previous submission for the units at the site. This submission represents a major revision to this. The site area is much reduced in line with the 2003 consent. The proposed development is of a 2 and 3 storey arrangement with the two storey element forming an L shape arrangement, relating more positively to the existing cottages on the south western boundary. The development would step up to three levels would occupy the main frontage of the site before the site entrance and adjacent car forecourt. The frontage has front lobbies and access points to the main road, providing

active frontages, much more in keeping with the local area and thus more activity and as much surveillance in possible. The format of the proposal is predominately a traditional format with a mix of gable and hipped roof details.

Impact on Surrounding area and Neighbouring Properties.

Members will appreciate the site redevelopment will bring a positive visual improvement to the present neglected site. The development siting within the plot demonstrates that separation distances provided in line with your SPG1, which are sufficient given the changes of levels between the site and that of Breakback Road on the rear (western) boundary, which is set over at least 5m higher than the site.

A cross section has been provided through the development which shows the relationship of the original dwelling(34) and the proposed development. Members will note that the proposal is set further away allowing for improved separation. Conditions will ensure that existing and proposed (finished floor levels) are provided to ensure that adequate spacing is maintained between the proposed and existing houses on Breakback Road.

Daylight will be maintained to number 36 and the properties in Breakback Road, as the sun travels across the frontages during the day. The stepping of the development ensures that an acceptable relationship between the properties is maintained.

Highways Implications

The proposed access point to the development is proposed is Rock Hill. This access is proposed to serve all of the apartments and their associated 12 parking spaces from a tarmac driveway. These spaces are provided at the rear of the development in a parking court with amenity space.

Highways have commented on this submission and originally requested details in respect to the visibility, approaching speeds distance from the access to the junction with Fox lane. Amended plan SHDC/ 07/16/04A includes highways adjustments to provide a suitable visibility arrangements, these issues have now been resolved and Highways have recommended conditions to ensure highway safety is met in accordance with your adopted policies. The applicant has now provided sufficient information and the level of detail is sufficient to satisfy the requirements of policy T1 of the WCSP and TR11 of the BDLP.

Hedges/ Landscaping

The proposal considers the redevelopment of an exiting forecourt area, house and associated garden. The applicant has provided a baseline survey for the development considering the impacts on wildlife and any landscape feature worthy of retention. An initial bat survey has been provided and no bats have been found. Mitigation measure have been offered in terms of retention of hedges where possible and additional planting. Conditions will ensure that suitable landscaping is offered for both hard and soft areas.

Open Space

The application triggers the requirement for open space. Members will note an amount of open space has been provided on the site. Further contributions are required for off site provision. I am mindful however of the previous consent and the levels of contribution offered in this respect this issue is currently being resolved through revisions to the S106 in place from the previous application.

Comments have now been received from local plans who have indicated a proportional calculation should be applied in this instance given the history of the site. I do not consider to be unreasonable given this. Figures have been supplied to the applicants and will be revised in a new S.106 agreement.

Other Issues

The site is located on a main route and this proposal introduces an additional 12 units. This is a major route into the town and any noise issues (ie background levels) that may occur from potential traffic noise and noise from adjacent public house (the Greyhound) will need to be mitigated for in the form of acoustic glazing or ventilation as both the lounge and bedroom areas face the road. A condition is proposed to ensure that these measures are adequately assessed.

As the site is on previously developed land the site may be contaminated. Given this conditions are proposed by your CEHO to ensure the necessary surveys and mitigations are in place (if necessary) to ensure that this is adequately controlled. I am satisfied that suitable conditions can be placed on the development to ensure this takes place and enforced.

Conclusion

I consider the proposal will represent use of previously developed land. It complies with your policies for residential development in the District and a positive approach to the use of brown land within the urban area of Bromsgrove. I am minded to approve the application.

RECOMMENDATION: Subject to the applicants entering into a suitable legal mechanism covering contributions toward the off site provision of play space that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services

This page is intentionally left blank

Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr & Mrs Halls 'A'	Erection of 3 Stables, feed store and 1 tack room Pool House Farm, Hockley Brook Lane, Belbroughton	GB LPA	B/2007/0456 01.08.2007

RECOMMENDATION: that permission be **GRANTED**

Consultations

WCC(HP)	Consulted - no objections 11.05.2007
Belbroughton PC	Consulted - Totally inappropriate development in the Greenbelt 16.05.2007
ENG	Consulted - Suggest conditions. - No consideration has been given the drainage of the site even through the structure is substantial.
Publicity	No neighbours
	Site notice posted 11.05.2007 expires 31.05.2007 Press notice posted - 17.05.2007

The site and its surroundings

The land in question is located on the eastern side of Hockley Brook Lane in Belbroughton. The land is located off an original farm/access, Poolhouse Farm Woodlands Farm are located to the south west. The land extends to 1.75 hectares of land, which is demarked by hedge forming the west and south of the site. The plot is a roughly a rectangular. The land is situated within confirmed Green Belt and a landscape protection area.

Proposal

This application relates to 3 stables, feed store and associated tack room
The building is 16.2m X 8.8m x 3.9m (high) and configured in an I shape arrangement.
The materials proposed is covered by shiplap boarding with a onduline profile sheeting roof

Relevant Policies

WMSS	QE1, QE2, QE3, QE4, QE6
WCSP	D.38, D.39, CTC.1, CTC.7, SD.2, T.1
BDLP	C4, C16, DS2, DS13, RAT2, RAT16, RAT17, TR11
Others	PPS1, PPG2, PPS7, PPG17, SPG5

Relevant Planning History

None relevant to this site but refer to context/history in Notes section

Notes

Background to this Site/History

This application relates to a parcel of land which from I understand originates as part of Pool House farm. In the recent past this farm and land have been purchased and the land has been subsequently sold and subdivided into plots and sold off. The new parcels of land have been demarked with post and rail fencing. Subsequently to this new owners of the land have utilised the land for grazing and the keeping of horses and this has now developed with the addition of a number of mobile field shelters and a number of applications for stabling and associated facilities.

It appears that during this plot subdivision that an existing farm track has been refurbished/resurfaced and provides access to some of these newly created plots. This track was originally hard surfaced, however subsequent to this the hard surfacing of this track has been further extended onto an unsurfaced dirt track to allow access to other plots. This track does not in my opinion benefit from agricultural PD rights as it is purely installed to service plots not in connection with agriculture. It appears that there are other areas where this track might be extended.

These issues will be raised for consideration under a separate report at a later Committee.

Members will appreciate that the sale and subdivision of land with post and rail fencing does not in itself required planning permission however the new owners have been encouraged to apply for a change of use of land as horses are not considered in the same remit as agriculture and the majority of these horses are being kept in relation to leisure pursuits therefore a change of use to the land is sought, hence the number of applications under consideration.

The size of the parcel of land requires this application to be considered as a major application.

The main issues with this application are considered to be:

- (a) Whether the proposal represents appropriate development in the Green Belt, taking into account the relevant Policies DS2, RAT2, RAT16 and RAT17 of the Bromsgrove District Local Plan, the guidance in SPG5 and Government advice contained within PPG2***
- (b) Impact on amenity of neighbouring properties***
- (c) Impact on traffic and highway safety***

Green Belt Issues

Policy DS2 of the Bromsgrove District Local Plan and Policy D.39 of the Worcestershire County Structure Plan, as stemming from PPG2, notes that permission for development in the Green Belt will not be given, except in very special circumstances, unless the development relates to, among other criteria, proposals for essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. Paragraph 3.5 of PPG2 is specific in stating that essential facilities should be genuinely required for uses which preserve the openness of the Green Belt and cites a possible example as **small scale stables** (my

emphasis) for outdoor sport and outdoor recreation. PPG2 does not provide a definition of small scale. However, for reference paragraph 33 of PPS7 defines small-scale horse enterprises as those enterprises involving up to ten horses. This proposal is for 3 stables feed store and tack room.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within LPAs. Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed.

Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. The stable building is set adjacent to the field access and mature hedge thus reducing its overall visual impact in this location.

Design and Siting

Policy RAT16 of the Bromsgrove District Local Plan states that proposals involving the use of agricultural land for equestrian pursuits in the Green Belt will be favourably considered in so far as the siting, materials or design of any new stabling and other associated development does not conflict with the visual amenities of the Green Belt and the criteria expressed in Policy RAT17 of the Bromsgrove District Local Plan. This advice is reflected in Policy DS2 and RAT2 of the Bromsgrove District Local Plan. The stabling is accessed of the end of the original existing track

Criteria (a) of Policy RAT17 states that new buildings should be kept to a minimum necessary and consist of only **essential facilities** genuinely required on a parcel of land which preserves the openness of the Green Belt. This criteria also states that proposals should be closely related to existing farm buildings or other groups of buildings where possible. Criteria (c) of Policy RAT17 states that the design and materials must be of a high standard and sensitive to its surroundings of the rural area in order to protect the visual amenity of the Green Belt and to ensure integration of any buildings into the rural setting. SPG5 states that stables should be of a size that is comfortable for their purposes but not large enough to enable easy conversion to other uses.

Paragraph 22.6 of the BDLP states that in general, stabling for horses on a *limited* scale (horses owned for recreational/personal use) where carefully integrated with existing farm or other groups of buildings, will be acceptable. Conflict with Green Belt policy is most likely to arise when the development of isolated stabling and ancillary buildings associated with horses is proposed.

Members will note the siting of the stable block has been proposed adjacent to an original field boundary/ hedge thus reducing its visual impact in this location. The Length of the block is 16.2m and width 3.8m (Extending to 5m width the roof overhang), an overall height of 3.9m. I assume the building will be constructed on a solid base, however no details of this have been provided. I consider, the design of the buildings appears in line

with SPG5 and finishes may be suitably controlled by condition. The scheme in my view may be still viewed as small scale. It is therefore considered that the proposal would not go against the fundamental aim of Green Belt policy by impinging on the openness of the Green Belt.

I am of the opinion that the proposal would represent appropriate development in the Green Belt and will accord with Policy DS2, RAT2, RAT16 and RAT17 of the BDLP, Policy D.39 of the WCSP and the provisions of PPG2.

Amenity Issues

Members will note the separation of the site and the siting of the proposed buildings. This site has not adjacent neighbouring dwellings and I consider that there will be not no adverse impacts on residential amenity given the distance from the nearest property is over 66m away (Poolhouse Farm area and Woodlands Farm).

Highway Issues

Highways have not raised any objections in terms of highway safety.

I understand that the original hedgerows in this location are of particular importance in this location and are probably of significance in terms of there history and original field patterns.

Conditions and notes are proposed to ensure the siting of the stable building is a least 2m away from the hedgerow and wire fencing to prevent livestock eating the hedgerow and protection of nesting birds etc.

This will ensure that the proposal would accord with policy CTC1 of the WCSP and C4 of the BDLP.

Conclusions

Given all material considerations I am of the opinion that the scheme is acceptable for the reasons noted above.

RECOMMENDATION: That permission be **GRANTED**

1. Time 3years
2. C037 - Materials and finishes to be agreed (samples provided) and confirmed in writing by the LPA Including details of base etc
- 3 The siting of the stable block shall be set at least 2m away from the hedgerow boundary (south and west) A scheme of hedgerow protection shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include at least protective livestock fencing around the hedgerow. REASON – T o ensure protection of this significant historic hedgerow feature in this location in accordance with policy CTC1 of the WCSP and C4 of the BDLP and the guidance contained in PPS9

Reasons

1. In accordance
2. RO4 - To secure a satisfactory appearance to the development
3. R011 - To secure adequate drainage from the site

Notes

The original hedgerow in this location is of significant importance and should be afforded the necessary protection. This includes protection during the nesting period in line with provisions of the Wildlife and Countryside Act and PPS9.

This page is intentionally left blank

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
PERSIMMON HOMES (SOUTH MIDLANDS) LIMITED 'A'	Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: resubmission of B/2006/1048 - Land at School Drive, Bromsgrove - (as amended by plans received 26.06.2007, Water Vole survey received 26.06.2007, arboricultural survey received 26.06.2007 and augmented by plans and letter received 26.06.2007)	RES TPO	B/2007/0466 02.08.2007

RECOMMENDATION that subject to the applicant entering into a suitable legal mechanism in relation to monetary contributions to (i) off-site play space provision (ii) education provision; and (ii) highway improvement works and the securing of 29 affordable housing units, permission be **GRANTED**

Consultations

- WCC (HP) Consulted - views received 15.05.2007:
- No objection subject to Conditions.
 - However, the following issues are raised for reference:
 - (a) If the scheme is approved and it is the Developer's intention to request the County Council as Highway Authority to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, together with all necessary drainage arrangements and run off calculations shall be submitted to and approved by the County Council's Network Control Manager and an Agreement under Section 38 of The Highways Act 1980 entered into.
 - (b) The applicant should enter into a Section 106 agreement to:
 - Make financial contribution to construct off road cycle facilities on Route 5 NCN to the sum of £15,120.00.
 - Make a financial contribution to improve footway linkage from the boundary of the maintained highway to the High Street to the sum of £6,000.00.
 - To make good the length of School Drive that is not maintained as Public Highway up to adoptable standards
 - (c) With reference to the third element of the requested Section 106 Agreement, the applicant's attention is drawn to Condition 18 of B/1998/0661 that made it a specific condition to dedicate School Drive under Section 38 of The Highways Act 1980. This is not achievable as the owner of School Drive is Worcestershire County Council as Education Authority, and there cannot be an agreement for two parties of the same

Authority. Therefore it is recommended that a Section 73 application be made to replace it with reference to the use of the Private Street Works code. The County Council as Highway Authority would then be willing to commence proceedings to make the road maintainable as Highway once the road, footway and lighting is up to current standards.

