



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 9TH JANUARY 2012

AT 6.00 P.M.

**** PLEASE NOTE NEW START TIME ****

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, R. J. Laight, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

Updates to the Reports of the Head of Planning and Regeneration 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.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 5th December 2011 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 11/0741-DMB - Outline application for residential development, open space, re-alignment of Fiery Hill Road, 38 space car park, access from Fiery Hill Road (with appearance, landscaping layout and scale reserved) - Land at Fiery Hill Road, Barnt Green, B45 8JX - Banner Homes (Midlands) Ltd. (Pages 5 - 42)
6. 11/0864-SC - Removal of condition 3 as per planning approval 10/0652 - Land at corner of Beverley Road, New Road, Rubery, B45 9JA - Mr. C. Harvey (Pages 43 - 46)
7. 11/0880-DK - Proposed erection of one new dwelling - Land between 2 Berry Drive and 1 Blakesfield Drive, Plymouth Road, Barnt Green, B45 8XL - Mr. N. Alsop (Pages 47 - 54)
8. 11/0882-DMB - Re-profiling and re-modelling of site levels, de-culverting of part of the River Arrow and associated infrastructure including construction access - Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, B45 8AS - St. Modwen Developments Ltd. and St. Modwen Properties Ltd. Sarl III (Pages 55 - 70)
9. Appeal Decisions (Pages 71 - 80)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities 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

21st December 2011



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
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- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
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You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at www.bromsgrove.gov.uk

Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH DECEMBER 2011
AT 2.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, Ms. M. T. Buxton (substituting for Mrs. C. M. McDonald), R. A. Clarke, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

Officers: Ms. T. Lovejoy, Mr. D. M. Birch, Mr. D. Kelly, Mr. G. Boyes, Mr. S. Hawley and Mr. A. C. Stephens

87/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. C. M. McDonald and P. J. Whittaker.

88/11 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor J. A. Ruck	11/0862-DK 11/0863-DK 11/0974-DK	Personal. Member of Old Bromsgrovian Society and former pupil at Bromsgrove School.
Councillor C. B. Taylor	11/0862-DK 11/0863-DK 11/0974-DK	Personal. Wife is a supply teacher for the Bromsgrove School Pre-preparatory and nursery school.

89/11 MINUTES

The minutes of the meeting of the Planning Committee held on 7th November 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

90/11 11/0686-HR - PROPOSED GAZEBO TO GROUND OF NURSING HOME - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, HEADLEY HEATH, BIRMINGHAM, B38 0DG - MR. C. GRANT

The Head of Planning and Regeneration Services reported that the application had been withdrawn.

91/11 **11/0887-DK - PROPOSED NEW WORKSHOPS AND CLASSROOM - AVONCROFT ARTS CENTRE, HANBURY ROAD, BROMSGROVE, B60 4JS - AVONCROFT ARTS SOCIETY**

The Head of Planning and Regeneration Services reported the comments of the Conservation Officer.

At the invitation of the Chairman, Mr. A. Turpin addressed the meeting and spoke in support of the application.

RESOLVED that permission be refused for the reason set out on page 13 of the report.

92/11 **11/0862-DK - PHASED DEMOLITION OF EXISTING ACCOMMODATION WINGS, LINK TO HOUSMAN HALL AND CONSTRUCTION OF REPLACEMENT STUDENT BOARDING ACCOMMODATION. RECONFIGURED PARKING AND LANDSCAPING INCLUDING STRENGTHENING OF BOUNDARY TREATMENT. REBUILDING EXISTING DILAPIDATED STONE FEATURE. FULL PLANNING APPLICATION - HOUSMAN HOUSE, KIDDERMINSTER ROAD, BROMSGROVE, B61 7JN - BROMSGROVE SCHOOL**

The Head of Planning and Regeneration Services reported the details of an Ecological Survey Assessment, prepared by Worcestershire Wildlife Consultancy, into the presence of bats.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 19 and 20 of the report.

93/11 **11/0863-DK - PHASED DEMOLITION OF EXISTING ACCOMMODATION WINGS, LINK TO HOUSMAN HALL AND CONSTRUCTION OF REPLACEMENT STUDENT BOARDING ACCOMMODATION. RECONFIGURED PARKING AND LANDSCAPING INCLUDING STRENGTHENING OF BOUNDARY TREATMENT. REBUILDING EXISTING DILAPIDATED STONE FEATURE. CONSERVATION AREA CONSENT - HOUSMAN HOUSE, KIDDERMINSTER ROAD, BROMSGROVE, B61 7JN - BROMSGROVE SCHOOL**

The Head of Planning and Regeneration Services reported the details of an Ecological Survey Assessment, prepared by Worcestershire Wildlife Consultancy, into the presence of bats.

RESOLVED that Conservation Area Consent be granted subject to the conditions set out or referred to on page 24 of the report.

94/11 **11/0974-DK - PHASED DEMOLITION OF EXISTING ACCOMMODATION WINGS, LINK TO HOUSMAN HALL AND CONSTRUCTION OF REPLACEMENT STUDENT BOARDING ACCOMMODATION. RECONFIGURED PARKING AND LANDSCAPING INCLUDING STRENGTHENING OF BOUNDARY TREATMENT. REBUILDING EXISTING DILAPIDATED STONE FEATURE. LISTED BUILDING CONSENT -**

**HOUSMAN HOUSE, BROMSGROVE SCHOOL, KIDDERMINSTER ROAD,
BROMSGROVE, B61 7JN - BROMSGROVE SCHOOL**

The Head of Planning and Regeneration Services reported the details of an Ecological Survey Assessment, prepared by Worcestershire Wildlife Consultancy, into the presence of bats.

RESOLVED

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve Listed Building Consent be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 22nd December 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

95/11 **TREE PRESERVATION ORDER (NO. 4) 2011 - TREES ON LAND AT
LICKY SQUARE / CLEVELAND DRIVE / MEARSE LANE, BARNT GREEN**

Consideration was given to a report relating to Bromsgrove District Council Tree Preservation Order (No. 4) 2011 which had been made in respect of trees on land at Lickey Square, Cleveland Drive, Stretton Drive and Mearse Lane, Barnt Green.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 4) 2011 be confirmed subject to the modification of Schedule 1 of the Order and the accompanying plans as shown in Appendix 2 of the report.

96/11 **APPEAL DECISIONS**

Consideration was given to a report, and appendices, which outlined the results of several planning appeals which had been recently been received.

RESOLVED that the report be noted.

The meeting closed at 2.40 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BANNER HOMES (MIDLANDS) LIMITED 'B'	Residential development of up to 88 dwellings, open space, realignment of Fiery Hill Road, 38 space car park, vehicular access from Fiery Hill Road, with appearance, landscaping, layout and scale reserved.	Unzoned GB TPO	11/0741-DMB 21.11.2011

As amended by:

Letter received 02.11.2011
Location Plan received 02.11.2011
Site Layout Plan received 25.11.2011
Design and Access Statement received
02.11.2011
Planning Statement received 02.11.2011
Affordable Housing Statement received
16.11.2011

As augmented by:

Open Space Provision Plan received
02.11.2011
Junction Improvements and Potential Station
Car Park Plan received 02.11.2011
Additional Photographs received 02.11.2011

Land at Fiery Hill Road, Barnt Green.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
- (a) Play space provision;
 - (b) Highway improvement works;
- and (c) the securing of 35 affordable housing units.

Consultations

WH

Consulted - views received 14.12.2011:
No objection subject to Conditions relating to:

- Access, turning and parking
- Highway improvement work details to Fiery Hill Road
- Parking for site operatives

The application should also a Section 106 Agreement for the following purposes:

- To contribute £2000 to pedestrian crossing improvements in Bittell Road to provide improved links to the sports field

- To contribute £3660 to administer traffic regulation orders that require amendment as a direct result of the realignment of Fiery Hill Road
- HA Consulted - views received 28.09.2011:
- No objection
- Drainage Engineer STW Consulted - views received 16.12.2011
- No objection
- STW Consulted - Views received 12.09.2011:
- No objection subject to conditions relating to:
 - Surface water drainage
 - Foul drainage
- WRS: Contaminated Land Consulted - views received 21.09.2011:
- No objection subject to Conditions relating to:
 - Contaminated land risk assessment
- WRS: Air Quality Consulted - views received 13.12.2011:
- No objection
- WRS: Noise Consulted - views received 07.10.2011
- No objection subject to Conditions relating to:
 - Noise mitigation measures
- Climate Change Officer Consulted 31.08.2011: views awaited.
- UD Consulted - views received 24.11.2011:
- Significant improvements have been made to the proposal, in the areas of site layout and the design of open space
 - There appears to be a determination not to increase the number of dwellings proposed, although the location justifies, and I would say requires, a higher density on the grounds of sustainable development
 - In addition there is an absence of the information which is required to describe the intentions towards the appearance of the built form.
- Strategic Planning Manager Consulted - views received 13.12.2011:
- The site needs to be judged on its own merits and inline with existing policies and relevant material considerations.
 - Bromsgrove requires additional housing across the district to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as require by national policy.
 - The site is not in the Green Belt by virtue of the decision taken by the high court in 2004 and is therefore not afforded green belt protection.
 - It is acknowledged that it is not an ADR but it has been recommended as being suitable as for development by the Planning Inspectorate.
 - The Council has agreed with the view of the inspectorate via the inclusion of this site as a development site in its Draft Core Strategy, although it must be made clear that its inclusion cannot be given anything other than minimal weight at the moment.
 - Therefore subject to other adopted policies in the local plan being adhered to, and in relation to a wide range of other relevant material

- planning considerations such as meeting the housing needs, I cannot see any overriding reason in principle why this site should not be brought forward for residential development.
- Open Space Consulted - views received 07.11.2011:
- No objection
 - The parameters of SPG11 will apply to the application
 - It is noted the application is in outline
- Head of Leisure Services Consulted - views received 17.11.2011:
- The indicative layout has limited value in relation to public open spaces
 - Revisions should be made at the next stage if consent is granted to ensure the development provides a more valuable provision of open space. These should include:
 - Centralising open space to create a larger community green space, whilst accommodating the TPO trees.
 - The long parcel of land bordering the Cricket Ground and to the rear of the Barnt Green Inn car park does not offer valuable recreation space and relates more to a buffer strip for the development rather than true open green linkages in the centre of the development.
- Strategic Housing Manager Consulted - views received 28.11.2011:
- No objection
 - The revised Affordable Housing Statement contains the following:
 - A 40% on site provision of affordable housing
 - A tenure split of 50% Intermediate/Shared ownership and 50% Social Rent
 - The 50% rented units will be 'Social Rent' unless the LPA specifies otherwise.
 - That a minimum of 6 bungalows will be provided within the AH provision
- NE Consulted - views received 23.09.2011:
- No objection
- WWT Consulted - views received 29.09.2011:
- No objection subject to conditions relating to:
 - Implementation of recommendations outlined in submitted Ecological Survey
 - Conservation Management Plan
 - Use of SUDS
- CO Consulted - views received 24.11.2011:
- I am not opposed to some residential development on this site.
 - I note the developer has taken into account the concerns I have in respect of the setting of the Grade II listed Barnt Green Inn.
 - In terms of the neighbouring Conservation Area I consider the scheme needs to be sensitive to its proximity and to reflect its existence in terms of density and the positioning of houses especially on Fiery Hill Road.
 - I will be interested to see proposed designs for the houses.
 - I note that this is only an application for outline planning permission, and I will wish to comment further in respect of the reserved matters, should permission be granted.