Additional views received 02.07.2007:

Revised Conditions and Notes following earlier response

Revised Section 106 agreement to:

- Make financial contribution to construct off road cycle facilities on Route 5 NCN to the sum of £15,120.
- Make financial contribution to improve footway linkage from the boundary of the maintained Highway to the High Street to the sum of £6000
- To make good the Footway in School Drive between points A and B as indicated in Planning Application B/2005/0525 that is not currently maintained as Public Highway up to adoptable standards.
- With reference to the third element of the requested Section 106 agreement, the applicants attention is drawn to Planning Application B/2005/0525. This will require the footway to be reconstructed to adoptable standards, for information this will include illumination to footway standard, this will require the approval of the County Council as land owner and as the adjoining Highway Authority whom may take over the future maintenance of it, subject to the necessary procedure being complied with.

ENG

Consulted - views received 10.05.2007:

- The Wardell Armstrong Flood Risk Assessment in general is acceptable, but does not take into account that the dry/wet ditch is in fact a watercourse and should be dealt with as such. It should be left in an open state with its own defined flood plain and it should be noted that it takes the main storm outfall (attenuated) from the new school complex, along with other recent developments to the west of the Bromsgrove Bypass.
- Similarly the Spadesbourne itself requires a defined flood plain in which itself will improve the stream's profile. Also the line downstream needs to be improved by yourselves in conjunction with the respective landowners.
- Normally the centre line of a watercourse acts a demarcation line for respective boundaries. In this case as adjacent land was formerly a mill pond then it would be in the interests of the mill to own both sides of watercourse as a means of controlling feeder flows to that mill. Thus there is a need for

the developer to approach the adjacent landowner.

- It is also important to take into account that the stream acts as a wildlife corridor and in particular the presence of the water vole requires complete attention under Section 74 of the Countryside and Rights of Way Act 2000.

Reconsulted on augmented plans 31.05.2007 - additional views received 08.06.07:

- ACL Consultants drawings E.002/01 and E.002/06 appear to be reasonably correct with regard to the domestic drainage systems. That is the foul to a private pumping station and hence to the private sewer in School Drive, while the storm is taken to soakaways and not directly to the watercourse.
- There is some doubt with the flood plain width, especially in relation to wildlife ie. water voles and also to its usage as controlling high level flows. Though details have been given on this subject, it would be useful to discuss the matter further. One also needs to discuss the state of the watercourse downstream from the development.
- With regard to the dry ditch which bisects the site, this is in fact an ordinary watercourse and should be dealt with as such. The Environment Agency will require details of proposed culvert sizes which in themselves should be kept to a minimum.
- It should also be noted that there is a storm outfall to this dry ditch from the adjacent school development (not picked up on drawings). Will require details on how this will be dealt with.

Policy Advice

Consulted - views received 11.06.2007:

- This site is identified as a residential area within the Bromsgrove District Local Plan (adopted 2004) and the principle of residential development on this site has been confirmed by previous applications. Policy C7 is of relevance, together with SPG1 Residential Design Guide. PPS1 and PPS3 are also relevant, particularly in relation to good design, PPS9 in relation to biodiversity and PPS25 in relation to flood risk.
- As with our comments on the previous application, although the development does not comply with the exceptions stated in SPG10, in this case this is not relevant. Existing permission exists for 22 open market dwellings on site, this application adds an affordable housing element to the proposal.
- The existing permission attracts a commuted sum of only £35,000 for off site play space provision, this application for reserved matters on an outline permission, predating SPG11.
- It is not proposed to apply SPG11 to this application due to the previous stance taken in this regard. However, as the size

of the site and the number of dwelling units has increased, it would also be necessary for the open space contribution to increase. As before, the exact reasoning behind the original figure of £35,000 is unclear. It is believed a satisfactory approach would be to apply the amount per dwelling unit on the existing application to the new application, which means a commuted sum of £81,090 should be requested.

Existing application

£35,000 / 22 dwellings = £1590

New application

£1590 x 51 = £81,090

Tree Officer

Consulted - views received 25.05.2007:

- I am of the opinion that this expansion of the amount of units on this site will make the tree cover unsustainable, will produce further problems with overshadowing etc and the change in water flow in the dry ditch will lead to the loss of frontage trees. There will pressure on intrinsic wildlife.
- This is an historic site planted with many unusual trees that have been systematically assaulted by successive developers. I am not content with the scheme for future sustainability. See BS-5837.

Reconsulted on amended plans and revised arboricultural report 27.06.2007: verbal response received 02.07.2007:

- No objection subject to Conditions relating to regular monitoring during construction period and agreement of landscape scheme

Natural Environment Officer

Consulted - views received 25.05.2007:

- Area labelled as "ecological garden" - what does this involve? Doesn't show implementation of any of the water vole report recommendations: ie. planting native marginal vegetation/deepening ditch/creation of pond with marshy area
- Concerned by mention of "concrete retaining wall" on brook, north-east corner of site. Is this existing or new? This is not beneficial for voles.
- It is not clear what the areas between the tree and up to the watercourse area are as the colour key doesn't appear to be shown on the legend
- I am unclear as to the statement "undertake a destructive search of the affected area" once they have strimmed the vegetation to dissuade the water vole from using the area in relation to the Water Vole Report
- If water vole burrows are damaged or destroyed, the developer will need a licence from Natural England.
- I would like to see enhancement and mitigation. This will need to be achieved by following the recommendations made

in the water vole report.

Reconsulted on amended plans and revised Water Vole survey
27.06.07 - views received 29.06.2007:

- I would like to confirm that I am happy with the below proposals. I have no objections to the scheme provided the recommendations of the water vole report are followed, particularly in regard to the construction methods and the water vole enhancements
- I would also like to see the ongoing sympathetic management of the site as a condition of the planning permission

EHO
Contaminated
Land
EA

Consulted - views received 16.05.2007:

- No objection subject to Conditions

Consulted - views received 02.07.2007:

No objection but would like to make the following comments:

(a) Flood Risk

- The proposed site lies within Flood Zone 3 (1% annual probability floodplain) based on our Flood Zone Map.
- Para E9, Annex E of PPS25 states that all proposals for new development located in Flood Zone 2 and 3 should be accompanied by a FRA. The flood risk information submitted with the application is satisfactory and addresses our previous concerns on flood risk grounds.

(b) Biodiversity

- New development and redevelopment of former urban / industrially degraded sites provides considerable potential to contribute to biodiversity by incorporating features of value to wildlife into river corridor, wider landscape and built design. The above principle is inherent with the recent PPS9 Planning Policy Guidance to promote sustainable development. The Government objectives for planning are to ensure that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development. This is to ensure that policies and decisions about the development and use of land integrate biodiversity and geological diversity along with other considerations.
- In the absence of detailed landscape proposals we would seek the development results in enhancement of the currently degraded Spadesbourne Brook corridor, to improve amenity, biodiversity and visual aspects of the area. As a highly visible and natural feature of the development site this should be recognised as an important ecological resource and appropriately upgraded and enhanced.
- In recognising the Spadesbourne Brook is just outside the

curtilage of the development site, we would support the improvement of the adjoining watercourse which is currently heavily degraded with litter and larger debris. This together with heavy shading severely limits the wildlife value.

- Culverting of existing wet ditch within site to be kept to a minimum required for access purposes. This is typically limited to 3 - 5 metre lengths for vehicular access.
We consider it beneficial for watercourses to remain in open channel form.
- In addition, culverts by their very nature can form a barrier to wildlife movement, fragment the linear habitat of watercourse corridors and destroy physically diverse habitat. This is a fundamental element of our key duties in attaining sustainable development to protect and enhance the water environment.

(c) Contaminated Land

- In line with our amended Table 1 and in accordance with Article 10 - (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to contaminated land on this application. You are advised to seek the comments of your Environmental Health Officer.

(d) Waste Management

- Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

(e) Pollution Prevention

- Developers should incorporate pollution prevention measures to protect ground and surface water.
- Particular care should be taken during excavation and construction due to the proximity of the watercourse, in line with Pollution Prevention Guideline 5 (PPG5): Work in, near or liable to affect watercourses.

(f) Foul Drainage

- In line with our amended Table 1 and in accordance with Article 10 - (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'foul drainage assessment form' for your consideration.

Worcestershire County Council Education Views received 21.05.2007 and 28.06.2007:

- If development goes ahead in this area there may be a need for additional education provision and we would be seeking a contribution for this in accordance with your Supplementary Planning Document on planning obligations for education facilities
- Our Supplementary Planning Guidance relating to education

contributions was adopted in April 2003. Under this policy, the figures that underpin the table of charges published by the County Council are updated each year from 1st April to take account of changes in numbers on roll, changes in school capacities etc. Pending the adoption of a Supplementary Planning Document by Bromsgrove District Council, the SPG remains a valid "saved" document

- The updated figures for April 2007 have been applied to the new application and show that there is now a contribution to be paid for the first school phase only, as the number of spare places had reduced
- The County Council has recently been working with the other District Councils in Worcestershire to develop individual Supplementary Planning Documents. As part of this process we have reviewed our approach to Section 106 contributions and decided that flats and apartments should have a discounted rate of contribution applied to them. Although Bromsgrove DC has not yet adopted an SPD, it seems fair to apply this discount to all applications
- The application consists of 22 open market apartments and 29 affordable units. Affordable housing is exempt from any education contribution, therefore the contribution requested is calculated as 22 x £578 per unit = £12,716

Worcestershire
Wildlife Trust

Consulted - views received 30.05.2007:

The Wildlife Trust has some serious concerns regarding the protection of the water vole colony resident on site.

- Water voles are Britain's most threatened and fastest declining mammals and have undergone a 90% national decline in the last 10 years. Bromsgrove is home to the last population of water voles in Worcestershire, with a handful of colonies on the Spadesbourne and Battlefield Brook. The currently proposed development will have a negative impact on the resident water vole colony and does not include any suitable mitigation nor enhancements (as required in PPS9).
- We would therefore wish to object to above-mentioned application for the following reasons:
 - Drawings show large part of the existing wet ditch to be culverted. Not only does this directly reduce the foraging habitat for water voles through habitat destruction, it also reduces habitat by disconnecting the eastern part of the ditch from the rest of the site. This will significantly reduce the overall water vole habitat on site, which is unacceptable. Also no mitigation for this activity is proposed.
 - The proposed development will lead to increased disturbance by residents and dog walkers. No measures are included to minimise this disturbance. Furthermore, a fence will be taken

down increasing access to the riverbank.

- The proposed development will lead to increased predation by domestic cats. No mitigation to minimise the impact, for example additional habitat creation, is included in the plans.
- No suitable mitigation is included in the plans. The proposed 'ecological' garden will under no circumstances improve the water vole habitat, as it is located in the most shaded part of the site. Due to the shade, this part of the site does not provide the right conditions for riparian plants required by water voles for feeding (see Water vole survey, Hankinson Duckett Associates 2007, part 3.2).
- No enhancements for biodiversity, in this case water vole, are included in the plans. They will even have a serious negative impact. This is contrary to the requirements of PPS9. Given the seriousness of the situation, these plans cannot be accepted.
- The development will require a substantial area of hard surfacing both in terms of building and car parking etc. This minimises the potential for aquifer recharge by rainwater. There is also an additional impact on water quality in the brook from surface run-off from the hard surface, which may carry hydrocarbons, silt and other pollutants into the brook. Sustainable Urban Drainage Systems should be included in the development to deal with this negative impact.
- Currently parts of the site do not offer ideal conditions for water voles, which this is sub-optimal. Because of this there is potential to enhance the habitat for water voles and to increase the population. Several ways to enhance the overall habitat are:
 - Reducing shade along the bank of the northern part of the brook and the ditch by cutting back shrub and selectively pollarding/removing trees.
 - Removal of all metal and concrete piling from the Northern/Western part of the brook in conjunction with bank re-profiling to facilitate burrowing and to enhance the conditions for riparian plants.
 - Deepening of the existing partially wet ditch and re-profile its bank to facilitate burrowing and to encourage riparian plants.
 - Creation of additional habitat by digging new ponds and increasing the marshy area.
 - Including a Sustainable Urban Drainage System could increase suitable habitat when water voles and water quality are taken into account. Bear in mind SUDS should not jeopardise the existing habitat.
 - Using a s106 agreement to fund the implementation of a site habitat management plan to ensure positive future management for riparian and aquatic flora and fauna emphasising the needs of water voles. A s106 agreement could

also allocate money to improve water vole habitat further up stream and down stream of the development.

- The above-mentioned objections and recommendations are in line with the responsibilities of Bromsgrove District Council, expressed through the Worcestershire Biodiversity Action Plan, the Bromsgrove Local Biodiversity Action Plan and the Water vole conservation strategy for Bromsgrove (adopted as policy in 2002).

Reconsulted on amended plans and revised Water Vole survey 27.06.07 - views received 28.06.2007:

- Although I still regret seeing a 27 metre culvert going in instead of an open plan structure, I think it will be more useful to concentrate their efforts in the western part of the site
- In order to mitigate for the loss in habitat the total linear length of the of the newly created 'online' water features should be more than the amount of natural habitat lost (ie. the length of the culvert plus the length of the inaccessible eastern part of the ditch)
- In addition, the western part of the ditch, the marshy area and the brook will be enhanced for water vole habitat and a small reedbed will be created. Fencing (as described in the new plans) will reduce added disturbance.
- In my opinion this is sufficient mitigation for the loss of habitat, increased predation and disturbance and will enhance the situation for water voles on site.
- Therefore my objection does no longer stand
- I would still like the opportunity to discuss the more detailed designs of the water features on a later stage. Providing the mitigation area is used to it's maximum potential I think this development could be a good case study of good practise for Persimmon Homes and Bromsgrove District Council

Natural
England
West Mercia
Constabulary

Consulted 12.06.2007: views awaited

Consulted - views received 21.05.2007:

- Development should be constructed to Secured by Design standards due to the locality of the footpath linking School Drive to Blackmore Lane. This path would provide an excellent escape route for those involved in crime and disorder
- Perimeter security is extremely important and I recommend the developer consult further on the best means to secure the perimeter
- Suitable lighting will be needed for the parking area in order to reduce the risk of vehicle crime and reduce the fear of crime
- Care will need to be taken with the landscaping in order to allow a clear line of sight from the dwellings to the parking

- areas
- Whilst there are no exceptions to close the path it does raise concerns in relation to burglary and criminal damage
- WCC Consulted 03.05.2007: views awaited
- Rights of Way Consulted 03.05.2007: views awaited
- Ramblers Association Publicity 3 letters sent 09.05.2007 (expire 30.05.2007): no response received
4 site notices posted 13.06.2007 (expire 04.07.2007): no response received
2 press notices published 18.05.2007: no response received (expire 08.06.2007)
- 1 letter received from Worcestershire County Council Service Development Manager Access and Information:
- The school and the Council as LEA are very concerned at the prospect of increased use of School Drive by this development. The Drive is not built to adoptable standard and is privately maintained by the Council. Although it has been repaired in recent years it had to cope with increased use by the College during its building works and by the Artrix Centre. There are issues of safety for students and other users of the Drive which need to be addressed by better lighting, walkways and road surfaces.
 - I have received a copy of the Director of Environmental Services letter to you dated 15 May and strongly support the recommendations therein, including that the Drive be made up to adoptable standard as part of the development and that as much as possible of the road should be adopted as public highway.

The site and its surroundings

The site relates to a site approximately 0.75 hectares in area located on the northern side of School Drive some 0.5 kilometres north-east of Bromsgrove Town Centre. The Spadesbourne Brook runs to the northern boundary of the site, with Bromsgrove Retail Park and dwellings in Blackmore Lane to the north of this watercourse. The site surrounds the dwelling known as 18 Blackmore Lane to the north. A public footpath connecting Blackmore Lane and School Drive runs to the eastern boundary. The site contains a number of dilapidated structures including a former dwellinghouse and associated garage and a brick building adjacent the right of way that formally related to a science building utilised by NEW College. A two-storey dwelling and single storey care home flank the site facing School Drive. The site faces the North Bromsgrove School grounds. A number of residential properties exist further to the south-west along School Drive. All trees on the site are protected by a Tree Preservation Order. The site is within a recognised residential area.

Proposal

This application relates to the demolition of the existing structures on the site and the erection of 51 two-bedroom residential units.

Two apartment blocks (Block A and B) front School Drive with Block C set behind the single storey building known as 7 School Drive and adjacent the public footpath linking Blackmore Lane and School Drive. Access to the site is provided via a new vehicular crossover from School Drive located between Block B and the car-parking area serving 7 School Drive. No other access to the site is proposed. The Blocks are a mix of two, three and four storeys. The blocks are predominantly red facing brick with aspects of render to the lower sections. The roof tiles are grey interlocking concrete tiles.

The scheme also proposes two brick refuse stores and two pump houses. Cycle storage areas have been provided to the north of the end gable of Block C adjacent the refuse store and pump house. Fifty-one car-parking spaces are proposed. Hard surfaced areas within the parking court consist of block paving and tarmac. An aspect of pavioured finish surfacing to the main access drive has been incorporated into the scheme.

A number of protected tree specimens will be removed. A landscaping scheme, together with ecological reports relating to water voles, bats and reptiles has accompanied the scheme. The water vole report contains recommendations for mitigation and enhancement, mainly to the western boundary adjacent the watercourse.

A Design Statement, Planning Support Statement, Flood Risk Assessment and Arboricultural Report have also accompanied the application and are available in the relevant planning file should Members wish to view them.

Relevant policies

WMSS	UR3, CF2, CF5, PA1, QE1, QE2, QE3, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.12, CTC.13, CTC.15, D.1, D.2, D.3, D.4, D.5, D.6, D.7, D.9, RST.2, SD.1, SD.2, SD.3, SD.4, SD.5, SD.6, SD.7, SD.9, T.1, T.3, T.10
BDLP	DS3, DS11, DS13, ES1, ES2, ES3, ES4, ES5, ES6, ES7, C17, C19, RAT12, S7, S14, S15, S28, S29, C4, C10a, C11, C17, C36, C38, C39, TR8, TR9, TR11, TR13
Others	PPS1, PPS3, PPS9, PPG13, PPG17, PPG23, PPS25, Circular 06/05, SPG1, SPG10, SPG11

Relevant planning history

B/2006/1048	Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: withdrawn 18.01.2007
B/2005/0490	Erection of 16 apartments and 6 houses: approved 14.02.2005

- B/2003/0896 Extension of time for the submission of Reserved Matters for residential development: variation of Condition 1 of B/1998/0661: approved 01.04.2004
- B/2001/0057 Erection of 6 two-storey dwellings and 18 apartments: refused 12.03.2001
- B/2000/0889 Erection of 6 three-storey dwellings and 15 two-bedroom apartments: refused 13.12.2000
- B/1998/0661 Form new main access, B1 development, housing development, sports facilities and ancillary car parking (outline): approved 11.09.2000
- B/1997/0621 Housing development accessed off School Drive: withdrawn 19.10.1998

Notes

The proposal must be considered in terms of residential amenity and the impact on the amenity of the locality given the presence of the designated Tree Preservation Order. The implications for highway safety must also be considered, together with the impact on ecological biodiversity given the presence of water voles on the site.

The plot is within an established residential area and therefore residential development is acceptable in principle. Given this context it is felt that residential development of this site would, on the face of it, be acceptable in principle. I consider the main issues to consider in connection with this particular application relate to whether the proposed development accords with the criteria set out in Policy S7 and if not whether any disadvantages to the scheme are so substantial to justify refusing permission, despite the Policy support for residential development on such sites (including the provisions of the recently published PPS3). I also note the comments from consultees arising from the consultation exercise.

Density

Policy D.9 of the adopted Worcestershire County Structure Plan seeks to ensure that development is provided at a minimum of 30 dwellings per hectare. Sites within town and local centres, where there is good public transport accessibility and around major nodes along good quality public transport corridors, should achieve densities of about 70 dwellings per hectare net. Increased residential densities also help to secure a mix of size and types of development in order to help meet the needs of different types of households.

The current proposals equate to 67.9 dwellings per hectare. As such I consider the development to accord with Policy D.9 of the WCSP for such a site in this location.

Form and Layout

The area is characterised by a mix of modern medium-sized semi-detached and terraced dwellings, of both two-storey and single storey type, with large to medium sized plots. Two-storey sheltered housing accommodation is located in School Drive adjacent its junction with Stratford Road.

The proposed accommodation is a mix of two, three and four storeys. Block A located adjacent the existing dwellinghouse fronting School Drive known as Willow View has been designed with a two-storey aspect adjacent this dwelling. This increases to three-storeys to the east and matches the height of Block B located adjacent the access road serving the development. The first section of Block C is three-storey, with the L-shape remaining section continuing Block C to the east and facing the public footpath being four-storey in height. Blocks A and B retain a gap of approximately 1.4 metres to School Drive. The aspect of Block C facing the public footpath retains a maximum gap of approximately 3 metres to this boundary.

The scheme will undoubtedly have an impact on the streetscene. The most westerly aspect of the development has been designed to reflect the two-storey character of the two dwellings fronting School Drive. I consider the design of the roofline from two-storey to three-storey adds interest to the development. The use of good quality external materials consisting of ivory colour render and red facing brickwork, soldier course brick string course and window head and reconstituted stone cills, together with balcony details has produced a scheme that would add further to the ongoing redevelopment of this aspect of School Drive.

Play Space Provision

The application falls within the threshold for affordable housing as detailed in Policy RAT5 and RAT6 of the Bromsgrove District Local Plan and SPG11.

For the reference of Members, the scheme approved under B/2005/0409 related to a Reserved Matters application under the original outline consent. This outline was renewed prior to the adoption of the Council's Supplementary Planning Guidance with respect to play space provision (SPG11) and therefore it was considered that the SPG did not apply to this application. Furthermore it was considered that it would not be practical to provide public space within the application site given the existing physical constraints such as the trees and the watercourse and a commuted sum in lieu of on-site provision was accepted.

As such I consider this to remain to be the case in this application. The applicant has accepted the enhanced commuted sum put forward given the enlarged scheme. This contribution will form part of the Section 106 Agreement.

SPG10 and Affordable Housing Provision

Members will note the views of the Planning Policy Officer. Although this is a new application for residential development which does not comply with the exceptions stated in SPG10, Members will be aware this site benefits from an extant consent for 22 open market dwellings. This application does not increase this amount but adds an extra element of affordable housing on site. I am therefore of the view that the development falls into exception (ii) of SPG10. On this basis I am of the view that the proposal should not be refused on housing oversupply and complies with Policy S15 of the BDLP.

Loss of Trees and Hedgerows

All trees within the application site are afforded protection by a Tree Preservation Order. The trees were protected in the interests of public amenity due to their value in the streetscene and the effect of the proposed development on the trees is a material planning consideration in the determination of this application. An arboricultural report that incorporates a tree protection and management scheme has accompanied the application.

The submitted arboricultural report states that site trees are of local landscape value and in this instance seem to be effective in screening views to the west and particularly to the north from within the site (paragraph 2.2). The report goes on to state that trees to the north and west will become an important screen to the adjacent warehouse development as well as with the views from School Drive (paragraph 2.3) and views of the pollarded willows to the east/west ditch the trees within the group comprising G876 to G880 will be an important feature to soften the boundary of the new boundary with adjacent properties, and combined with the other retained site trees will add maturity to the development.

The report states that a large number of trees are considered to have been planted with trees occurring due to natural regeneration being concentrated adjacent to the watercourse. The majority of trees are mature with five being over mature, nine being middle-aged, three young and approximately seven trees being dead. No saplings or veteran trees were noted by the arboricultural report. Including those trees noted as dead, three individual trees, two groups (comprising 8 individual trees) and one tree within each of Group G864 and G882 are recommended for removal on arboricultural grounds, with an additional five individual trees and two tree groups (four trees within G866 and G874) will require removal to accommodate the development. The report also identifies six hedges. All six hedges are deemed to be poorly maintained with the hedge aspect to the northern boundary being severely suppressed by adjacent vegetation.

Whilst the loss of trees is regrettable, it is noted that the development has been designed to retain most of the significant and important trees to the rear of the site (to the northern boundary). A number of frontage trees facing School Drive have also been retained. The scheme also proposes a "no-dig" construction designation within the central aspect of the site adjacent the access road and parking area to in order to ensure retention of those tree specimens within this zone.

Members will note the views of the Council's Tree Officer. This Officer originally raised concerns that the expansion of the amount of units on this site would make the tree cover unsustainable, produce further problems with overshadowing and the change in water flow in the dry ditch would lead to the loss of frontage trees. Following further negotiations with the applicant's Agent and the Tree Officer in relation to retained tree cover and the proposed Water Vole mitigation measures proposed within the site, the Tree Officer has removed his initial objection to the scheme, subject to the imposition of suitable Conditions.