- WCC(CA) Consulted - views received 12.09.2011:
- No objection subject to Conditions relating to:
 - Written scheme of investigation in relation to a programme of archaeological work
- Tree Officer Consulted - views received 08.11.2011:
- No objection subject to Conditions relating to:
 - Tree protection during construction
 - Tree planting schedule
 - Securing of tree planting scheme
 - Arboricultural maintenance regime
- FC Consulted - views received 07.09.2011:
- No objection
- WCC Landscape Officer Consulted 31.08.2011: views awaited.
- WMC Consulted - views received 14.12.2011:
- The Barnt Green area is generally a low crime area, however there have been house burglaries in the area and vehicle related crime.
 - A development of this size will have a significant impact on the surrounding area and will undoubtedly affect policing in the area.
 - The Design and Access statement states that the developers are considering applying for Secured by Design and in order to achieve this, houses are orientated to maximise natural surveillance, whilst natural surveillance is an important factor in deterring crime it is not the only one.
 - In my opinion the design of this development is likely to attract crime. As an assessor for Secured by Design the layout in its present form does not meet the Secured by Design standards.
- Network Rail Consulted - views received 20.09.2011:
- No objection
- WCC (Minerals and Waste) Consulted - views received 01.09.2011:
- No objection
- WCC Education Consulted - views received 03.11.2011 and 19.12.2011:
- No objection.
 - The local first school, St Andrew's CE First does tend to fill but some of the children come from outside the catchment area so we feel that there would be space for additional pupils from the village. The school has 45 places per year group giving a total capacity of 225.
 - We will not be seeking an education contribution for this site so will not need to be included in the S106 agreement on that account. We are satisfied that the local schools have capacity to accommodate a development of this size at all phases.
- CPRE Views received 08.11.2011:
- Objection.
 - If planning consent is granted for the whole site and this is rapidly implemented, there will be no easy means of providing for local needs again before 2021.
 - Accordingly such local needs development could only be met by encroaching upon the Green Belt. That would be totally unacceptable.

- Accordingly it is imperative that this application should only be partly allowed, or that a condition should be imposed phasing the development, so that no more eight or perhaps ten houses should be built each year.

Lickey and
Blackwell
Parish Council

Views received 01.12.2011:

- Objection
- We note that the latest proposals have made some improvements, improving sight lines to Barnt Green Inn, improving road and footway access to the village, and conserving some aspects for wildlife and diversity. But the latest details have raised some further concerns:
 - The "possible" car parking provided as a result of the road realignment at the junction should be made a condition if planning approval is given. This would help to improve the existing road problems which the proposed development would make worse.
 - Is there sufficient parking for the affordable housing to ensure that this additional parking is not used as "overspill" and therefore not available for parking for the station?
 - There have been assurances that there is sufficient capacity within the local primary schools for the larger catchment. However we are not convinced that the effect on the local middle schools has been sufficiently considered.
 - We do not think that sufficient consideration has been given to the increased traffic on the local linking roads, many of which are rural lanes.

Barnt Green
Parish Council

Consulted - views received 28.11.2011 (summarised version):

- For the avoidance of doubt we continue to strongly object to the planning application, do not consider the revised details to change the nature and harm of the planning application, and urge Bromsgrove District Council to refuse it.
- Our comments on the planning application continue to address the following four points, with repetition of our previous consultation response only where necessary:
 - Lack of information;
 - Heritage assets;
 - Landscape and visual impact, and;
 - Design

In conclusion:

- We have considered the revised material submitted with an open mind. We remain deeply concerned over the impact of the proposed development on the landscape and heritage context of the site. We believe it would do great harm to the character and quality of Barnt Green, and the absence of a thorough impact assessment by the applicant increases our concern.
- The lack of quality information regarding what is being applied for is unsettling and concerning - we simply have little information on which to judge the scheme. What is submitted does not convince us that a high quality scheme that improves the quality and character of the area will emerge - quite the opposite.

- We therefore, firmly believe that the proposed development should not be permitted. In the words of PPS1, paragraphs 33 and 34, 'good design is indivisible from good planning Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

Members are encouraged to read the full version of the consultation response from Barnt Green Parish Council via the Council's Public Access system or in paper form within the planning application file.

Publicity

9 letters sent 31.08.2011 (expire 07.09.2011)
164 letters sent 07.11.2011 in relation to amended plans (expire 28.11.2011)
5 identical site notices posted 23.09.2011 (expire 14.10.2011)
1 press notice published 09.09.2011 (expires 30.09.2011)
1 press notice published 16.09.2011 (expires 07.10.2011)
1 press notice published 11.11.2011 in relation to amended plans (expires 02.12.2011)

189 representations received **objecting** to the scheme on the following principal grounds:

- Contrary to local and national planning policy
- Not compatible with Planning for Character in the Parish Plan (adopted 2006)
- Question how the land is designated white land and not Green Belt
- Vagueness of submission
- No full visual impact assessment submitted
- Set precedent for other unacceptable developments in Barnt Green

- Contribute to urban sprawl
- Barnt Green was never intended to be a suburb of Birmingham
- Engulfment to urban sprawl of Birmingham's wider conurbation
- Site prevents the merging of Barnt Green into neighbouring Cofton Hackett
- It is not a large conurbation that has built up around main A roads that can serve a transport conduit for much larger numbers of people, like for example Hagley and Rubery
- Barnt Green has and should continue to have the status of a small village near to but clearly separate from the outskirts of Birmingham
- It is a commuter village for those in the immediate area needing to use the train
- No regard to planning for sustainability of the local environment.
- Barnt Green has always been a dormitory settlement with the majority of its working residents travelling daily to the West Midlands Conurbation or further
- Housing on this scale would compromise the very essence of Barnt Green

- Whole development is disproportionate to the size of the village and will lead to a 12% increase in the residential house numbers and at least 14% in population in one small area
- Change and loss of vista to all gateway access points to the village: the site is highly visible from road and railway
 - Urbanisation of the gateway to the village
 - Remove semi-rural vista
 - Significantly change character of village
 - The rising site is extremely visible and thus the development will have greater harm and will further expose any development
 - Development would destroy the view from the Cricket Ground
 - Not only would the vista of new houses ruin the views but there would be the additional views of too many parked cars on driveways and two/three wheelie bins in a number of front gardens. This would detract from the country atmosphere and be a blot on the landscape
 - Existence of housing of this size and density would completely downgrade the views of the village from the surrounding roads and railway line
 - Existing site has value as open space
- Barnt Green's housing stock is varied and diverse, whereas the planned development seems to comprise multiple, homogenous, densely packed houses and apartments
 - No compatibility between a large housing estate and the existing housing
 - Destroy character of the village
 - Development will be an eyesore
 - Inappropriate in quantity and quality
 - Out of keeping with the Green Belt and the Conservation Area setting of the village
 - Out of character with the adjoining houses
 - High density in an area where there are few houses set back in woods and trees with open fields
 - The density should follow that of the adjacent area in Fiery Hill Road, Cherry Hill Road and Cherry Hill Avenue. It is not appropriate to compare the proposed density with that on the Hewell Road side of the railway track which divides the village into distinct character areas
 - New houses will be disproportionately smaller and out of character with the surrounding properties
- The development will not enhance this site or the landscape that is surrounding this area
 - Deterioration of preserving natural boundaries and green space
 - Destruction of landscape which defines the area
 - Totally out of keeping with the landscape of the area

- Detrimental to heritage assets of the village
- Detract from Barnt Green Inn, especially the winter setting due to leaf loss
- The Barnt Green Inn will no longer have a green setting, but modern housing as a backdrop
- Development will fundamentally change the setting and significance of this heritage asset
- Block views of the side elevation of the Barnt Green Inn and place modern development as a visual backdrop, removing the open space that helps establish the value and significance of this building

- Development will not respond in any way to the rhythms, heights or pattern of the Conservation Area, and as result harms the significance of this heritage asset
- Listed by UNESCO World Heritage Centre as worthy of comment for its character (World Heritage Papers 27 2010)

- No requirement for affordable housing in Barnt Green
- No need for housing in Barnt Green: there are numerous other locations within Bromsgrove District which would be more suitable, not least the Longbridge development
- Do not see why people from outside the village should get any easy access to the area
- Affordable housing will not go to local people
- Empty homes in Barnt Green should be utilised first

- The three roads adjacent to the site are either too narrow, too busy or have insufficient sight lines for additional vehicular access and egress
- Fiery Hill Road is not able to accommodate additional traffic, leading to displacement parking in other roads not suitable for development
- Increased traffic volumes and speeds through Barnt Green, and on Kendal End Road and Bittell Road in particular and the combined adverse effects of the Longbridge development and the current application
- Traffic congestion
- Road safety issues
- Village parking is already stretched beyond its capabilities
- Development would inevitably increase the need for road repairs
- Parking issues will be exacerbated
- Roads will not be wide enough to accommodate the householder's cars, or allow access for emergency and utility vehicles
- Cherry Hill Road has poor visibility and no footpath
- Cycle path to Cherry Hill Road is dangerous