Nature Conservation

The Water Vole is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). PPS9 *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. PPS9 encourages Local Planning Authorities, in making planning decisions, to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment (paragraph 1). PPS9 goes on to state that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, Local Planning Authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, Local Planning Authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused (paragraph 1).

Circular 06/05 *Biodiversity and Geological Conservation* provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy in Planning Policy Statement 9, Biodiversity and Geological Conservation (PPS9).

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98). Circular 06/05 goes on to state that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted (paragraph 99).

Circular 06/05 also makes it clear that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing

the development from proceeding without the prior acquisition of a licence under the appropriate procedure (paragraph 99).

Policy QE7 of the West Midlands Spatial Strategy, Policy CTC.12 and CTC.13 of the Worcestershire County Structure Plan and Policies C10a and C11 of the Bromsgrove District Local Plan all refer to the nature conservation and biodiversity and the presence of statutorily protected species in the development control process. These Policies reinforce the philosophy of both PPS9 and Circular 06/05.

Members will note the applicant has submitted an Ecological Assessment of the site. The Assessment states that information from the Magic database, Worcestershire Biological Records Centre and Natural England has confirmed that no statutory or non-statutory nature conservation designations pertain to the site. A reptile and bat survey have also be submitted for consideration. However, contrary to the conclusion of the previous assessment submitted under B/2006/1048, the site does maintain a strong conservation interest with respect to water voles. A separate Water Vole Survey has thus accompanied this scheme. Following further discussions with the Council's Natural Environment Officer and Worcester Wildlife Trust, an amended version of this document was submitted on 26 June 2007. Following receipt of this document, the WWT has rescinded their initial objection to the scheme and note that sufficient mitigation for the loss of habitat, increased predation and disturbance will enhance the situation for Water Voles on the site. This includes the western part of the ditch, the marshy area and the brook, together with the provision of a small reedbed and fencing. The Natural Environment Officer has also removed her objection and echoes the view of the WWT. I consider it pertinent to Condition the Water Vole mitigation and enhancement measures to ensure such works are carried out the to the satisfaction of the LPA.

Flooding Issues

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. The views of the EA are awaited.

Impact on the Amenity of Adjacent Occupiers

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area.

SPG1 states that a minimum separation of 21 metres is required to achieve a degree of privacy within conventional two-storey dwellings. Where three and four storey housing is proposed with main living rooms above ground floor level a minimum separation of 27.5 metres is required to achieve both privacy and adequate visual separation. SPG1

also suggests a separation distance of 27.5 metres from window wall to window wall in relation to two-storey flats and two-storey dwellings to avoid overlooking problems caused by living rooms on upper storeys.

The main considerations in this matter relate to the impact on the occupiers of the dwelling known as Willow View to the immediate west of the development and the occupiers of the Care Home to the east of the proposed access road (both located on School Drive) and the impact on 18 Blackmore Lane to the immediate north of the site.

The revised scheme would appear to meet the separation distances for overlooking detailed in SPG1. The proposal has been redesigned to avoid direct overlooking from Block C to the dwelling known as 18 Blackmore Lane. I am mindful, however, to attach a Condition ensuring the first floor window to Block A facing the dwelling known as Willow View is obscurely glazed and remains so for the duration of the development, together with the requirement to be permanently fixed in order to maintain privacy levels.

Given these circumstances I am reasonably satisfied the development would not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in criteria (e) of Policy S7 of the Bromsgrove District Local Plan and the guidance within SPG1.

The Development can be Properly Serviced

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. This approach is advocated in PPG25. I note the views of the Council's Drainage Engineer.

The EA raised no objection to the scheme submitted under B/2005/0045 in relation to this particular scheme are awaited. I will update Members at your Committee on this issue.

Traffic and Highway Implications

Highway safety is detailed in Policy TR11 of the BDLP and T.1 of the WCSP. These Policies require that all development incorporate safe means of access and egress appropriate to the nature of the local highway network. The development proposes a new combined vehicular and pedestrian access leading off School Drive. No other access points are proposed. The scheme proposes 100% parking provision (51 spaces). The WCC(HP) has raised no objection to the scheme subject to the imposition of suitable Conditions and the applicant entering into a suitable legal agreement for the promotion of off-site highway improvement works relating to sustainable forms of transport in the locality.

Other Matters

Given the number of dwellings proposed, the development falls within the threshold for both affordable housing units and play space provision. Members will note the scheme proposes an element of affordable housing units and the applicant is willing to put forward a commuted sum for play space provision in lieu of onsite provision. Worcestershire County Council Education Services has commented that monetary contributions towards education provision will be required in this instance.

The WCC(HP) has commented that the applicant will need to contribute funds to off-site site improvement works to promote sustainable forms of transport from the application site and of the surrounding network. These works relate to monetary contributions to off-road cycle facilities, to improve footway linkage from the boundary of the maintained highway to the High Street and to make good part of the footway in School Drive that is not currently maintained as public highway up to adoptable standards.

The applicant has agreed to enter into a suitable legal mechanism to deal with these matters.

Conclusions

I note that the application would in principle be acceptable in that it proposes residential development in an area designated for residential use. The site falls within the definition of a previously developed site and as such its development would be in general accordance with government objectives set out in PPS3. However, it is noted that Government guidance does not automatically allow the development of urban sites and issues such as layout and effect upon character and residential amenity are all material factors that may result in a residential scheme in an urban area being unacceptable.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings.

The development would represent an opportunity to remove a number of unsightly structures and redevelop a previously developed site that has suffered from neglect, together with ecological enhancement. The scheme would complement the ongoing redevelopment of this aspect of School Drive in relation to North Bromsgrove School, NEW College and the Artrix developments and offer an opportunity for the provision of on-site affordable housing units.

RECOMMENDATION that subject to the applicant entering into a suitable legal mechanism in relation to monetary contributions to (i) off-site play space provision (ii)

education provision; and (ii) highway improvement works and the securing of 29 affordable housing units, permission be **GRANTED**

1. 3 year time limit
2. The existing buildings within the application site shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.
3. C37 (insert "including doors and windows, door frames and window frames as well as rainwater goods" after roofs)
4. Prior to the occupation of the development hereby permitted, the first floor window in Block A facing the dwelling known as Willow View to Block A shall be fitted with obscured glazing and shall remain so in perpetuity
5. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence.
6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
7. The means of foul sewage disposal shall be by means approved by the Local Planning Authority
8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
9. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 5 metres of the top of any bank of watercourses, and/or b) 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
10. There shall be no storage of any materials including soil within that part of the site liable to flood as shown with a blue line (below 92.785 mAOD) on drawing No. E/002/02.
11. Floor levels should be set at least 600mm above the 1% Annual Probability flood level of 93.385 metres above Ordnance Datum
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
13. C9
14. The planting plant detailed on Bea Limited Landscape Planting Plan (07-59-02: received 26 June 2007) shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. Any

trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

15. C11

16. C12

17. C13

18. C14

19. C15

20. C16

21. C17

22. C18

23. C19

24. Prior to the commencement of the development hereby permitted, full details of the permeable surface finish detailed on drawing number B3942-PL03N shall be submitted to and approved in writing by the Local Planning Authority.

25. Notwithstanding the mitigation and enhancement proposals set out in Section 6 and Appendix B of the approved Water Vole Survey (June 2007) and the Bea Limited Landscape Design Water Vole Habitat Enhancement Plan (07-59-01: received 26 June 2007) and Bea Limited Landscape Planting Plan (07-59-02: received 26 June 2007), prior to the commencement of the development hereby permitted a document detailing the final specification of Water Vole mitigation and enhancement measures, together with a detailed plan of such measures shall be submitted to and approved in writing by the Local Planning Authority. The document and plan should include details relating to the length of scrapes and depths of pools. The approved mitigation and enhancement measures shall be implemented in full and maintained as such in perpetuity with no deviation, unless otherwise agreed in writing by the Local Planning Authority.

26. Prior to the commencement of the development hereby permitted, a further general scheme for wildlife enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures for the appropriate installation of bird and bat boxes within the site.

27. The management of retained trees during the construction period shall be carried out in accordance with the details in the Waterman CPM Arboricultural Survey (21 June 2007). The recommendations contained in Section 2 and 3 of this document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority

28. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with the tree protection scheme/root protection areas or other areas excluded from construction related activity.

29. Prior to the commencement of works hereby permitted, full details of the cycle stands shall be submitted to and approved in writing by the Local Planning Authority

30. Prior to the commencement of works, a desk top study shall be carried out and approved in writing by the Local Planning Authority. This study shall include the

identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The desk top study shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminant sources, pathways and receptors.

31. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
 - (b) refinement of the conceptual model, and
 - (c) the development of a Method Statement detailing the remediation requirements.

The site investigation shall be carried out in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.

32. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
33. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
34. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
35. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
 - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development.
 - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive.

- (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures.
- (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.

36.H3

37.H12a

38.H13

39.H16

40.H21

41.H27

42. Prior to the occupation of each unit the developer shall provide details for approval by the Local Planning Authority of a welcome pack that is to be provided with each dwelling that promotes sustainable forms of access to the development site.

Reasons

- 2. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 4. To protect the amenities of adjacent occupiers in accordance with Policy S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001
- 5. To ensure the provision of adequate storm water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
- 6. To prevent the increased risk of flooding in accordance with Policy ES1 of the Bromsgrove District Local Plan
- 7. To ensure the provision of adequate foul water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
- 8. To alleviate the increased risk of flooding.
- 9. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
- 10. To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.
- 11. To protect the development from flooding.
- 12. To prevent pollution of the water environment
- 14. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 24. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 25. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with Policy CTC.12 and CTC.13 of the Worcestershire County Structure Plan and Policies C10a and C11 of the Bromsgrove District Local Plan

26. To enhance the wildlife value of the site in accordance with Policy C11 and C12 of the Bromsgrove District Local Plan and Policy CTC.13 of the Worcestershire County Structure Plan
27. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan
28. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan
29. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
30. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
31. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
32. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
33. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
34. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
35. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
42. To reduce the number of trips to the site in conformity with the sustainability objectives of the Worcestershire County Structure Plan

Notes

H Note 1

H Note 8

The applicant is reminded of the responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

The applicant is encouraged to undertake a bat survey to determine whether any bats or present in any of the trees or buildings to be removed. If bats are identified within the site the applicant is reminded that a licence from DEFRA will be required to undertake the removal of any buildings or trees containing bat roosts and a detailed mitigation strategy will be required to be submitted to Natural England.

Any culvert, weir or other obstruction to the flow of a watercourse requires the prior formal Flood Defence Consent of the Environment Agency

Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

The dry ditch passing through the site needs to be retained to drain any upstream areas. Therefore, there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The development should conform to Secured by Design Standards. Details can be found at www.securedbydesign.com

The applicant should liaise with the Travel Plans Officer of the County Council to develop the contents of the "welcome packs" for each unit.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. The developer should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Particular care should be taken during excavation and construction due to the proximity of the watercourse, in line with Pollution Prevention Guideline 5 (PPG5): Work in, near or liable to affect watercourses.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	UR3, CF2, CF5, PA1, QE1, QE2, QE3, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.12, CTC.13, CTC.15, D.1, D.2, D.3, D.4, D.5, D.6, D.7, D.9, RST.2, SD.1, SD.2, SD.3, SD.4, SD.5, SD.6, SD.7, SD.9, T.1, T.3, T.10
BDLP	DS3, DS11, DS13, ES1, ES2, ES3, ES4, ES5, ES6, ES7, C17, C19, RAT12, S7, S14, S15, S28, S29, C4, C10a, C11, C17, C36, C38, C39, TR8, TR9, TR11, TR13
Others	PPS1, PPS3, PPS9, PPG13, PPG17, PPG23, PPS25, Circular 06/05, SPG1, SPG10, SPG11

B/2007/0466-DMB - Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: resubmission of B/2006/1048 - Land at School Drive, Bromsgrove - Persimmon Homes (South Midlands) Limited

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

This page is intentionally left blank

Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Castlebeck Care (Teesdale) Limited "B"	Change of use to residential care home (Class C2), extensions and erection of replacement structure - The Lodge, West Hills House, West Hills Lane, Alvechurch - (as amended by plans received 29.06.2007)	GB	B/2007/0496 09.08.2007

RECOMMENDATION that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19 July 2007.

MINDED TO APPROVE

Consultations

WCC(HP)	Consulted - views received 22.05.2007: No objection
ENG	Consulted - views received 01.06.2007: No objection subject to Conditions
Conservation Officer	Consulted - views received 06.06.2007: <ul style="list-style-type: none"> • In principle I have no objection to the change of use, however I consider some of the detailing may need to be reconsidered • I note that the external courtyard is to be enclosed to create a further lounge, however I think more appropriate windows and doors could have been selected to complement the existing windows and doors in the rest of the building. I assume the brickwork is to match the existing but this does not appear to be stated anywhere • It would be more appropriate if the wall to the proposed 1F ensuite bathroom did not cut across the bedroom window • As regard the activity room only the most basic information has been provided in respect of the structure. There is no detail in respect of the windows and doors, in terms of detailing or materials. The structure appears to be excessively high, considering it is single storey. No information has been provided on the link to connect the lodge to the activity room
EDO	Consulted - views received 14.05.2007: <ul style="list-style-type: none"> • Economic Development strongly supports the application. There is a very serious shortage of residential care home accommodation in North Worcestershire
BW	Consulted - views received 21.05.2007: No objection
Ramblers Association	Consulted 10.05.2007: views awaited
Rights of Way	Consulted 10.05.2007: views awaited
WWT	Consulted - views received 29.06.2007: <ul style="list-style-type: none"> • The works would need a licence if any of the changes would effect the loft space, or accesses to it.

- If the works are unlikely to have an adverse effect on the bits of the building currently in use as a roost I would simply append an informative note reminding the developer of their responsibilities under the law. You might also consider removing existing permitted development rights in the loft or to the roof itself (if there are any?).
- Conditioning benefit outside the loft is difficult for brown long eared bats because they like a large space to fly round in and therefore additional boxes are not much help. You might look to get some planting near the building to help provide flypaths/a feeding resource close to the roost, particularly if the existing flyways look like they could do with bulking up. You should also look to control the impact of lighting, especially floodlighting of the property itself.

Alvechurch PC Consulted - views received 13.06.2007:

- No objection
- However, if the application proceeds for West Hills House APC would not want two applications to proceed and would object to two nursing homes on the same site

Publicity 2 letters sent 14.05.2007: no response received (expire 04.06.2007)
2 site notices posted 28.05.2007: no response received (expire 19.07.2007)
1 press notice published 18.05.2007: no response received (expires 08.06.2007)

The site and its surroundings

The application relates to a two-storey lodge building formerly associated West Hills House. The building is located on a site of approximately 15 hectares. The lodge building is occupied as two residential units and is located at the vehicular entrance to the site adjacent to West Hills Lane to the western boundary. The grounds are landscaped with mature planting. Three single storey outbuildings in varying states of repair are located to the south and south-west of the lodge. A Public Right of Way runs to the northern boundary. The site is located in recognised Green Belt.

Proposal

This is a full application for the change of use of the lodge from residential to a residential care home facility for the treatment and rehabilitation of adults with autism (Use Class C2). Under the Town and Country Planning Use Classes (Amendment) Order 2005, a Class C2 use relates to *residential institutions*. This use class includes residential schools and colleges, hospitals and convalescent/nursing homes.

The converted lodge will provide accommodation for four residents with ancillary activity space being provided within the outbuilding. The aim is to provide accommodation suitable for the holistic care and treatment of residents which compliments that to be provided in the main house and annexe. The covering letter describes the use as a step down facility directly related to the use of the main house and annexe as a residential care home for adults with autism and learning disabilities. The lodge will therefore provide a living environment where residents who are more able can be provided with

necessary treatment, rehabilitation and education within a more independent environment.

The planning statement accompanying the application states:

The purpose of the lodge is to provide geographical proximity to West Hills House, and cohesive consistent continuation of stable care, while also offering the first opportunity for some residents, for many years, to explore, or re-explore, the possibility of a greater degree of independence. The intention is to create, within the lodge, a separate therapeutic environment, which requires a greater degree of self-responsibility than the main provision, while also affording a continuity of support.

The scheme also proposes the enclosure of the existing courtyard to the rear of the premises to provide additional accommodation. The erection of a wall and doors in place of the existing fencing on the north-western side of the courtyard is proposed, with the addition of a part glazed/part tiled roof. The courtyard when enclosed will provide a room of approximately 20 square metres. A detached single storey outbuilding (with no link to the lodge) to the south-west of the lodge building is proposed to replace an existing outbuilding located to the western boundary. The building will provide 35 square metres of accommodation and is proposed to be constructed from a timber frame, cedar boarding and a slate roof.

This application follows planning approval for the change of use of West Hills House and annexe on 4 April 2007 as a residential care home (Use Class C2). For the reference of Members the planning statement accompanying this planning application stated:

In practice residents of West Hills will have generally passed through either local authority or NHS care but have failed to be provided with the necessary environment and care to enable progress to rehabilitation to occur. The facility will offer a structured environment for the assessment and treatment of adults with varying degrees of autism including those who have learning disabilities and behavioural problems. For some individuals, such levels of provision can be required for a number of years. In this instance all the individuals treated on site will be residents.

The access and parking arrangements will remain as existing. A Planning Statement and Bat Survey have accompanied the application.

Relevant Policies

WMSS PA1, PA14
WCSP D.16, D.29, D.38, D.39, SD.1, SD.2, SD.4, SD.5, SD.6, SD.7, SD.8, T.1
BDLP C27, C27b, C27c, DS2, DS13, S13a, S28, S29, TR11
Others PPS1, PPG2, PPS7, PPS9, Circular 06/05, PPG13, SPG4, SPG10

Relevant Planning History

B/2006/1383 Change of use to residential care home (Use Class C2): approved
04.04.2007 (West Hills House)
B786 Conversion of lodge into two self-contained flats: approved 24.02.1975

Notes

The main issues with this particular application are considered to be:

- (a) Whether the proposal represents appropriate development in the Green Belt, taking into account the relevant policies including SD.4 and D.16 and D.29 of the WCSP, DS2, C27 and C27c of the BDLP and Government advice contained within PPG2, PPS7 and PPG13
- (b) Sustainability issues
- (c) Impact on traffic and highway safety

Green Belt Issues

(a) Reuse of building

Policy DS2 of the Bromsgrove District Local Plan notes that permission for development in the Green Belt will not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings unless as criteria (a) states, proposals are for the re-use of rural buildings, in accordance with Policy C27 of the Bromsgrove District Local Plan. Policies DS2 and C27 of the BDLP and Policy D.39 of the Structure Plan are in general accordance with national guidance provided in PPG2 in allowing the re-use of buildings in the Green Belt. Policy S13A of the BDLP relates to the change of use of an existing dwelling unit in the Green Belt to an alternative use and lists a number of criteria including:

- (i) Any re-use should not have a materially greater impact than the existing dwelling on the openness of the Green Belt and the purposes of including land in it
- (ii) Extensions to any re-used dwelling and associated land surrounding the dwelling will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it
- (iii) The dwelling is of permanent and substantial construction and is capable of conversion without major works or reconstruction
- (iv) The form, bulk and design of the conversion is in keeping with its surroundings
- (v) Traffic generated by the development can be accommodated and parking facilities provided without detrimental to highway safety or the visual amenities of the Green Belt
- (vi) The change of use does not lead to a number of dispersed land uses that would be detrimental to the function and vitality of nearby settlements
- (vii) No material harm is caused to the amenity of nearby residents

In terms of the structural condition of the building, Policy C27 of the Bromsgrove District Local Plan is clear in requiring that buildings are of permanent and substantial construction **AND** are capable of conversion without major works or complete reconstruction (my emphasis).

I note the established use of the premises to relate to two residential dwellings (although the building would appear to be vacant at present). I would suggest that the proposed use of the building to a care home use for four residents would not have a materially greater impact on the Green Belt than the existing use. The proposed care home use is

likely to result in cars parking on the site, but provided this is limited to the existing car-parking areas I am satisfied the proposed use would not have a materially greater impact on the Green Belt. Furthermore, the use of the lodge would complement that of the care home use approved in April 2007.

(b) New Build

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. The extension to the courtyard and the detached structure do not fit into any of the categories of appropriate development. I am therefore of the view that the proposal is, by definition, classified as inappropriate development in the Green Belt. On this basis it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In this case, I consider the erection of the extension and detached structure would, in themselves, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development" (my emphasis)

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm.

A supporting statement has accompanied the application and provides the following information:

- (a) The re-use of the building, including the courtyard development is not assessed to have a materially greater impact than the former residential use on the openness of the Green Belt. The modest extension will not conflict with the openness of the Green Belt
- (b) The provision of the replacement building, which is proposed to be used as an activity room, forms an integral element of the step down facility and is important element of the ongoing care and rehabilitation provided to its residents
- (c) In order to compensate for the additional floorspace proposed, an existing outbuilding on site will be demolished. The existing outbuilding is located close to West Hills Lane and its removal is considered to have a positive impact on the appearance and openness of the Green Belt
- (d) The siting of the new build adjacent to the existing lodge will result in a more compact development and accordingly provide a net gain to the openness of the Green Belt
- (e) The location and surroundings of the site will enhance the treatment/rehabilitation of individuals and significantly contribute to their quality of life
- (f) The existing outbuildings that are to remain are not suitable to be converted to provide activity space due to their location, scale and state of repair
- (g) The style of the building and notably the roof pitch has been designed to reflect the arts and crafts design and character of the lodge. Whilst a reduced pitch would lower the overall height, given its close proximity to the lodge is it felt that a steeper pitch is more appropriate and in keeping with the site and provides harmony between the two buildings

I have considered these views. The extension to the rear will be viewed against the backdrop of the existing building. Given this context and the small-scale appearance of the proposal that infills a void created by the juxtaposition of the existing body of the main building, I consider this aspect of the scheme would have limited harm to the openness and visual amenities of the Green Belt in this location.

Members will note the views of the CO in relation to the detached structure. Although I note these comments, the applicant's agent has stated that the structure is to be constructed from a timber frame with cedar boarding and a slate roof. I consider such materials would be appropriate in this rural location, the details of which can be conditioned in order to obtain final approval from the LPA. The applicant is willing to remove an existing structure within the site of approximately 41 square metres. The new building has a floor area of 35 square metres. The new building will be located 4.6 metres from the main lodge building and thus will be less harmful to the openness of the Green Belt given this close relationship (the existing structure is located approximately 23 metres from the main lodge building). The removal of the outbuilding will thus contribute to greater openness of the Green Belt. However in order to ensure this is done I suggest it is pertinent to impose a suitable Condition to ensure this occurs.

Although I am not convinced the proposed use of the building represents a very special circumstance *per se*, given the circumstances detailed above, including the design of the new building, and having considered the list of criteria set out in Policy C27 and C27c of the BDLP and Policy D.16 of the WCSP, I am of the view that the resultant scheme would

have limited harm to the openness of the Green Belt and the purposes of including land within in it in this location. I therefore consider very special circumstances exist in this case to permit the application to be acceptable.

Sustainability issues and minimising the need to travel by car

Policies SD.4 and T.1 of the WCSP both state that proposals for development will normally only be allowed where they are located so as to minimise the need for travel, particularly travel by private car. In respect of the change of use of buildings in rural areas for employment purposes, WCSP Policy D.29 states that proposals which are likely to result in a significant increase in numbers and length of journeys to works by car are unlikely to be acceptable since they would conflict with the aim of moving towards a sustainable pattern of development.

Paragraph 2.7 of the WMSS acknowledges that in spatial terms, it is particularly the outward movement of people and jobs away from the Major Urban Areas (MUAs) which is increasingly recognised as an unsustainable trend and one which provides the Region with a key challenge. Among the pressures identified, this trend is seen as increasing the pressures on the environment, encouraging development of Greenfield sites and increasing the need for car-based travel. The spatial strategy for the development of the West Midlands therefore identifies the need to create balanced and stable communities across the Region as a key issue (WMSS, paragraph 3.1). Paragraph 3.2 goes on to state that an important factor in the trend of decentralisation from the MUAs has been the availability of development land in the settlements close to them. This has contributed to the loss of investment, abandonment and environmental degradation in the MUAs and increased development and environmental pressures in other parts of the Region. The dispersal of population and activities under-uses the social and physical resources of the MUAs and contributes to unsustainable development patterns that lead people to make more and longer journeys, more often than not by the private car. Paragraph 3.3 identifies that at the same time some rural areas have suffered from insufficient economic activity and suitable housing development to support a balanced population. This has resulted in people either leaving or needing to travel greater distances to access services and job opportunities.

The application site is clearly away from any town centre and indeed any part of an urban area. The nearest bus stop is located on Redhill Road, approximately 150 metres from its junction with Wast Hill Lane, approximately 650 metres from the site). This stop service runs at 15 minute frequencies during the day serving Kings Norton, Hawkesley, West Heath, Northfield Station, Bournville and King's Heath. The site is seen to be isolated and poorly related to good public transport links. The proposed new use is likely to generate a significant number of trips, the majority of which will be by private car.

In the traffic assessment accompanying B/2006/1383, the report concludes that the proposed use will not result in an intensification of use of the access or surrounding highway network but would lead to a net reduction. The traffic generated by the proposed development will be spread throughout the day, primarily as a result of shift working patterns. The report refers to an analysis of the two junctions (Lea End Lane/Birmingham Road (A441) to the south of the site and the junction of Wast Hill Lane and Redhill Road to the north and concludes that both have significant levels of spare capacity on all movements, both with and without any development. Given the relationship of the lodge to the main house, I consider these findings to be relevant to this

application. Furthermore, Members will note the use of the lodge is complementary to that of the functions carried out at the main house.