- The proposed car park is too far from the station and will not be used unless it is free. The existing Pay and Display Station car park is underused

- Unless double yellow lines on both sides are imposed from the B4120 on Fiery Hill Road to Hewell Lane, people will still park on Fiery Hill Road
- Consideration should be made to providing free parking spaces closer to the station to stop people parking and creating a hazard in Fiery Hill Road

- Junction works will do nothing to make either junction safer due to the location of the railway bridge and the increased traffic
- The footpath alterations do nothing for those walking on the other side of Bittell Road
- The road should remain as it is and the development should be tailored accordingly

- Poor and limited bus service from Barnt Green
- The current cross city train line only goes towards Birmingham (apart from 2 early morning trains)
- Not well served for transport or employment possibilities

- The new occupiers should not lead to the loss of the Barnt Green Inn or the Cricket Club's second pitch
- Danger posed by cricket balls flying into the housing area from the cricket club
- A larger buffer zone with native tree planting should be provided around the cricket ground for health and safety reasons

- The new occupiers will in turn overcrowd an already crowded village
- Infrastructure of Barnt Green cannot support the population increase the new dwellings will create
- Pressure on available amenities
- Lack of school places, doctors/dentists, impact on post office
- More school buses will be needed to take the senior pupils away from the village
- No local employment opportunities, apart from those in the Longbridge area where housing development is underway

- Impact on protected tree cover, including root protection areas (with particular regard to large veteran Oak on Kendal End Road boundary (T2 in the TPO)

- Impact on wildlife, including protected species such as Badger and Bat
- Used for foraging by Badgers
- Loss of wildlife corridor
- Affect and damage recreational facilities and wildlife habitats of nearby woodland

- Site is prone to drainage problems
- There have been sewage problems at the bottom of Fiery Hill Road.

- The site acts as a sponge by absorbing the run off from the Lickey Hills. Development would result in frequent flooding on Fiery Hill Road
- Loss of privacy
- Fear of crime
- Existence of restrictive covenant: only detached private dwelling houses may be built on the land and there is a build line of 60ft from Fiery Hill Road that must be adhered to
- Loss of amenity during construction phase
- Whole construction process would inevitably damage the existing hedges and trees

Barnt Green Cricket Club - views received 22.09.2011 and 12.12.2011:

- The cricket ground (the Douglas Ground) is used on up to 5 days/nights per week, including Saturdays, Sundays and Bank Holidays during the summer months.
- The Douglas Ground is small for a cricket ground - whether for junior or senior matches. The ball can easily be hit some considerable distance into the fields that comprise the development site more than 10 times in any game
- If the development goes ahead there is an almost inevitable risk of damage, and injury to property and people, and that much more serious financial, and health and safety, consequences may flow.
- This may lead to a restriction of the use of the pitch, or its abandonment.
- This would have potentially terminal consequences for the very existence of the club in its current form and status
- Suggest that the Section 106 monies are utilised to invest in Barnt Green Cricket Club in order to secure and improve the facilities available to local people

Members are encouraged to review all submitted documentation. All submitted information is available to view in full online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of 4.8 hectares to the north western edge of Barnt Green. The site is L-shaped, with levels falling from approximately 179.3m AOD in the south west to a level of approximately 161.1m AOD in the north east at an average gradient of approximately 1 in 21.3.

The site is currently vacant and has previously been in agricultural use as grazing land. The site contains well defined boundaries. To the northeast the boundary is formed by Kendal End Road, to the east by Fiery Hill Road and the railway line beyond; to the south by properties on Cherry Hill Drive and to the northwest by the cricket practice pitch,

Cherry Hill Road and the car park of the Barnt Green Inn. The site slopes from west to east with the area adjacent Cherry Hill Road forming a high point within the site. The railway line through Barnt Green station is located on an embankment to the east of Fiery Hill Road, with the tracks elevated approximately 7 to 8 metres above ground level of the site.

The site comprises grassland divided into two distinct parcels separated by a mature holly hedge that runs between Cherry Hill Road to the north and Fiery Hill Road to the south. Within the site and on the boundaries are a number of mature trees and hedges.

The Barnt Green Inn, a Grade II listed building, adjoins the northern boundary of the site. The southern boundary of the site adjoins the Barnt Green Conservation Area (Area 3: Cherry Hill). This comprises predominantly large detached 20th century residential development with dwellings set in large gardens with mature trees. Properties on Fiery Hill Road close to the site are semi-detached set within smaller gardens. A notable feature of the Conservation Area is an avenue of beech trees running alongside Cherry Hill Drive.

The site is designated as white land or unzoned under the Bromsgrove District Local Plan and a Development Site under the Draft Core Strategy 2 (retitled "Development Site"). This designation means the site is not subject to any Policy. The site is not located in the Green Belt.

Proposals

This development relates to an outline application for the erection of up to 88 residential units with associated infrastructure and open space.

The proposed development includes:

- An illustrative layout for 88 units
- Realignment of Fiery Hill Road
- Relocation of the footpath under the railway bridge
- A new car park with 38 spaces
- A range and mix of house types and sizes
- Affordable housing
- Retention of trees and hedges
- New areas of open space and enhanced biodiversity

Members will note the application has been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. Paragraph 52 of Circular 01/2006 states that detailed consideration on the use and amount of development of an outline planning permission will be required. In this respect, the applicant is duty bound to submit indicative parameter plans to detail the extent of the proposed development for consideration by the Local Planning Authority.

In line with the requirements, the applicant has submitted an indicative layout plan indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles to ensure a high quality scheme is delivered on the site.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 18 dwellings per hectare. The illustrative layout proposes 88 houses comprising a mix of 1 and 2 bed flats and bungalows along with 2, 3 and 4 bed houses. The proposed mix includes single, two and three storey dwellings and flats with a range of sizes:

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bedroom	6	7%
	3 bedroom	22	25%
	4 bedroom	23	26%
Bungalow	2 bedroom	6	7%
Flat	1 bedroom	4	5%
	2 bedroom	27	30%
Total		88	100%

Thirty-five affordable units are provided, which equates to a provision of 40% housing on site. This mix of affordable homes is as follows:

Property Type	Social Rent	Intermediate
1 Bed Flat	2	2
2 Bed Flat	5	5
2 Bed Bungalow	3	3
2 Bed House	3	3
3 Bed House	3	3
4 Bed House	2	1
Total	18	17

Play areas are proposed to be located within the body of the site and a landscape buffer to the majority of the western/south-western boundary to the cricket ground and the eastern, southern and northern boundaries. A balancing pond is located to the north-east boundary.

The proposal includes realignment of Fiery Hill Road to create a new junction with Kendal End Road further away from the railway bridge. This will allow improved visibility to the right for vehicles exiting Fiery Hill Road. It also allows the opportunity for the footpath under the bridge to be relocated to the southern side of Bittell Road/Kendal End Road. The proposal includes a car park for rail users on the land that becomes vacant as a result of the realignment of Fiery Hill Road. The car park is proposed to provide 38 parking spaces.

A single vehicular access is located from the realigned Fiery Hill Road. Pedestrian and cycle access will be available through a connection to Cherry Hill Road. No other vehicular access is proposed, including Cherry Hill Road.

The application has been accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Archaeological Comment
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Drainage Strategy
- Grassland Survey
- Heritage Statement
- Landscape and Visual Appraisal
- Nocturnal Bat Survey
- Noise Report
- Open Space Assessment
- Statement Community Involvement
- Transport Assessment
- Tree Survey

These documents are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, SD.8, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, CTC.19, CTC.20, D.6, D.14, D.38, D.39, D.43, T.1, T.3, T.9
BDLP	BG3, DS2, DS3, DS8, DS11, DS13, S4, S7, S14, S15, S19, S35a, S36, S39, S43, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
Draft CS 2	CP2, CP3, CP4B, CP6, CP7, CP10, CP14, CP16, CP17, CP18, CP19, CP20, CP21, CP22, CP23, CP24
Others	PPS1, PPS1 Climate Change Supplement, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11 Barnt Green Conservation Area Leaflet (2001) Barnt Green Conservation Area Appraisal (2002) Bromsgrove District Housing Needs Study (2004) Strategic Housing Market Assessment (2007) Housing Market Assessment (2008) Draft National Planning Policy Framework (DNPPF) Ministerial Paper: Planning for Growth

Relevant Planning History

None

Notes

The main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such as changes in national policy (including the Draft National Planning Policy Framework), the Draft Core Strategy 2 and housing supply.

The proposed car-park created by the realignment of Fiery Hill Road is located in designated Green Belt. In this respect, this aspect of the proposal must be considered in light of national and local Green Belt policy, with a focus on whether the engineering works are appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused.

Other issues to be considered include:

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality
- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

Housing Supply, Unzoned Status and Land Release

Members will note the site is designated as unzoned on the Proposals Map of the Adopted Bromsgrove Local Plan. The site is redefined in the Draft Core Strategy 2 as a "Development Site".

It is important to consider the issue of housing supply in the determination of this application. National planning policy contained in PPS3 requires Local Planning Authorities to demonstrate that they have 5 years supply of suitable land available for housing development. The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is

less than five years supply of deliverable sites, they should consider favourably planning applications for housing', having regard to other policies in PPS3.

Paragraph 71 of PPS3 also makes clear that the duty upon the Council to 'consider favourably' this application in the absence of a five-year housing supply is subject to other material considerations, including paragraph 69 of PPS3 which requires the Council to have regard to:

- Achieving high quality housing;
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently; and
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The housing target of 4,000 for the period up to 2021 is set out within the Draft Core Strategy 2. This figure was also put forward by the Council at the RSS examination in public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a significant element of the justification for this level of development was the existence of deliverable ADR and non-Green Belt sites across the district which could help meet the needs whilst not requiring immediate Green Belt development or a full Green Belt Review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with the emerging RSS, it is considered by Officers as the most relevant target to use when addressing matters of housing supply.

At April 2011 when using the 4000 figure up to the year 2021, a supply of only 1.33 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period that the 4000 dwellings figure relates to.

The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period to 2021. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process, it does highlight that there are no major constraints on the site and that the site is suitable and available for housing delivery.