Although I note the application site is not in the town centre and not well-served by regular public transport facilities, I am of the view that the proposed residential care home use would not generate significant additional traffic (staff, visitors, deliveries) over and above that of the current established residential teaching/training/conference use of the whole site. For reference, the previously submitted Transport Assessment denoted the new use would lead to a net loss of trips to the site given the current emphasis on delegates travelling to the site to attend conferences.

The WCC(HP) has raised no objection to the scheme.

SPG10 Issues

As the proposal is for a care home which does not involve the creation of separate living units, the provisions of SPG10 do not apply in this case. However, I consider it pertinent to condition the use of the lodge to ensure it remains ancillary to the main care home function operated at West Hills House to ensure a separate planning unit is not created.

Other Issues

Given the isolated location of the premises, I do not consider the proposals will have any adverse impacts relating to overlooking or loss of privacy.

The submitted bat survey confirms the presence of a significant roost of brown long-eared bats within the main roof void. The report goes on to state that it would appear likely that the roost has been in regular use by a number of individuals over a number of years. For the reference of Members it is an offence to damage, destroy or block access to a bat roost or to disturb bats while they are using a roost. The proposed works are unlikely to have an adverse effect on those elements of the building currently in use as a roost and thus I suggest it is pertinent to append an informative note reminding the developer of their responsibilities in such matters. The applicant will need to acquire a licence from DEFRA in order to undertake any works to the roof void and a detailed mitigation strategy will be required to be submitted to Natural England.

The views of the WWT on this issue are noted.

RECOMMENDATION that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19 July 2007.

Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr. N. Naveed 'A'	Cross Roads Garage, Kidderminster Road, Woodcote Green - Amended application - Proposed car showroom and shop (as amended by plans received on: 02/07/2007)	Green Belt	B/2007/0498 25/07/2007

RECOMMENDATION:

- (i) that permission be **REFUSED** and;
- (ii) Members should authorise appropriate action to secure the removal of the unauthorised structures and delegate authority to the Head of Planning and Environmental Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Consultations

Dodford PC	Consulted on: 01/06/2007. No objection: 15/06/2007.
WCC (HP)	Consulted 01/06/2007. No response to date.
ENG	Consulted 01/06/2007. No objection received on: 21/06/2007 subject to the satisfactory approval by the Local Planning Authority for the disposal of storm water.
FC	Consulted 01/06/2007. No response to date.
CEHO	Consulted 01/06/2007. No objection: 20/06/2007.
LP	Consulted 01/06/2007. Objection received on: 14/06/2007 summarised as follows: - The proposal would be inappropriate development in the Green Belt. The proposal would be in an unsustainable location.
EDO	Consulted on: 05/07/2007. No response to date.
Publicity	2 letters posted on: 01/06/2007 (expires on: 22/06/2007). Site notice posted on: 08/06/2007 (expires on: 09/06/2007). Objection received on: 20/06/2007, summarised as follows: <ul style="list-style-type: none"> - Concerned about the position of the new window which would be approximately 4.5 metres from our showroom window. - The stair case opens into our yard. - My roof had to be down sized before permission was granted. - 11 car parking spaces as opposed to 6 on the previous permission will greatly restrict movement of traffic for the site which serves 3 business premises. - The first application was refused. - The second application was recommended for refusal, then approved. - I have objected to all applications and note that this has not been recognised for the approval of the second application. - The proposal would result in a loss of light and air.

The site and its surroundings

The application site lies on the north side of the Kidderminster Road at the junction with Fockbury Road, Dodford and lies within the designated Green Belt.

Proposal

This is a retrospective application for an amended application ref. B/2004/0890 for a proposed car showroom and village shop which was granted permission by Members. This amended scheme refers to the implementation of a greater first floor area, including raising the height of the roof and the formation of a first floor level.

Relevant Policies

WMSS QE3
WCSP SD.2, SD.3, SD.4, DS.5, SD.6, SD.7, SD.8, SD.9, D.28, .D35, D.38, D.39, T.1
BDLP DS1, DS2, Ds3, DS6, DS13, TR8
Others PPS1, PPG2, PPS6, PPS7, PPS13

Relevant Planning History

B/2004/0890 Car showroom and village shop - resubmission of B/2003/0932. Granted: 14.10.2004.
B/2003/0932 Proposed car showroom, work shop and village shop. Refused: 17/11/2003.
B/2002/0812 Alternative showroom and workshop with workshop. Granted: 03/10/2002.
B/2002/0386 Alternative showroom and workshop with toilets. Withdrawn: 08/05/2002.
B/2000/0189 Projecting icons and shop sign. Advertisement Consent Granted: 19/04/2002.

Notes and Green Belt Policy

The main issue to take into consideration is whether the impact of the amended scheme would entail any additional or significant harm to the openness/ visual amenity of the Green Belt in relation to the previous approved scheme which would be a 'fall-back' position for the applicant. If it is considered that greater harm would be caused then the proposal would, by definition constitute inappropriate development in the Green Belt and as such, it would be necessary to establish whether any 'very special circumstances' exist to clearly outweigh the harm caused.

Fundamental differences between the two applications

For the purpose of assessing the impact between the previous approved scheme B/2004/0890 and this amended scheme B/2007/0498, I consider that a table format distinguishing the differences between the two should be used: -

Existing permission B/2004/0890	Proposed amendments B/2007/0498
<p>Height</p> <p>Front elevation taken from central position to highest part of roof 7.5 metres.</p> <p>Rear elevation taken from central position to highest part of roof 7.5 metres.</p>	<p>Height</p> <p>Front elevation taken from central position to highest part of roof 8.3 metres.</p> <p>Rear elevation taken from central position to highest part of roof 8.3 metres.</p>
<p>Side elevation (East) small pitched roof suitable for the housing of the mezzanine floor.</p>	<p>Side elevation (East) This elevation would involve the continuation of the existing roof line to cater for the proposed first floor provision.</p>
<p>Approximate floor space area of mezzanine floor: 109m²</p>	<p>Total proposed first floor: 256m².</p> <p>Therefore if the floor space of the mezzanine floor is deducted, a total additional floor space area of approximately 151m² would be created.</p>

Summary

The previous building which was granted permission B/2004/0890 was predominantly a single storey building with a comparatively small, first floor mezzanine floor. This current scheme would involve infilling the existing space at ground floor level to create a significantly larger overall building and first floor level. Therefore I consider that the proposal would result in a building which would be of a greater, size, scale and bulky appearance which would be exacerbated further by its highly prominent corner position in the street scene and by definition the proposal would constitute an inappropriate development in the Green Belt. No 'very special circumstances' have been put forward to outweigh the harm caused and for the following reasons I recommend that permission be refused.

RECOMMENDATION: that permission be **REFUSED**:-

- (i) The retrospective scheme would result in a building which would be of a greater, size, scale and bulky appearance which would be exacerbated further by its highly prominent corner position in the street scene. Therefore by definition the proposal would constitute an inappropriate form of development which would unduly harm the openness and visual amenity of the Green Belt. No 'very special circumstances' have been put forward to outweigh the harm caused and for the following reasons the proposal would contravene policy QE3 of the West Midlands Spatial Strategy, policies D.38, D.39 of the Worcestershire County Structure Plan, policies DS1, DS2, DS3, DS6 and DS13 of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
- (ii) Members should authorise appropriate action to secure the removal of the unauthorised structures and delegate authority to the Head of Planning and Environmental Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

This page is intentionally left blank

Agenda Item 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr. K. Thakqar 'B'	Change of use from dwelling to home for people with learning difficulties - 47 Wellington Road, Bromsgrove	RES	B/2007/0573 07.08.2007

RECOMMENDATION: That subject to the satisfactory views of the CEHO and the WCC (HP), permission be **GRANTED**.

Councillor Mrs C Spencer has requested that the application be determined at Planning Committee (written request 25/06/2007).

Consultations

WCC (HP)	Notified 12/06/2007: Comments awaited
Environmental Health	Notified 12/06/2007: Comments awaited
Publicity	Seven neighbour notification letters posted 14.06.2007 - re-notified 20.06.2007 with corrected description (expires 11.07.2007). Site notice posted 15.06.2007 expires 06.07.2007 Ten objection letters to date raising the following concerns: <ul style="list-style-type: none">• Commercial development would destroy residential nature.• Commercial operation is out of character in this location.• Traffic increase/car parking congestion/noise pollution concerns.• Increased noise/activity from property and within garden.• Concern that people with learning difficulties will have disabilities or personality traits that would cause alarm to neighbouring residents.
	An objection letter from Cllr. Mrs. C. J. Spencer raising the following: <ul style="list-style-type: none">• Commercial development would destroy residential character of area.• Extra clarification as to exactly how many residents/carers there will be.• People numbers would be greater than those living in average household and consequently noise levels would create an unacceptable nuisance. This would also apply to the rear garden.• Lack of appropriate parking, which will also result in noise and disturbance to neighbour.• There are more suitable detached properties on the market.

The site and its surroundings

The application site relates to a three-storey semi-detached dwellinghouse located on the eastern side of the highway within an established run of residential development, characterised by a mix of house types and styles. The area is predominantly residential in nature.

Proposal

Planning permission is sought to change the use of a dwellinghouse under use class C3 to a home for people with learning difficulties under use class C2. The use will be for between six and eight residents at any one time. The residents would require four members of staff between 08:00 - 20:00 and two members of staff between 20:00 - 08:00 for supervision and care.

Additional information has been requested to clarify exactly what type of group will be using the proposed facility and the applicant has stated that the intended residents would be aged between 18 and 50 years approximately and categorised with learning difficulties and autism. The applicant notes that needs and requirements will vary from client to client but it is intended that they will go to a day centre or college during the day. If they don't attend either of these then depending on the level of care needed they will either go out to meet friends and family or if they are more dependant they will be taken out by a member of staff to the gym, swimming or other activity or simply for a walk and a coffee etc.

Relevant Policies

WMSS QE3
WCSP CTC1, T1
BDLP DS13, S28, S29, TR11
Others PPS1, PPS3, SPG1, SPG10, Circular 03/2005

Relevant Planning History

2003/1403 Pitch roof over existing flat roof/ roof terrace PG 12.07.04
2000/1084 Change of use to private residential use PG 18.12.00
1995/0642 Porch PG 20.09.95
1995/0430 Small store room PG 03.07.95
1992/0363 Covered corridor PG 18.07.92
1991/0671 Lean to conservatory PG 04.11.91
1991/0211 Change of use to No.49, extensions and alterations to link with No.49,
new parking and amenity area PR 20.05.91

Notes

Impact upon the residential character of the streetscene:

The change of use will not involve any physical alterations and should not therefore affect the external appearance of the existing building and the residential streetscene it sits within. As with many residential properties in suburban areas the 'soft landscaped' front garden has already been lost to hardstanding for the provision of vehicle parking.

I note that the majority of objections raise concern that the introduction of a commercial development will be harmful to the nature and character of the residential area. I note that the use will be predominantly residential and follows Government community care policy, which seeks to integrate people with learning difficulties or disabilities within mainstream society. PPS3 actively encourages mixed communities that have a variety of

housing, particularly in terms of tenure, price and a mix of different households such as families with children, single person households, older and disabled people. The residential neighbourhood will still have a solid base in single-family occupation and I am therefore content that the introduction of an alternative residential use will not have any significant impact upon the character of the area.

The C2 use class sought comprises of uses for the provision of residential accommodation and care to people in need of care other than a use falling within C3. The C2 Class includes hospitals, nursing homes, residential schools, colleges and training centres. I would therefore consider it prudent to condition the proposed use, which may be justified on the grounds that other uses within the same Class may be less acceptable at this particular property from an amenity or traffic point of view.

Fall-back position:

I note that a use similar to the proposal will fall within Class C3 (b) if at least one carer is resident within the building and all residents are living together as a household, otherwise the use would fall within Class C2. A use will still fall within C3 (b) if there is residential care with a carer living in full-time and looking after those in the premises who otherwise would be unable to live as a household. This Class was introduced for the primary purpose of providing a freedom from the need for planning permission for small scale multiple uses of dwellinghouses in accordance with the Governments community care policy.

The wording of Class C3 covers use as a dwellinghouse whether or not as a sole or main residence; a) by a single person or persons living together as a family; b) by not more than 6 residents living together as a single household (including a household where care is provided for residents). Interpretation of part b) of the class is to be found in Circular 13/87 which explains that a single household refers to a group of people living together under arrangements for providing care and support within the community, but also applies to other groups of people such as students, not necessarily related to each other, who choose to live on a communal basis as a single household. In a care situation requiring living-in carers, it is normally accepted living as a single household means that the carers and the cared for would live together as a family and share meals at same table and relax in the same living room etc. The applicant is unclear if this will be the case and there will be more than six people living together, nevertheless this should be noted as a fall back position.

To clarify Circular 13/87 states this would not be the situation in most conventional nursing or residential homes and this is largely reiterated in Circular 03/2005, which states that in the case of small residential care homes or nursing homes, staff and residents would probably not live as a single household; and such uses should therefore be regarded as residential institutions, regardless of the size of the home.