Members will be aware that the history of this site is a complex one. The Inspector's Report into the Bromsgrove District Local Plan (1997) highlighted that the amount of the future development (ADR) land proposed by the Council was inadequate. The Inspector therefore recommended that the Council undertook a comprehensive review of the District to identify sufficient land to meet long term needs for 15 years beyond the plan period. The Council duly undertook a search for Areas of Development Restraint (ADR) land identifying sites in all the main settlements, including Barnt Green. A different site to the one in question was initially identified to the east of Twatling Road and north of

Cherry Hill Road (known as BG5). BG5 was included in the Proposed Modifications version of the Local Plan.

A Public Inquiry was held into the Proposed Modifications of the Bromsgrove District Local Plan and the Inspectors Report was published in March 2002. The Inspector identified that Barnt Green was a suitable location for some ADR provision, however he did not support the site promoted by the Council at Twatling Road (BG5) due to the reliance on car based travel and the inefficient use of land. Instead the inspector preferred the site at Kendal End Road (the application site) stating:

"The objection site would have little effect on the purposes and integrity of the Green Belt and, in particular, would not contribute to the merging of Barnt Green and Kendal End. Given its degree of sustainability and encouragement to the use of public transport, particularly rail, and its advantages over the BG5 (Twatling Road) site, I conclude that it would be appropriate to designate this land as an ADR, with the Green Belt boundary drawn to follow the line of Cherry Hill Road."

At that time the Inspector's recommendations were not binding and the Council rejected them, including this site within the Green Belt. A High Court Challenge was then submitted by the landowner to quash the part of the Local Plan that applied to the land in question at Kendal End Road. The submission made on behalf of the landowner was two-fold. Firstly, that there was no proper consideration given to the Inspector's report and secondly there were no proper reasons for not accepting it. The High Court Judge in June 2004 weighed up the arguments put forward by both the claimant and defendant (the Council) and found against the council. In summary the Judge stated:

"No proper consideration was given to the Inspector's report and recommendation and no proper reasons were given for not accepting it. Accordingly I order that the part of the Bromsgrove District Local Plan which applies to the claimants land at Fiery Hill Road and Kendal End Road, Barnt Green, Bromsgrove, in the county of Worcestershire, be quashed."

Whilst the Judge was not concerned with the planning merits of the site, it is quite clear from this judgement that the site the subject of this application is not in the Green Belt.

The Council then took legal advice on how to treat this site in future. This is given below. This advice remains valid.

The Order means that the land in question is not the subject of any adopted policy allocating land for any particular purpose. Any land use allocations in the Plan simply do not apply to it. Nor does any pre-existing Plan become revived insofar as it relates to the land.

Any planning application which is made in relation to the land would therefore have to be treated on its own merits in the light of any policies in the plan which are not site specific, such as general development control policies, and in the light of the normal range of material planning considerations, such as national and regional guidance and the like. Those material considerations would include the recommendation which the Inspector made in relation to the site, although it would not be straightforward to determine the precise weight to be attached to such recommendations. The decision would be best made in the light of a precise proposal and on a case by case basis.

The review of the Local Plan is taking place in the form of the Core Strategy. The Draft Core Strategy 2 was approved by Cabinet and Full Council for consultation in January 2011. The consultation period ran for 12 weeks and has now closed. The application site was included in this document as a Development Site, with the boundaries drawn to reflect the recommendations of the Inspector rather than the specific land which was subject to the High Court challenge. It is the view of the Local Plan Inspector and the increasing need for the District to release land for housing which prompted the inclusion of this site within the Core Strategy.

When considering releasing any land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging core strategy. The Draft Core Strategy 2 identifies this site as a Development Site and highlights in policy 4B key considerations in the delivery of housing on development sites. These include that residential development should be a significant proportion of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. Both of these aspects are integral aspects to the outline planning application before Members for consideration.

In conclusion, this site needs to be judged on its own merits and in line with existing policies and relevant material considerations. Bromsgrove requires additional housing across the District to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as required by national policy. The site is not in the Green Belt by virtue of the decision taken by the High Court in 2004 and is therefore not afforded Green Belt protection. It is acknowledged that it is not an ADR but it has been recommended as being suitable for development by the Planning Inspectorate. The Council has agreed with the view of the Inspectorate via the inclusion of this site as a Development Site in its Draft Core Strategy. Members must be clear, however, that the inclusion of the site in the Draft Core Strategy cannot be given anything other than minimal weight at the present time.

Therefore subject to other adopted policies in the Local Plan being adhered to, and in relation to a wide range of other relevant material planning considerations such as meeting housing need, the Strategic Planning Manager cannot find any overriding reason in principle why this site should not be brought forward for residential development.

I note reference to the Barnt Green Parish Plan (2006) arising from the publicity period. This has not been adopted by the Local Planning Authority and thus has no weight in the determination process of this application. The application site is located outside of the area covered by the Lickey and Blackwell Village Design Statement (2002). I again place no weight on the content of this document.

To remind Members, development has previously been approved on ADR land, for example the Bromsgrove District Housing Trust housing scheme at Perryfields Road (08/0758 approved 29th January 2009; 09/0518 approved 25th September 2009) and the recent application for up to 76 dwellings on land at Selsdon Close (11/0431 approved 15th July 2011). I would also refer Members to the appeal decision at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378) whereby the Inspector placed weight on the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District. As such I am of the view there is an undisputed need for housing and the housing supply

situation is in crisis. This stance was taken by the Inspector in the recent appeal decision for Norton Lane, Wythall (APP/P1805/A/11/2150938) (application reference 10/0931). Members accepted this position in resolving to approve the residential development for 80 dwellings on the Church Road Catshill ADR in October 2011 (application reference 11/0343).

The proposal should thus begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

A number of shops and services are located approximately between 450 metres to 550 metres walking/cycling distance of the site. Most of the facilities available are less than 650 metres from the site. These key facilities include a Post Office, convenience store, First School, dentist and doctors/GP. There are also several independent retailers offering DIY, flowers, delicatessen, wine, pharmacy, butcher, optician, dry cleaners, hairdresser and takeaways. There is a range of social and leisure facilities including public houses and restaurants, sports facilities and community hall buildings. Millennium Play Area, an equipped area of open space, is located on Hewell Road and youth/adult open space is located on Bittell Road. The site is within walking and cycling distance of the Lickey Hills Country Park.

The site is also located reasonably close to a wider range of services within Bromsgrove Town Centre (located approximately 7.7 kilometres to the south-west), including schools, employment opportunities and leisure facilities.

Barnt Green contains a train station that lies on the cross-city line, linking Redditch, Birmingham and Lichfield. There is a half hourly service between Redditch and Birmingham, as well as links to Bromsgrove and a limited service to Worcester. Buses also travel through the settlement to Birmingham, Bromsgrove, Redditch and Alvechurch. A bus route utilises Kendal End Road and Hewell Road, linking Barnt Green with Redditch and rural areas of north Worcestershire with secondary schools. A ninety minute service links Cotteridge and Kings Norton railway station with Bromsgrove via Barnt Green.

As such I am of the view that the site is in a sustainable location and I raise no concern on this issue. The scheme would thus comply with the key sustainability aims of national policy aims detailed in PPS1 and PPS3. Policies SD.4, SD.8 and T.1 of the WCSP and policy DS13 of the BDLP support this approach. Furthermore, the first Local Plan Inspector identified Barnt Green as a sustainable settlement suitable for future development, together with the positive use of public transport, particularly rail.

Design, Form and Layout

PPS1 states that planning policies should promote 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 lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific policy relating to design.

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. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

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 Landscape Protection Areas (LPAs).

Local Plan Policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area;
- the proposal minimises the loss of mature hedges, trees and landscaping;
- the proposal does not adversely affect the existing amenities of adjoining occupiers;
- the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- the development can be appropriately serviced;
- the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- it conforms with other relevant policies of the Plan.

SPG1 states that residential layouts should make a positive contribution to the local environment and respect the character of the surrounding area. Paragraph 5.10 sets out a series of design objectives including adequate daylight and sunlight, adequate privacy

and outlook for new and existing dwellings, and provision of private and shared amenity space.

Whilst I note the views of third parties and Barnt Green Parish Council in relation to the lack of information accompanying the application, Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. The application does contain an indicative site layout plan with an accompanying Design and Access Statement that provides information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in four respects. Firstly the site is clearly visible from existing residential properties on three sides and the wider Green Belt landscape to the northern boundary beyond Cherry Hill Road and Kendal End Road and the setting of the Barnt Green Conservation Area to the south and the Grade II Listed Barnt Green Inn to the north.

The western part of Fiery Hill Road and Cherry Hill Road exhibits buildings of the 1890's and 1930's and more recent infill development that has occurred at a higher density than other parts of Cherry Hill Drive. Barnt Green is also characterised by a variety of detached, semi-detached and terraced dwellings built in post war years at much higher densities and on smaller plots. Development to the east of the railway is of a denser character with continuously built up frontages softened through mature vegetation.

I accept the site is visually prominent in a wider sense, given the views afforded by the expanse of the site boundary fronting Fiery Hill Road and Kendal End Road. Such views from Fiery Hill Road would be more definitive given the combination of the access road and the open character of this boundary facing the highway. Views from Cherry Hill Road and Cherry Hill Drive would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. The development would result in the loss of open land, but I am of the view that the impact of the development on the landscape and visual character would be moderate to low and there would no material loss of an attractive landscape.

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the southern boundaries, and the eastern boundary formed by Fiery Hill Road and the defined railway line embankment. All boundaries contain screening of varying amounts and these would remain following development of the site, with enhancement created by additional planting. This would serve to further filter views both of and toward the site, to the benefit of both existing and future residents. As such I am of the view that the proposals can be accommodated without detriment to the Green Belt setting in compliance with paragraph 3.15 of PPG2.

The views of the Urban Designer (UD) are noted, with particular reference to the submitted Design and Access Statement. This document should set out a clear set of site planning and design principles based on analysis and good practice. The UD is critical of the Design and Access Statement document and the content and approach taken, including an absence of information required to describe the intentions towards the

appearance of the built form. Concern is raised over the low density of development advocated by the scheme and the need to contribute towards Policies of sustainable public transport and land use. The UD notes that the revised indicative layout plan denotes significant improvements in the areas of site layout and the design of open space.