SPG10 Issues:

As the proposal is for a care home, which does not involve the creation of separate living units, the provisions of SPG10 do not apply in this case.

Residents Amenity:

I do not consider that the proposed use of the property for a residential home for people with learning difficulties or autism will create any significant noise or disturbance compared to a large family occupying the property. The property is semi-detached and your EHO has been consulted to gain views on likely noise disturbance to the other half of the semi. Members will be updated at Committee on the EHO's comments. I am mindful that the property used to be a nursing home prior to its conversion back to a dwelling, however I consider that this historic use has no bearing on this application. The applicant has confirmed that there are no plans to have a day centre at the property and the use and number of residents may be controlled by condition. The main vehicle movements would most likely be at shift change over for staff, which will occur at reasonable times of 08:00 and 20:00.

I note some residents concerns regarding the type of people using the home and the potential impact upon their amenity. I note residents' fears can be taken as a material consideration even when they are not rational or fact based. Nevertheless a balanced decision should be made and given the type of use proposed I would consider it unreasonable to refuse the application on the basis of public apprehension.

Highway considerations:

I note that parking is available on the property frontage, which is hardstanding. The expansion of the car park along the side of the property is likely to be unacceptable due to the potential impact upon the adjoining neighbour at No.45A. The applicant states that there will be 12 parking spaces however this may result in over-provision and it is hoped that sufficient parking can be accommodated on the frontage only. The Highway Engineer's views are still awaited and Members will therefore be updated at Committee regarding this element.

RECOMMENDATION: That subject to the satisfactory views of the CEHO and the WCC (HP), permission be **GRANTED**.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The number of persons receiving care at the premises shall not exceed 8 no. unless agreed in writing with the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amendment) Order 2005, the building shall only be used as a C2 care home unless otherwise agreed in writing with the Local Planning Authority.
4. A parking layout shall be agreed in writing with the Local Planning Authority. Parking spaces shall be marked out on site before the development is first used and thereafter retained for parking purposes at all times in accordance with that scheme.

Reasons:

1. Pursuant to the requirements of Section 51 of the Planning and Compulsory Act 2004.
2. To protect the amenities of the locality in accordance with DS13 of the BDLP 2004.
3. To protect the amenities of adjacent occupiers in accordance with Policy DS13 of the BDLP 2004.
4. In the interests of satisfactory and efficient parking in accordance with TR11 of the BDLP 2004.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS QE3
WCSP CTC.1, T.1
BDLP DS13, S28, S29, TR11
Others PPS1, PPS3, SPG1, SPG10, Circular 03/2005

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

This page is intentionally left blank

**Bromsgrove District Council
Planning Committee**

**Committee Updates
16 July 2007**

Application Ref No	Update
B/2007/0263/LD	<p>Applicant has written directly to Members setting out his views.</p> <ul style="list-style-type: none"> • A 2m gap is not practical due to the relationship of the dwelling to the neighbour. SPG1 states that greater distances than 1m are required for larger plots and this is not the case with the application site. • We have amended the scheme and a 1m gap will be retained. SPG1 refers to gaps and not to overhanging eaves etc. • The resubmission has no greater set back or set down as SPG1 does not state what distance is required but refers to subordination. The set back matches my neighbours. • Do not appreciate 'spirit' of policy; applicant used SPG1 as a guide. Suggests that spirit is to enable occupiers to meet their changing needs. • Considers street scene to be 'eclectic' and proposal will not be harmful. Concerns over delays already encountered with proposal.
B/2007/0356/DMB	<p>Birmingham City Council – additional views received 06.07.07: Reinforcement of previous views</p> <p>AWM – views received 09.07.07:</p> <ul style="list-style-type: none"> • This is an iconic site with a politically sensitive history which should be subject to high standards of design throughout when new development is proposed • Advantage West Midlands offers it support to the principle of development on this site <p>WCC(HP) – views received 13.07.07:</p> <ul style="list-style-type: none"> • The comments have now been received from the Traffic Assessment (TA) Officer. This Officer has concluded that the application is acceptable.

- The subject of parking provision for the various elements of the development has also now been clarified and is considered acceptable.
- I am now recommending approval of the application subject to inclusion of a suitable condition stating that the Travel Plan needs to be agreed.

16.7.07 received following:

Direction received from the Highways Agency (TR110 May 2007) requesting the application not be granted for a period of a least 6 months to allow resolution of highway issues

*Reason for direction given as follows:
Insufficient information has been provided in support of the planning application reference (B/2007/0356) to ensure that the M42 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the highways Act 1980 and in the interests of road safety.*

Covering letter dated 16.7.07 received with TR110 considers that the HA have been actively involved in discussion on a regular basis with Bromsgrove, Worcestershire County Council, Birmingham City Council and other key organisations. The HA recognises the regeneration and economic benefits that a successful and sustainable development can provide at Longbridge.

The HA is working with key stakeholders to ensure that a clear a robust evidence base is provided alongside the LAAP to address the transport issues. The evidence base requirement is strongly supported by Circular 02/2007. It is important that transport interventions are important to ensure traffic generating uses are not on site in advance of sustainable transport options and an improved highways network.

As two consultations have been undertaken and the HA has been involved in both, the HA consider

	<p>the LAAP to have a material weight when deciding the Cofton Centre proposals.</p> <p>Although not directly consulted the HA is aware of this application and considers the application does not adhere to some of the key principles within the emerging LAAP. Attention to Principle 2 and principle 13.</p> <p>The HA want to ensure that the development at Longbridge is assessed holistically at this key site in the West Midlands. Circular 2/2007 advises that where multiple development proposals will have a combined impact on the Strategic Highway network then proportional investment may be required. The HA raises objections to the scheme which may be considered with wider discussions to ensure that transport implications are fully assessed.</p> <p>Given the above</p> <p>Minded to Refuse (based on HA direction TR110)</p> <p>Recommendation the determination of the application be DELEGATED to the Head of Head and Environment Services upon the expiry of the publicity period of 19th July 2007</p>
B/2007/0411/DB	<p>Clarification that the views of WCCHP have been received and are as reported in the consultation section.</p> <p>Conservation Officers verbal comments 16.07.07. – Concern over quality of design being proposed. But considers enhanced landscaping will off set any harm to setting of Conservation Area.</p>
B/2007/0454/SW	<p>RECOMMENDATION should read as follows: Subject to the applicants entering into a suitable legal mechanism covering contributions towards the off site provision of play space and the revocation of application B2003/1004 that the determination of the application be DELEGATED to the head of Planning and Environment Services</p> <p>Under other issues Please also note: Members will note the reference to the previous extant</p>

	<p>permission under reference B/2003/1004.</p> <p>This application was in outline form and contained the present site area and an element of land accessed off Fox lane. In order to ensure that this parcel of land is not subject to any further applications given the moratorium in place the applicant has agreed to revoke this consent in favour of building out this permission. This may be adequately controlled by a suitable legal mechanism which is reflected in the Recommendation.</p>
B/2007/0456/SW	<p>1 Letter of objection received to the wider development of plots with specific reference made to drainage issues on the site especially with recent rainfall.</p> <p>Drainage conditions recommended by ENG as follows:</p> <ul style="list-style-type: none"> • 4. The disposal of water shall be by means approved by the LPA. The approved systems shall be operational before building works commence. Soakaways/ land drains are to be provided for the stable block. No direct outfall to any ditch or stream is permissible . Soakaways should also be provided for any hard surfacing/wash down areas with an additional catch pit system. <p>Reason: In order to secure satisfactory drainage conditions from the sit in accordance with policy ES4 of the BDLP.</p>
B/2007/0466/DMB	<p>Email received from applicant 02.07.07:</p> <ul style="list-style-type: none"> • Confirmation that Persimmon Homes accept the Education Contribution as requested in relation to the Section 106 Agreement. • However, following discussions with WCC, it has been agreed the sum of £12,716 will be reduced by £1,444, down to £11,272 to compensate for the existing bungalow that has to be demolished. <p>Strategic Housing Officer – views received 04.07.07:</p> <ul style="list-style-type: none"> • No objection • The provision of 29 units of affordable housing in the form of Shared Ownership assists in meeting the identified housing needs of the District. • The Housing Needs Survey indicates a significant shortfall of two bedroom affordable dwellings in the District. • The survey indicates that up to a third of the annual shortfall in affordable housing (418 units

	<p>per annum) can be met through 'Intermediate Housing' which includes shared ownership.</p> <p>Amended Water Vole survey received 06.07.07:</p> <ul style="list-style-type: none"> • Following discussions with the WWT and the Council's Natural Environment, the depths of the proposed pools have been changed from 30cm to 40cm. This is reflected in the amended report. <p>Amend description to: (as amended by Water Vole Survey received 06.07.07)</p>
B/2007/0496/DMB	<p>Amended plans received 06.07.07 further reducing the scale of the proposed activity room</p> <p>The revised structure has an open porch aspect with glazing to the front elevation and dimensions 5.3 metres by 6.6 and a height of 5.7 metres, with a resultant floor area of 34.98 square metres (previously 35 square metres)</p> <p>Amend description to: (as amended by plans received 06.07.07)</p> <p>Email received from applicant's Agent 09.07.07: Confirmation that notwithstanding the notation on the submitted floor plans, Ref: 06D22b, the activity room is to be connected to the existing Lodge by a path only. The reference to a corridor is an error.</p>
B/2007/0498/DI	<p>EDO comment received on: 05/07/2007 strongly supporting this application.</p> <p>EHO comment received on: 27/06/2007, recommends that conditions should be attached to any planning permission granted as the site historically comprised a petrol filling station and the proposal involves disturbance of the ground which is potentially contaminated.</p> <p>WCC (HP) comment received: 11/07/2007 Recommends that the permission be refused as the applicant proposes to introduce a soakaway system in the Public Highway. However the matter of drainage could be addressed through the use of an appropriate condition.</p>
B/2007/0573/LD	<p>Two additional neighbour objection letters received largely reflecting other residents' concerns, as stated in the Committee report.</p>

	<p>CEHO notified 12.06.07 responded 12.07.07: No objection WCC (HP) notified 12.06.07 response awaited.</p> <p>Representation received from Councillor Selway 16.07.07.;</p> <ul style="list-style-type: none">• Setting out discussions with the case officer, familiarity with the file and information gathered from the National Autistic Society (NAS) most specifically the leaflet 'Care Services for people with Autism'.• This raises questions including the degree of Autism of occupants and the impact that may have on amenity and the appropriate physical environment required. Suggests that this information is outstanding.• Considers two matters require investigation ; how to ensure amenity of neighbours is preserved and residents have an appropriate physical environment.• Residents previously experienced problems with the care home. Their comments are therefore rational and evidence based.• Concerns over the severity of Autism of residents and associated staffing levels required for residents with profound severity.• Request further information concerning running of the home, and implications for residents before a sound condition or appropriate conditions could be drafted. Questions whether home is suitable for the proposed residents.• Therefore request deferral of application to enable details of running of the home and information about residents to be received.
--	--

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date: 16th July 2007

TREE PRESERVATION ORDER (No.1) 2007

Responsible Portfolio Holder	Councillor Mrs. J. Dyer MBE
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 Consideration of Tree Preservation Order (No.1) 2007

2. RECOMMENDATION

- 2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value

3. BACKGROUND

On the recommendation of the Council's Tree Officer, this emergency Tree Preservation Order was made to protect all the trees in the grounds of the property at 47 Wildmoor Lane, Catshill as it had come to the Council's attention that possible developments were proposed for the site.

The following representations & objections were received in response to the Order being made:-

1. Representation made by Mr. N. J. Reeves in favour of the Order being granted.
2. Objection received from Mrs Jennifer Lunnon – see Appendix 1
3. Objection received from Ms Vivien Lambourne – see Appendix 2

On further consideration of the trees on the site, it has been decided to amend the order to exclude the leylandii trees which seem to be of particular concern to those raising objections. Attached is a revision of the particular Trees to be included in the confirmed Tree Preservation Order – see Appendix 3 and a plan showing the position of each tree – see Appendix 4.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

5.1 Town and Country Planning (Trees) Regulations 1999

6. CORPORATE OBJECTIVES

6.1 To provide a clean safe and attractive environment

6.2 To protect and improve our environment

7. RISK MANAGEMENT

7.1 There are no anticipated risks

8. CUSTOMER IMPLICATIONS

8.1 None

9. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees not considered to be at risk
Policy	None
Environmental	Amenity Value
Equalities and Diversity	None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No

Head of Legal & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

Please list the appendices attached to the report as shown in the example below.