I have noted these views. The UD has placed much emphasis on the relatively low density nature of the scheme. I would disagree with this stance. Higher density would be appropriate to the east of the railway track but not in this location given the pattern of existing residential development and the need to respect the setting of the Grade II Listed Building and the Conservation Area. I am thus satisfied that the site is able to comfortably accommodate up to 88 residential units, with associated landscape and open space measures. However, as advocated by the UD, I do accept the design aims of the scheme need refining (with particular regard to views of the development from the wider landscape on the highest points of the site to the west adjacent to the Cricket Club).

Members will, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. However, to provide some comfort to Members, the Design and Access Statement and the indicative site layout plan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied. It is at this stage that the views of the UD can be utilised to shape the design context of such matters. The issue raised by third parties in relation to the principle of the scale and siting of the flatted accommodation aspect of the scheme can also be filtered into this process.

Density

The development provides a density of 18 dwellings per hectare based on the erection of 88 units. Members will be aware of the views of the UD raising concern over the low density of the scheme. The applicant has responded to these concerns and referred to a number of influential factors that have governed density, including the topography of the site, the need to adequately buffer the cricket ground to the west and the requirement to ensure the setting of the Grade II Listed Building and Conservation Area is preserved. The development proposal will also create a linear streetscene that will echo the existing housing pattern in Fiery Hill Road and will be of a similar density.

I accept the density figure of 18 dwellings per hectare is relatively low when compared to the removed thresholds previously contained in PPS3. However, the Cherry Hill is area of the Conservation Area is more densely developed than other areas and yet the density still only equates to around 10 dwellings per hectare (Barnt Green Conservation Area Appraisal: 2002). In reverse of the views of the UD, the CO takes the view that the density of the scheme should be reduced to something nearer to that of the neighbouring Conservation Area.

Whilst the density thresholds have been removed from PPS3 (30-50 dwellings per hectare), there is still a requirement to make the most efficient use of land. I have therefore considered both the conflicting views of the UD and the CO. I am therefore of the view that the combination of the three factors: efficient use of land, character of the

locality and the site-specific constraints to all be material circumstances in this instance to permit the development at the proposed density to be acceptable.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings. The development also contains 4 bed dwellings and 1 bed and 2 bed flatted accommodation and bungalows. The proposed mix includes single, two and three storey dwellings and flats. Thirty-five affordable units are provided, which equates to a provision of 40% affordable housing made within the site. These dwellings will need to be designed to Lifetime Homes Standard, whereby the design of each unit must have in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement.

Local Plan Policy S15 states that on any major site which comes forward, the District Council will negotiate with developers to achieve a mix of housing types and to ensure that a proportion of affordable housing is provided. Satisfactory arrangements should be made to ensure that:

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and
- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

Members will note the application has been accompanied by an Affordable Housing Statement. The Strategic Housing Manager has raised no objection to the scheme and notes that the tenure split within the affordable housing provision is reflective of 50% Intermediate/Shared ownership and 50% Social Rent and that a minimum of 6 bungalows will be provided within the AH provision.

As such I consider the scheme accords with policy S14 and S15 of the Local Plan.

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.

I note the concern regarding the loss of privacy arising from the development. Members will be aware that such detailed matters of layout and scale are reserved for future consideration. Given the site characteristics and based on the submitted Concept Masterplan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably

satisfied that any resultant development can be accommodated without detrimentally affecting 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 the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

For reference, Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (Cherry Hill Drive/Fiery Hill Road/Kendal End Road/Cherry Hill Road) would not wish to lose their existing view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

Impact on the Setting of the Grade II Listed Building (Barnt Green Inn) and the designated Barnt Green Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard is paid to the desirability of preserving the setting of Listed Buildings. Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 places an obligation on the LPA to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies S39 and 35a of the BDLP and Policies CTC.19 and CTC.20 mirror this with a commitment to ensuring the protection of Listed Buildings and their settings and preserving or enhancing Conservation Areas.

National planning policy in Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) provides advice on planning applications affecting designated heritage assets such as conservation areas. Policy HE7 sets out the need to identify and assess the particular significance of any element of the historic environment and policy HE9 sets out a presumption in favour of the conservation of designated heritage assets. Policy HE10.1 states 'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.' PPS5 also defines setting in Annex 2 as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Barnt Green Conservation Area was designated in December 2000 and contains three distinct areas. The area of Cherry Hill located adjacent the application site is characterised by higher density one and two storey houses on narrower plots, typically in distinctive styles dating from the early twentieth century. Older properties have mature gardens, with trees and hedges fronting tree-lined roads. There is some modern infill. Cherryhill Coppice, at the top of rising ground, provides a backdrop, adding to the character and setting of the area (Barnt Green Conservation Area leaflet: July 2001).

The Barnt Green Inn (Listed Grade II) is located to the north-west of the site. Barnt Green Conservation Area lies immediately to the south and south-west. Members will note the site is currently open, with a significant number of trees and hedgerows to the majority of the boundaries. As a consequence the Barnt Green Inn is only visible across

the site from mid-way along the Fiery Hill boundary, and from the corner of Fiery Hill Road and Kendal End Road, where there are particularly good views. From the Barnt Green Inn there are few views into the site. As a result the semi-rural isolated setting of the listed building is therefore enhanced.

The CO is of the view that some development of this site is possible but with the caveat that any scheme must be laid out in such a way that it does not impact on the setting of the listed building. In this respect the extent of the development on the part of the site to the rear of the Barnt Green Inn must be carefully considered. This is of particular importance due to the way the site level falls from this end of the site towards the junction of Fiery Hill Road and Kendal End Road. Equally views of the Barnt Green Inn from the corner of Fiery Hill Road and Kendal End Road could be partially obscured by houses and thus totally obscured when viewing the listed building from half way along Fiery Hill Road. The applicant has responded to these concerns and has demonstrated this through the revised indicative layout plan. I would point out that that the Urban Designer has not advocated treating the listed building as an isolated object, with space left around it to obtain long-distance view. He views this approach as an old-fashioned attitude in treating an historic building.

This site is also immediately adjacent to the designated Barnt Green Conservation Area, and in particular the Cherry Hill Area of the Conservation Area. Being adjacent to the Conservation Area does not automatically denote that development should not take place on this site. The key test is whether redevelopment makes a positive contribution to the setting and to the character and local distinctiveness of the historic environment. HE7.5 of PPS5 states 'Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.'

The general character of this part of the Conservation Area pertains to reasonably large houses on generous plots, set back from the road. The CO notes the indicative site layout plan illustrates a significant contrast between the Conservation Area and the proposed development, which appears to be a very intensive high density development with some houses positioned close to the road, others sideways to the road, small plots, a general lack of spaciousness, and a generic 'housing estate' feel. In terms of principles for any development on this site, the CO considers that houses on the Fiery Hill Road side of the site should face the road, and positioning of houses sideways on to the site should be avoided.

Any development on this site must ensure the form of the development preserves or enhances the character or appearance of the Conservation Area in compliance with Policy HE7 of PPS5, together with the setting of the Listed Building. In conclusion, the CO is not opposed to some residential development on this site and Members will note the view of the CO and the UD on the particular issue of how the development of the site interacts with the setting of the listed building. The views of both the CO and the UD can be used extensively in any subsequent Reserved Matters application dealing with siting matters if Members are minded to grant outline application at this stage. These relate to careful attention to the setting of the Grade II Barnt Green Inn and ensuring that the development is sensitive to the proximity of the Conservation Area (with direct reference to density matters immediately adjacent the CA boundary and the positioning of the new

dwelling on Fiery Hill Road), in addition to the design of the new dwellings. This may give some comfort to Third Parties and the Parish Councils in addressing concerns over the scale, form and character of any future development on this site.

Landscaping and Tree Issues

The site is covered by an area TPO that specifies those individual trees and groups included. This was served as a draft TPO in March 2011 and was confirmed in its final form 15th August 2011 (served on the landowners on 16th September 2011).

The proposed development requires the loss of a total of 37 individual trees (3 x Hawthorn, 6 x Oak, 1 x Holly and 1 x Pear fronting onto Fiery Hill Road) and 26 x Hawthorn trees forming the hedgeline on the corner of Fiery Hill Road and Kendal End Road. All these trees are of sufficient merit to have been included in the recently confirmed Tree Preservation Order 2011(2). One further tree is proposed for removal - a large dead Oak in the south-east corner of the site. While this tree has considerable value for wildlife as standing deadwood habitat, its decaying and unsafe condition makes it unsuitable for inclusion in the TPO or retention as part of a development scheme. While these trees proposed for removal are of sufficient value to include in the TPO, they are the trees of lesser value on the site and thus I consider that their loss will be adequately mitigated by the new tree and hedge planting being proposed and shown on the indicative plans submitted. The revised indicative layout plan retains the large veteran Oak on the Kendal End Road boundary. The retention of such features, enhanced planting and mitigation to replace removed specimens can be filtered into the Reserved Matters process in order that such measures are carried and to ensure any notable features remain integral to the final layout.

The Tree Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Members will note the agricultural land on the application site is Grade 3 under the Agricultural Land Classification. Grade 1, 2 and 3a land is considered to be the most flexible, productive and efficient land. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28). I note the land is not part of a larger agricultural holding and as such is not well-related to agricultural land in the locality given the location of the site. Given the size of the land, the physical constraints and the adjoining residential dwellings, the loss of the land in agricultural terms does not present me with any concerns.

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide

sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Members will note the internal road network is not for consideration at this stage.

Members will be aware that third party representations have raised concern with regard to highway safety and traffic congestion (with particular regard to Cherry Hill Road and Fiery Hill Road and Kendal End Road and the junction of the two latter roads), egress matters created by ongoing on-street parking on Fiery Hill Road and inadequate public transport provision.

The existing bridge located on Kendal End Road restricts visibility the Fiery Hill Road/Kendal End Road junction. The scheme proposes to relocate the simple priority junction to the north-west, which will significantly improve visibility and safety at this location. The junction improvement works include the option of relocating the footway to the south side of the carriageway beneath the railway bridge. This will improve visibility to oncoming traffic but also provide connectivity between the site and the local facilities at Barnt Green.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that a full Transport Assessment has accompanied the application. Members will note this document demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic and the scheme will have a negligible impact on the operations of the junctions in the locality, including Kendal End Road and Fiery Hill Road. The proposed realignment of Fiery Hill Road and changes to the junction of this road and Kendal End Road will be beneficial - both for vehicular traffic and for improved connectivity to the facilities and functions located in Hewell Road.

Given the consideration of all highway related matters, including the views of third parties and the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on Fiery Hill Road and that there would be capacity within the existing network to cope with the development proposal, including Kendal End Road and Bittell Road. Although I note the lack of a designated footpath on Cherry Hill Road raised by third parties, the use of the new access leading off Cherry Hill Road for walking and cycling opportunities, would also promote sustainable transport choices for future residents. This would also enable greater permeability.

Members will note Worcestershire Highways has raised no objection to the scheme subject to the imposition of Conditions. As such Members are thus reminded that there is no technical objection to the scheme on the grounds of adverse impacts on the highway network grounds.

Barnt Green contains a train station that lies on the cross-city line, linking Redditch, Birmingham and Lichfield. There is a half hourly service between Redditch and Birmingham, as well as links to Bromsgrove and a limited service to Worcester. Buses also travel through the settlement to Birmingham, Bromsgrove, Redditch and Alvechurch. A bus route utilises Kendal End Road and Hewell Road, linking Barnt Green with Redditch and rural areas of north Worcestershire with secondary schools. A ninety minute service links Cotteridge and Kings Norton railway station with Bromsgrove via

Barnt Green. Given these circumstances I consider the site benefits from good public transport opportunities, with a number of alternative modes of transport available to future occupiers of the development.

Green Belt Policy and New Car Park

The proposed 38-space car park is located on land that results from the realignment of Fiery Hill Road. The existing road lies in the Green Belt and therefore the proposed car park is located in the Green Belt. The Green Belt in this location applies solely to the line of the road and the railway. It is a linear strip that projects into the built up area from the wider countryside north of Kendal End Road.

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming from PPG2 and reflect paragraphs 3.1 and 3.2 of PPG2. Paragraph 3.12 of PPG2 states that engineering operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt include checking unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment as set out in paragraph 1.5 of PPG2. Paragraph 3.15 of PPG2 goes on to state 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.

The proposal constitutes an engineering operation as it involves the laying out of a parking area by adaptation of a hard standing and, as a result, the material change of use of land. I accept the hardstanding is *in situ* and this will not alter as part of the proposals. The hardstanding in itself would not lead to any greater element of encroachment than the current situation or impact on Green Belt openness *per se*. However, the ability of the hardstanding to facilitate the open parking of vehicles of unrestricted sizes and colours would harm the openness of the Green Belt in this location. On this basis I consider this aspect of the proposals to represent inappropriate development in the Green Belt contrary to Policy DS2 and the provisions of PPG2.

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" (Council emphasis).

The LPA takes 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. For instance this could mean one very special circumstance or a number of individual circumstances, which although some or all of them may be common, combine to form very special circumstances. Whether or not the applicant has put forward very special circumstances, must of course be decided within the factual context of the application.

The applicant has put forward the following points:

- (a) The use is similar to that which currently exists, that is, as a road way where vehicles are frequently parked, maneuvering and driving through. The only difference being that more vehicles will be parked and none will be driving through.
- (b) Visually, the land is already surfaced and this will not change.
- (c) The resulting benefits of the proposals in achieving off road parking which provides the opportunity not only of removing undesirable on road parking that takes place at present but also the enhanced sustainability of the location this brings as result.

I have considered these points. I accept the new car-park will utilise the existing hardstanding that currently constitutes the Fiery Hill Road carriageway and the new use will have little impact over and above the existing highway use. I also note the net benefit from the provision of a dedicated parking area in this area that will reduce on-road parking and thus improve highway safety in the locality. I am therefore of the view that these points constitute very special circumstances to outweigh the inappropriateness of this aspect of the scheme in due consideration of Green Belt Policy.

It is anticipated that the car-park will be utilised for rail users. WH have requested a financial contribution within the Legal Agreement to finance the administration of traffic regulation orders that require amendment as a direct result of the realignment of Fiery Hill Road. This will ensure the car-park replaces on-road parking provision and thus meets the objective of improving highway safety matters on Fiery Hill Road. This approach accords with Policy BG3 of the BDLP that encourages schemes that lead to an improvement in parking provision that meets the needs of both the railway station and shopping area. The Legal Agreement and a condition requiring the applicant to re-align Fiery Hill Road will secure both these aspects of the scheme.

Open Space and Play Space

Members will note the views of the Open Space Officer and the use of SPG11 which uses a standard formula for the calculation of contributions and is used as a starting point for negotiation. SPG11 relates to the assessment of the need to make contributions towards the maintenance of on-site open space and commuted payments in lieu of on-site provision. Such monies are thus made available for the capital expenditure towards the quantitative and qualitative improvement of areas of open space which residents of the development could then make use of. Members will be aware that the circumstances under which financial contributions should be considered appropriate are detailed in Circular 05/2005.

The views of the Head of Leisure Services are noted. The application is submitted in outline and as such Members are being tasked with dealing with matters of principle.

However, the indicative site layout plan does show the provision of 6 areas of open space to be provided on site, which totals 7,850 square metres of public open space. Based on SPG11 calculations, this attracts a commuted sum for suitable off-site provision or enhancement (deficit of 326 square metres). The formula utilised by SPG11 has, however, calculated a significant maintenance contribution. The submitted Open Space Assessment accompanying the application suggests a financial amount for such maintenance based on the average rate for off-site contributions for play for the adjacent Local Authorities to Bromsgrove District. Based on this mean figure for four adjoining District Authorities To Bromsgrove District, I suggest the financial amount for such off-site contributions should equate to £44,000. The applicant has agreed to this in principle. The applicant has also agreed that all on-site open space shall be laid out as grassland with no equipped areas and that all on-site provision will be subsequently maintained by a management company. The balancing pond proposed to be located adjacent Kendal End Road on the indicative site layout plan will also be maintained by a management company.

Ground Conditions, Flood Risk and Drainage Issues

Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

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 indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

PPS25 states that a sequential approach to site selection should apply in relation to flood risk, which gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

No watercourse is located within or adjacent to the site boundary. A small watercourse crosses below Kendal End Road approximately 0.17km north west of the site boundary. Having passed below the road the watercourse changes direction to run south east through a field some 0.14km north of the site boundary where it enters a culvert before passing below the railway line. Eventually this watercourse flows into Lower Bittell Reservoir which lies approximately 0.80 km east of the proposed development. The Worcester and Birmingham Canal runs north to south approximately 1.20 km east of the site.

The FRA indicates that the site is located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable. The Environment Agency flood map indicates that the proposed development does not lie within the flood plain and therefore no additional flood plain storage volume is required nor will any storage volume be displaced.

I thus raise no objection on flooding grounds. In order to ensure that new dwellings are not affected by overland flow it is recommended that the finished floor levels of new houses should, wherever possible, be set 0.15m above surrounding finished ground levels. This can be secured via the imposition of a suitable Condition.

Surface water management will be designed to sustainable principles with sufficient storage on site to enable discharge from the site to be regulated to no greater than the rate of runoff from the undeveloped site. Foul flows arising from the development will be discharged to the existing public foul sewerage system at a rate not exceeding that agreed with Severn Trent Water.

Whilst I note third party comments, the Council's Drainage Engineer and Severn Trent Water have raised no objection to the scheme, including the provision of the balancing pond.

Ecological and Biodiversity Issues

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European protected species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on Local Planning Authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981.

Members will note the views of third parties and Worcestershire Wildlife Trust on this issue. Natural England has referred the Local Planning Authority to non-site specific generic standing advice.

The site consists of two large open fields divided by a robust Holly hedge that runs from north-east to south-west. Across both fields a small number of mature scattered broadleaved trees are present, whilst several pockets of scattered scrub has become established around the boundaries of the site, in particular the larger field, especially where private gardens bordered the site. The smaller of the two fields contains stands of tall ruderal vegetation, with this featuring heavily towards the centre of the site.

The following habitats are recorded across the site:

- Scattered broadleaved trees
- Scattered scrub
- Improved grassland
- Tall ruderal vegetation
- Hedge with trees

The site is generally of limited value to wildlife, primarily due to the small number of habitats and the improved nature of the grassland. The scattered broadleaved trees are mature and a number of these specimens support attractive features such as broken limbs and woodpecker holes, or are heavily cloaked with Ivy making them suitable for both roosting bats and nesting birds. A mature False Acacia in the middle of the lower field was dead and provided valuable habitat for saproxylic invertebrates. Small patches

of scattered scrub offer limited cover to foraging and nesting birds. The mature Holly hedge is robust enough to provide excellent cover for feeding and nesting birds in addition to many insects associated with Holly such as the Holly Blue Butterfly. The improved grassland is poor in diversity of grasses and wildflowers, and as such, offers little of ecological interest. However, there is evidence that a large Rabbit population is using this habitat. The tall ruderal vegetation is relatively scarce and offers little value for wildlife.

Grassland was identified in the western field of the site that was considered to be a good example of MG1 grassland. A further study of this found that MG1 grassland is virtually ubiquitous throughout the lowlands of Britain with the sub community found here the most widely distributed. However, the western corner of the western field is a good example and could be retained on site where possible through translocation to areas of informal open space.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter). Although I note the views of third parties, the submitted Ecological Survey states that although records indicated the presence of Badgers in Pinfields Wood 200 metres to the west, no signs of Badger activity on the site were recorded. No great crested newts were identified on the site. The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. Some of the existing trees support features such as decay cavities, woodpecker holes, fissures and exfoliating bark considered suitable for bat roosting and/or hibernation. A nocturnal bat survey has therefore been carried out. This concludes that there were no roosting bats present as the nocturnal survey no animals emerging from or returning to the trees. The bat activity recorded is generally restricted to the hedge lines and the edge of the site adjacent to Cherry Hill Road, the Barnt Green Inn and the cricket pitch. These routes can be retained within a layout and will not be affected by the development.

In overall terms, the site will ensure that biodiversity is maintained and enhanced, in particular through the retention of features that are of biodiversity value. Where features of biodiversity value are to be lost, these are to be mitigated for through new planting and enhancement of retained habitats. Natural England and Worcestershire Wildlife Trust have raised no objection to the scheme.

I am thus of the view that the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity, subject to the imposition of suitable Conditions relating to the implementation of mitigation measures.