Appendix 1 – Letter of objection from Mrs Jennifer Lunnon of 20 Bourne Avenue

Appendix 2 – Letter of objection from Ms Vivien Lambourne of 22 Bourne Avenue

Appendix 3 – Proposed revised Schedule 1 detailing the specific trees to be covered by the Order

Appendix 4 – Proposed plan showing the siting of the trees to be covered by the Order

12. **BACKGROUND PAPERS**

See Appendices above

CONTACT OFFICER

Name: Steve Jones
E Mail: steve.jones@bromsgrove.gov.uk
Tel: (01527) 881321

This page is intentionally left blank

JENNIFER A LUNNON

20 Bourne Avenue

3/6/2007

Dear Mrs Runciman

RE: PR/PL.17/239

I am writing with reference to your recent letter regarding the preservation order on trees at 47 Wildmoor Lane. I wish to make my immediate objection to this order for reasons that I will detail below.

The trees are in fact merely common overgrown leylandis trees. They are approximately 60 feet in height running along the length of my property and those from number 18 downwards in number. During the trees growth period they often overhang into my property and indeed that of the alley way giving me access to the back of my property. The height of the trees taking into account that my back garden faces east during the summer blocks a certain amount of light into my garden and has for some time been of concern for me. I would also add that due the height and dependent upon the time of day it effects light into my kitchen, which also faces onto the back area of my property, and I can rarely work in my kitchen without the need to have the lights on. I would add that prior to some development at the property next door to 47 Wildmoor Lane there were tall trees facing the rear of properties 22 and 24. They have since been removed and I have had a conversation with No 24 who have stated the difference to light in their kitchen and the rear of their garden is substantial.

I am more than happy for someone to visit my property to ascertain the correctness of my claims. I believe due to the facing of their property that the trees would not have the same inconveniences to the property owners that they do to the occupants of Bourne Avenue.

During the period that the trees shed some of the branches or leaves I also find myself having to clear up my garden due to this which is an added inconvenience to myself.

I would clarify that I do not have any objection to the trees being there but I do believe that the property owners have a responsibility to maintain them in a structured way so they do not inconvenience others. I would advise that I wish the trees to be cut down to a reasonable level and maintained at the alley way at the rear of their property. I would approach the owners but know that on at least one occasion the owners called the police on No 22 when they removed overhanging branches from their property, and as such also saw the lady of the house being very unreasonable so would not feel comfortable in contacting her directly.

I was actually about to begin looking into what the process is to deal with overgrown trees and this has come at an opportune time for me to voice my views.

I trust that this clearly shows my opinion on this matter.

Yours sincerely

22 BOURNE AVENUE
CATSKILL
BROMSGROVE
BGI ONZ

How Ref: PP/PL.17/239 dated
2 March 2007.

Dear Sir

"Tree Preservation Order
No.1" 2007, 47 Wildman
Lane.

I am against a
reservation on the trees at
the bottom of the garden at
47 Wildman Lane.

These trees are huge.
They over hang a public right
of way and access to the
back of my garden. These trees

over hang my garden and back
gate, they blot out a large
area of sky casting a black
shadow all over the back of

22 Bourne Avenue.

These trees "destroy"
wildlife, cats and squirrels
in particular.

These ugly trees do not
offer scenic privacy they stand
as a towering black wall of
division between the back path
to my garden and 47 Wildman
Lane. These trees are an
unwanted incongruous eyesore.

Please grant permission
for these trees to be uprooted
and removed or halved in height.

Yours faithfully

Mrs. Vivien N. Lamborne.

SCHEDULE 1SPECIFICATION OF TREESTREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Willow	396025; 274260	Land at 47 Wildmoor Lane, Catshill, Bromsgrove B61 0PA
T2	Silver Birch	396025; 274252	ditto
T3	Oak	396070; 274270	ditto
T4	Silver Birch	396075; 274245	ditto

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

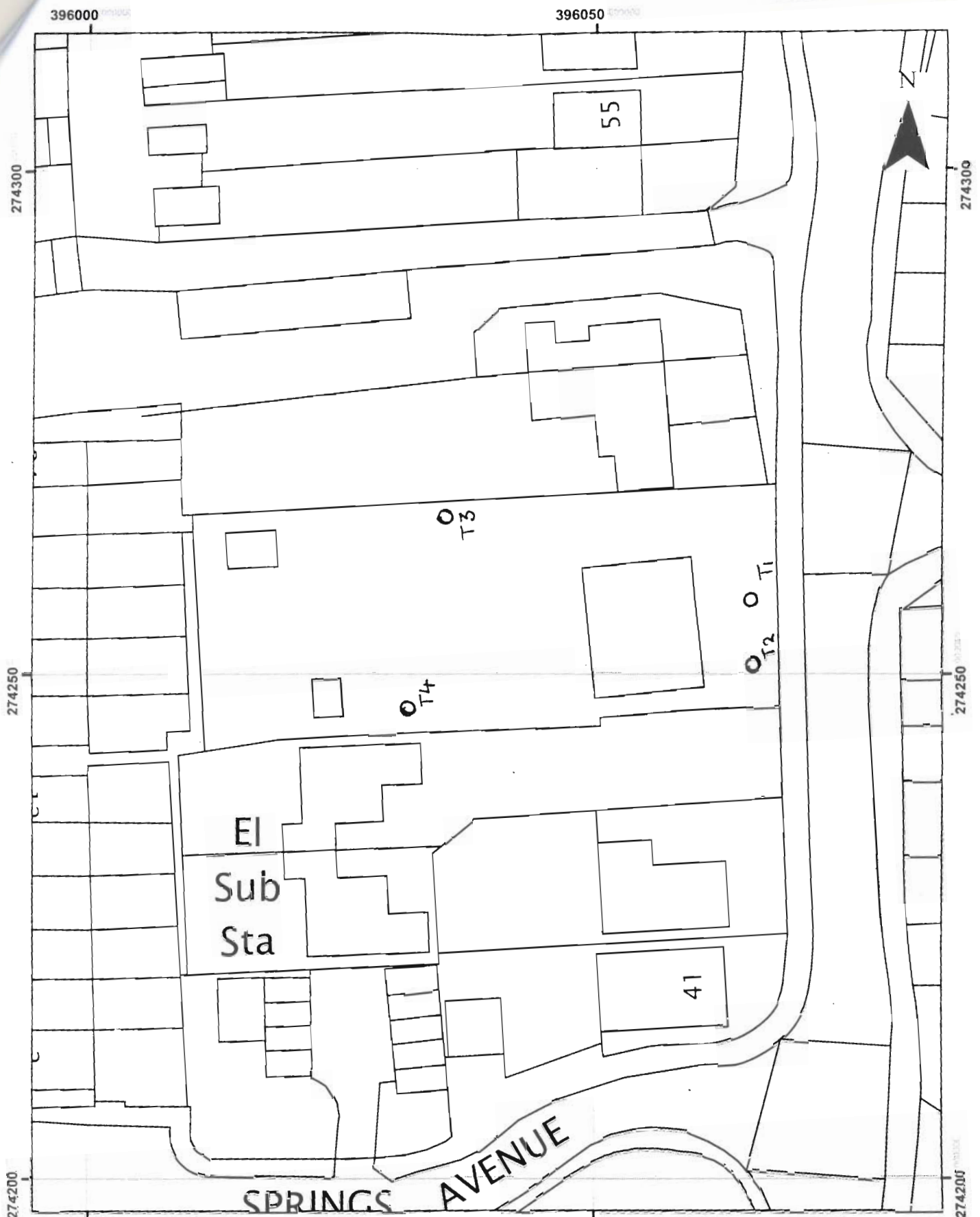
<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

GROUPS OF TREES
(within a broken black line on the map)

<u>Reference on Map</u>	<u>Description</u> (including number of trees in Group)	<u>Situation</u>
	None	

WOODLANDS
(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	



396000 396050
 This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office.
 © Crown copyright and/or database right 2005. All rights reserved. Licence number 100023519

47 WILDMOOR LANE
 SCALE 1:500

Bromsgrove District Council
 Council House
 Burcot Lane
 Bromsgrove
 B60 1AA
 Planning Services



This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date: 16th July 2007

TREE PRESERVATION ORDER (No.2) 2007

Responsible Portfolio Holder	Councillor Mrs Jill Dyer MBE
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 Consideration of Tree Preservation Order (No.2) 2007

2. RECOMMENDATION

- 2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value

3. BACKGROUND

On the recommendation of the Council's Tree Officer, this emergency Tree Preservation Order was made to protect the Yew tree in the rear garden near the boundary between Nos. 18 and 16a Littleheath Lane as it was considered to be at risk of being felled.

The tree is an English Yew of approx. 10m in height and with a trunk girth of approx. 60cm. Yews are notoriously difficult to age but as they are extremely slow growing, it is likely that this size of tree is somewhere in the region of 300 years old. Although there is some sign of recent drought damage, it shows good general health and vigour and may be expected to live for as much as another 1000 years.

An objection was received from the neighbour, Mr Caseley, at No. 16a Littleheath Lane. Mr Caseley contends as follows:-

"This tree is not in the ebst condition as there is a fair amount of dead wood from about half way up to the top. A couple of years ago there was a very large section that broke away and fell on my vegetable garden narrowly missing my greenhouse and now , when there are strong winds, we are fearful of a re-occurrence. It has also been suggested by drainage experts when clearing sewage blockages from No.18 which adjoins the dweage outlets on our property that the roots of the tree may have contributed to the cause of the said blockages."

The Council's Tree Officer re-inspected the site following such objection and has reported as follows:-

"Concerns over Tree Safety:-

Having inspected the tree, I can see no evidence to suggest that it is in a dangerous condition. The dead wood to which Mr Caseley refers would appear to be a single dead limb on the southern side of the canopy. Although dead, this limb would appear to still be at least partially attached to the tree and is well caught up by the remaining branches. In the, therefore, unlikely event that it falls it would land in the garden of No 18 rather than Mr Caseley's property. The removal of such deadwood is permitted without reference to the TPO and therefore should be addressed by the owner of No. 18. I could see no evidence of decay in the trunk of the tree or other damage to the canopy and, given the high resistance of Yew wood to such decay, have no reason to suspect that this is present in any quantity which may pose a problem. Given the above factors and also considering that the tree is highly exposed to winds from the South, I would suspect that the incident that Mr Caseley describes was due to storm damage rather than any specific defects with the tree.

Alleged blockage of drains

Where drains are already broken and/or leaking, it would be entirely probable if not expected that tree roots will find their way in to exploit the nutrients and moisture within. Trees roots do not have the ability to penetrate drains that are already intact. If the drains are already leaking then their repair will be required anyway and such works using modern methods will prevent future root incursion. In this case, however, it is merely suggested that roots may have been present within the drains. No evidence has been presented to actually support this suggestion.

4. FINANCIAL IMPLICATIONS

4.1 None

5. LEGAL IMPLICATIONS

5.1 Town and Country Planning (Trees) Regulations 1999

6. CORPORATE OBJECTIVES

6.1 To provide a clean safe and attractive environment

6.2 To protect and improve our environment

7. RISK MANAGEMENT

7.1 There are no anticipated risks

8. CUSTOMER IMPLICATIONS

8.1 None

9. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees not considered to be at risk
Policy	None
Environmental	Amenity Value
Equalities and Diversity	None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Steve Jones
E Mail: steve.jones@bromsgrove.gov.uk
Tel: (01527) 881321

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

16TH JULY 2007

APPEAL DECISIONS

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 To note the results of planning appeals which have been received since the last meeting of the Committee.

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

	Name of Applicant	Plan Ref. / Proposal	Decision / Date
3.1	Billingham and Kite Ltd.	B/2006/0731 Erection of four dwellings (outline) on land at 33-39 Western Road, Hagley, Stourbridge	Dismissed - 22nd June 2007
3.2	Billingham and Kite Ltd.	B/2006/0732 Erection of five dwellings (outline) on land at 37 Western Road, Hagley, Stourbridge	Dismissed - 22nd June 2007
3.3	Mr. Robert Whitby	PL.9/01/056 / PI/2005/00426 / B/2006/0097 Separation of dwelling into two separate accommodation units - Mousehall Farm Cottage, Bromsgrove Road, Clent, Stourbridge	Dismissed - 2nd July 2007 Enforcement notice corrected and varied and partial costs awarded

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications directly related to this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications directly related to this report.

6. **CORPORATE OBJECTIVES**

6.1 This report does not directly relate to the Council's Corporate Objectives.

7. **RISK MANAGEMENT**

7.1 There are no identifiable risk implications directly related to this report.

8. **CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

9. **OTHER IMPLICATIONS**

9.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	None
	Policy	None
	Environmental	None
	Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

10.1	Portfolio Holder	No
	Acting Chief Executive	No
	Corporate Director (Services)	No
	Assistant Chief Executive	No
	Head of Legal and Democratic Services	No
	Head of Financial Services	No
	Head of Organisational Development and Human Resources	No
	Corporate Procurement Team	No

11. **APPENDICES**

11.1 None

12. **BACKGROUND PAPERS**

12.1 Appeal decision letters received from the Planning Inspectorate, dated 22nd June 2007 and 2nd July 2007.

CONTACT OFFICER

Name: Andy C. Stephens, Committee Services Officer

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410