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments (for example, housing) must be located away from existing sources of significant noise. Proposals potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. Members will be aware that the impact of noise is a material planning

consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

The key dominant noise sources affecting the site include road traffic on Fiery Hill Road/Cherry Hill Road/Kendal End Road and trains passing on the railway embankment, which include stopping services, faster services that do not stop at Barnt Green and occasional freight services.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The assessment details that the site predominantly falls into noise exposure categories A and B which are generally considered suitable for residential development. The presence of the proposed buildings themselves would further reduce noise across the site ensuring that the properties away from the perimeters are exposed to lower noise levels.

The acoustic report recommends that properties close to Barnt Green Inn are set back 15 metres from the site boundary with the Barnt Green Inn, which would allow for a landscaping strip and rear gardens. It is also recommended that an acoustic fence (2.5 metres in height, be imperforate and sealed at the base) be erected to shield properties close to Barnt Green Inn. It is suggested the fence should be incorporated into the rear garden fences of the properties. The report also suggests the use of acoustic glazing.

Subject to such mitigation measures to be secure through appropriate Conditions, I raise no concern on this issue. The issue of the fencing surrounding the Barnt Green Inn will, however, need careful consideration given the duty of the Local Planning Authority to preserve the setting of the Listed Building. WRS has raised no objection to the scheme subject to the imposition of Conditions to ensure the mitigation measures are implemented.

Air Quality

Members will note the views of WRS. I thus raise no issue on this point. A Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

Archaeological Issues

The views of the County Archaeologist are noted. The WCC(CA) has raised no objection to the scheme subject to a written scheme of investigation in relation to a programme of archaeological work.

Other Issues

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area." Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard

and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I am also mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of PPS1).

The views of the Crime Risk Manager are noted. I note the concerns regarding the failure of the site layout to meet the Secured by Design standards, with particular regard to lack of natural surveillance opportunities with respect to parking provision, the orientation of dwellings and the number of footpath entry points leading off Fiery Hill into the development. Members will be aware that the application is submitted in outline and contains an indicative site layout plan which is purely indicative at this stage. Any concerns raised by the CRM can thus be addressed through the Reserved Matters process. I thus would find it difficult to raise an objection with respect to the issues raised by the CRM at this outline stage.

Climate Change

Local Plan Policy DS13 states that the Council will take full account of the need for future development to be sustainable so that present demands do not compromise the ability of future generations to meet their own demands or enjoy a high quality environment. The Climate Change Supplement to PPS1 makes climate change considerations integral to the planning system, including in the design of new developments. Paragraph 105 of the Guidance on Information Requirements and Validation states that Design and Access Statements for outline planning applications should:

'demonstrate how climate change mitigation (through the minimisation of energy consumption, efficient use of energy, and the supply of types of energy including from low-carbon and renewable sources to help reduce overall carbon emissions) and adaptation measures (to provide resilience to future climate impacts) have been considered in the design of the proposal.'

The submitted Design and Access Statement provides an indication of such measures, such as the use of solar hot water heating solutions, air source heat pumps and photovoltaic solutions. Further strategies can be employed to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

As such I consider regard has been paid in the submission to matters of climate change mitigation and adaptation measures. I am therefore of the view that the proposal complies with Local Plan policy DS13 and PPS1 and its supplement.

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members

will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as demographic change, parental choice and/or with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in or surrounding Barnt Green.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision in the Catshill area will not be required in this instance as there are spare places in all of the local schools. In relation to the local first school, St. Andrew's CE First School, it is noted that the school does tend to fill but some of the children come from outside the catchment area and thus the County Council Education Service take the view that there would be space for additional pupils from Barnt Green. The school has 45 places per year group giving a total capacity of 225.

Other Matters

Restrictive Covenant

Members will note the issue of a restrictive covenant attached to the site. This is a legal issue rather than a planning issue and therefore is not a material consideration to be taken into account in determining the application.

This principle is supported by Section 70(2) of the Town and County Planning Act 1990 where case law establishes that to be 'material' they must be planning considerations. The broad interpretation adopted is that considerations must relate to the use and development of land and whilst in some instances private interests can be material considerations, such as the personal circumstances of the applicant, planning is generally concerned with the public interest and therefore the existence or absence of private rights are irrelevant in determining a planning application. This is also the case where rights are separately protected by other legislation such as those governing covenants. The covenant is therefore not relevant for the purposes of assessing the planning merits of this application.

Construction Matters

Deliveries to the development site during the construction phase are able to be controlled through a Construction Traffic Management Plan. This could include the following:

- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods
- Restricting construction vehicles to designated routes
- Restrictions of the hours of working on site

I intend to impose a suitable Condition on this basis.

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Members will note the following agreed Heads of Terms breakdown of contributions for inclusion in the Section 106 Agreement:

Amount	Reason for contribution	Payable To
£44,000	Off-site play space provision/enhancement	Bromsgrove District Council
£2,000	Pedestrian crossing improvements in Bittell Road to provide improved links to the sports field	Worcestershire County Council
£3,660	To administer traffic regulation orders (TRO) that requires amendment as a direct result of the realignment of Fiery Hill Road.	Worcestershire County Council

Members will note the Agreement will also include the provision and securing of 35 affordable housing units.

As detailed above, the application generates financial contributions for the shortfall in on-site open space provision. Your Officers are in discussions with the applicant's agent and the Head of Leisure Services in relation to the target location for such monies to provide new facilities or enhance existing provision within the locality. Members will note the views from Barnt Green Cricket Club arising from the publicity process. I will update Members at your Committee on this issue.

WCC Education Services has confirmed no monies are required for education provision as local schools have capacity to accommodate the development at all phases.

It is considered that the agreed level of contribution detailed above meet the Circular tests in that it is relevant to planning, is considered necessary to make the proposed development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related in scale to the proposed development.

The Section 106 Agreement is currently being drafted. Again, I will update Members at the meeting of the Committee on the progress of this document.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

In planning policy terms, this site needs to be judged on its own merits and in line with existing policies and relevant material considerations. Bromsgrove requires additional housing across the district to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as required by national policy. The site is not in the Green Belt by virtue of the decision taken by the High Court in 2004 and is therefore not afforded Green Belt protection. It is acknowledged that it is not an ADR but it has been recommended as being suitable for development by the Planning Inspectorate. The Council has agreed with the view of the Inspectorate via the inclusion of this site as a Development Site in its Draft Core Strategy. In weighing up all the issues, including compliance with other adopted policies in the Local Plan and meeting the housing crisis the District is facing, there appears to be no basis for resisting the release of this land and the proposal should begin to address the serious shortfall in housing land supply. The proposal would additionally assist with the Council's task "*....to maintain a flexible and responsive supply of land for key sectors, including housing...*" as urged in the Ministerial Statement 'Planning for Growth'.

I am aware that paragraph 71 of PPS3 seeks favourable consideration where there is a shortfall in the 5 year supply but Members will be aware that the wider context should be taken into account. PPS1 sets out that sustainable development is the core principle underpinning planning, the heart of which is a spatial planning approach. The site has been identified as a suitable and sustainable site for housing development in the Draft Core Strategy 2. In my view the development of this site would not conflict with the key sustainability aims of PPS1 and PPS3 and thus would contribute to housing in a sustainable location, in addition to addressing the shortage of affordable housing in the District by supporting a 40% element of such dwellings.

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 proposed on-site public open space, the approach to high quality design advocated by the Design and Access Statement, the re-alignment of Fiery Hill Road and the resultant improvements to highway safety and new landscaping would be of local benefit which are factors that weigh in favour of the proposals. This application would establish the principle of releasing the land for up to 88 residential units. If Members are minded to approve outline consent, the Reserved Matters stage will require the submission of definitive details for the development of the site, thereby permitting the Local Authority to

carefully consider the form, layout and spacing of the new units and how such a scheme would relate to the context of its surroundings.

With respect to the process for dealing with this outline application, Circular 08/05 states:

"Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, **but an Authority could chose to direct a longer or shorter period as appropriate**. The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**" (Council emphasis).

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development occurs within five years and satisfy the lack of a five year supply as advocated by the applicant in support of the scheme.

I am content that the site is able to support the erection of up to 88 residential units in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land with the acknowledged constraints of the site (with particular reference to the setting of the Barnt Green Inn and the Barnt Green Conservation Area), in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of highway related concerns, Members will note WH have raised no objection to the scheme and furthermore I am not in receipt of any technical objections to the outline proposals. Having considered all material considerations, I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision, highway improvement works and the securing of 35 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon completion.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (a) Play space provision;
- (b) Highway improvement works;
- and (c) the securing of 35 affordable housing units.

For the reference of Members I intend to impose suitable Conditions relating to:

- Submission of the outstanding Reserved Matters for approval (appearance, landscaping, layout, and scale)
- Application for approval of the Reserved Matters not later than twelve months from the date of the outline consent
- Commencement of development not later than twelve months from the date of approval of the last of the Reserved Matters to be approved

- Compliance with approved drawings

- Materials and external appearance finish
- Finished floor levels
- External lighting
- Number and location of the affordable housing units to be provided.

- Soft and hard landscaping
- Landscape Management Plan
- Boundary treatments
- Details of the treatment and finishes to all areas of communal public open space
- Tree and Landscape Protection Plan

- Habitat Management Plan for grassland
- Details of bat and bird boxes

- Noise mitigation measures

- Construction Management Plan (including Construction Traffic Plan)

- Programme of archaeological work

- Contamination investigation and remediation programme as applicable

- Surface water drainage scheme
- Foul drainage disposal

- Highway matters (access/turning/parking, highway alignment works)

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. C. HARVEY 'B'	Removal of condition 3 as per planning approval 10/0652 - Land at corner of Beverley Road, New Road, Rubery, B45 9JA	Shopping	11/0864-SC 19.01.2012

Councillor P. M. McDonald has requested that this application be considered by the Committee. Additionally, this application has been referred to the Committee as it involves a major development.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted: 26.10.2011. Response received: 31.10.2011. No objection.
BCO	Consulted: 26.10.2011. No response received.
RA	Consulted: 09.11.2011. No response received.
PROW	Consulted: 09.11.2011. No response received.
Publicity	Site Notice posted 07.11.2011; expired 28.11.2011 Press Notice published 03.11.2011; expired 24.11.2011
	5 Neighbour notification letters posted 26.10.2011; expired 17.11.2011 1 additional neighbour notification letter posted 09.11.2011; expired 30.11.2011 No letters of objection 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 previously occupied by Mr. B's Market Hall which was subdivided internally into a number of small retail outlets. That building was demolished in April 2007.

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. The majority of this development is however in a very poor state of repair.

The site is adjoined by a public right of way and existing retail/residential units to its western boundary and the residential properties along Beverley Road and Graham Crescent to its southern boundary.

The site is located within Rubery's defined Shopping Area.

Proposal

This application proposes the removal of condition 3 of permission 10/0652. The condition relates to No.'s 212 - 216 New Road which are former retail units along the site frontage which were fire damaged during 2009. Although badly damaged, the buildings

remain standing and Condition 3 of application 10/0652 places a positive obligation on the applicant to demolish the buildings within 3 months of the date of the permission granted 16.08.2011.

Condition 3 states:

"A satisfactory scheme detailing the demolition of the fire damaged buildings on the site shall be submitted to the Council for approval in writing. The approved scheme shall be fully implemented within 3 months from the date of this permission."

Reason: To secure the satisfactory appearance of the site in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001 and policy DS13 of the Bromsgrove District Local Plan 2004."

Relevant Policies

WMSS	QE3
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.9, T.1, D.5, D.34
BDLP	DS13, DS4, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7
DCS2	CP3, CP10, CP18
Others	PPS1, PPS3, PPS4, PPG13, PPG17, PPG23, SPG1, SPG11

Relevant Planning History

B/2003/0987	Residential and retail development - Outline consent - Granted 11.09.2003
B/2007/0142	Demolish existing structures and construct three storey development of retail and residential with associated external works - Reserved Matters - Withdrawn.
B/2007/0433	Erection of three storey building comprising retail use on ground floor and 22 apartments above, and associated works - Granted 26.07.2010
10/0652	Extension of time limit for implementation of B/2007/0433 (Erection of three storey building comprising retail use on ground floor and 22 apartments above and associated works. As amended by plans, planning statement and Design and Access Statement received 31.05.2007) - Granted 16.08.2011

Notes

Application 10/0652 proposed the "Extension of time limit for implementation of B/2007/0433 (Erection of three storey building comprising retail use on ground floor and 22 apartments above and associated works. As amended by plans, planning statement and Design and Access Statement received 31.05.2007)."

Application 10/0652 was considered by members at a full planning committee meeting on the 11th October 2010. Permission was subsequently granted 16th August 2011 following the completion of a satisfactory agreement under Section 106 of the Town and Country

Planning Act 1990, as amended, in respect of financial contributions in relation to educational provisions and off-site play space.

Given the unsightly appearance of the site, condition 3 of planning permission 10/0652 was imposed to secure the satisfactory appearance of the site within a specific timeframe.

Advice on the imposition of planning conditions is set out in Government Circular 11/95: 'The Use of Conditions in Planning Permissions'. Paragraph 14 of Circular 11/95 states that:

"... conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14 - 42. In brief, these explain that conditions should be

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects."

Paragraphs 15 - 17 of Circular 11/95 advise that in considering whether a condition is necessary, authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. If it would not, then the condition needs special and precise justification. The same principles, of course, must be applied in dealing with applications for the removal of a condition: a condition should not be retained unless there are sound and clear-cut reasons for doing so.

In relation to the criteria set out in Circular 11/95, it is viewed that it would not be reasonable to refuse the planning permission for application 10/0652 on the grounds that the fire damaged buildings were not demolished within a three month period from the date of the permission. Additionally, members will note that, as demolition constitutes 'development' as defined by section 56 of the Town and Country Planning Act 1990, the condition imposes an absolute obligation on the applicant to start the development within 3 months of the date of the permission. As such, it is considered that the condition is unreasonable and places an unjustifiable burden on the applicant.

Conclusion

The condition imposed requiring the demolition of the fire damaged buildings on the site within 3 months of the date of the permission places an unreasonable and unjustifiable burden on the applicant and is contrary to the provisions of Government guidance contained within Circular 11/95.

RECOMMENDATION: that permission be **GRANTED**.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. N. Alsop 'A'	Proposed erection of one new dwelling - 2 Berry Drive, Barnt Green, B45 8XL	Residential	11/0880-DK 11.10.2011

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH Consulted: 17.10.2011. Response received: 31.10.2011.
No objection subject to the following conditions:
HC4 Single Access New Footway
HC5 Visibility Splays
HC8 Vehicle Access Construction
HC14 Driveway Gradient
and the following advisories:
HN1 Mud on Highway
HN4 Private Apparatus within the Highway
HN5 Alteration of highway to provide new or amend vehicle crossover
HN9 No Drainage to Discharge to Highway
HN24 Temporary Direction Signs to Housing Developments

Lickey and Blackwell PC Consulted: 17.10.2011. Response received: 15.11.2011.
Lickey and Blackwell Parish Council objects to this proposal.

1. The density of dwellings in the area is increasing and is in danger of changing the character of the area. In particular we think that applications should be considered in the light of BDC's Strategic Housing Land Availability Assessment where, under Appropriate Densities for Potential Sites, it states "Some of the smaller settlements in the district such as Barnt Green and Blackwell are characterised by large properties with large gardens. In such settlements densities of 30 dwellings per hectare or above would cause significant harm to the character and appearance of the area. "Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected from becoming part of the urban sprawl by preserving "the openness in residential areas by avoiding subdivision of plots and infill development".
2. New Government guidelines no longer consider gardens as brown field sites, and that they should be valued.
3. Over the last decade or so BDC has seen a great increase in the building of large 4 and 5 bedroom houses to the point where we have a surfeit of them. So to rebalance the district's housing supply, what is needed now is smaller 2 and 3 bedroom type.
4. We are, also, aware that the properties in Plymouth Road, and the cul de sacs off have had problems with flooding, which could be exacerbated by this development.

5. We would like to see that the hedge that bounds Plymouth Road is protected as it is the original hedge boundary. Our VDS states that we should "preserve our roadside trees and hedges" and where lost "should be replaced whenever possible. At key locations replacements should be of sufficient size to give instant visual impact. Native species will normally be required."

ENG	Consulted: 23.11.2011. Response received 25.11.2011. No objection subject to conditions and no Flood Risk Assessment warranted.
SPM	Consulted: 17.10.2011. Response received 19.10.2011. The above site is situated within the 'low density' residential area of Barnt Green in the Bromsgrove Local Plan. The proposal is for windfall housing development; therefore PPS1, PPS3, policies S3, S7 and S8 of the adopted Bromsgrove District Local Plan apply. As the site is with a 'low density' area BG4 will apply. Also of particular relevance are SPG1 and the Lickey and Blackwell Village Design Statement which is also adopted as Supplementary Planning Guidance.
WRS	Consulted: 17.10.2011. Response received: 07.11.2011. No adverse comments.
Tree Officer	Consulted 17.10.2011. Response received: 03.11.2011. This development would lead to an incursion into the root plate of Sycamore Tree 1 but only to an acceptable level. However every protection in line with BS 5873 should be afforded this tree beyond this incursion. Sycamore Tree 2 should not be affected by this development but full protective measures in line with BS 5873 should be afforded this tree to ensure this is the case. There is a pocket of decay in the main stem of Sycamore Tree 2 which needs further evaluation. Depending on the recommendations of this report additional planting may be desirable and a landscape plan would therefore be desirable. Otherwise, I have no objection to this proposed development.
Publicity	Neighbour notification: 2 letters sent 07.11.2011. Site Notice posted 31.10.2011, expires 21.11.2011. Identical objection letters with 155 signatories and 1 additional letter of objection received. The principal issues raised are summarised as follows: <ul style="list-style-type: none">▪ The form and layout of the development is out of keeping with the surroundings and would have a harmful effect on the special character of the area.

- The proposal would result in the extensive loss of natural hedgerow screening and trees.
- The proposal is contrary to policies DS13, BG4, S7, S8 of the BDLP and the advice of PPS1, PPS3, SPG1, PPG13 and the Village Design Statement.
- The proposal will cause traffic congestion and there are also complications in respect of access because of the position of a lamppost on Plymouth Road.
- There would be a loss of residential amenity due to light, noise and overlooking and a loss of amenity for the residents of No. 4 Berry Drive arising from the position of the windows of the proposed plot 3.
- An unacceptable precedent would be set.
- The proposal would directly cause the loss of amenity, privacy and environmental quality for local and adjoining residents.
- The area cannot support any further density of housing.
- There would be an adverse impact on the biodiversity of local flora and wildlife species and the extensive loss of mature natural hedgerow and trees.
- There is a government intent to stop garden grabbing and plot sub-division for speculative gain.
- The development conflicts with the Council's sustainability/green objectives.
- The proposal is contrary to local plan policies.
- The proposal does not maintain the open aspect of the area.
- It will exacerbate the difficulties which residents already face with traffic, public amenities, drainage and flooding, etc.
- The proposal is contrary to policy S8 of the BDLP which precludes the further sub-division of plots.

The site and its surroundings

The application site is part of the garden of a large detached house on the corner of Berry Drive and Plymouth Road. There are good levels of screening on all boundaries. The site is bordered to the east by Blakes Field Drive and faces Plymouth Road to the south. It is bordered by 4 Berry Drive to the north. The existing house is a two storey detached property with a link detached garage to the north. There is an open plan arrangement to the front of the properties facing onto Berry Drive. The properties on the opposite side of Plymouth are slightly set down in respect of the site.

Proposal

The proposal is for the erection of one dwelling. The application is also supported by a Design and Access Statement and Water Management Statement.

Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, C4, C17, BG4, TR1, TR11

Relevant Policies (Cont'd)

Others PPS1, PPS3, PPS9, PPG13, SPG1
Draft CS2 CP18

Relevant Planning History

B1634 Erection of six dwellings on part of the grounds of 'Woodbury', Plymouth Road / Mearse Lane. Granted 06.10.1975.
B/2010/1011 Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings. Withdrawn 07.01.2011.
B/2010/0610 Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings. Refused 12.09.2011.

Notes

The previous application on this site for the erection of three dwellings (B/2010/0610) was refused by Planning Committee on 12.09.2011. This proposal is for the erection of a single dwelling which would form part of the scheme previously considered.

Members should note the large number of representations received and these are available to view on the file. The key test in assessing the application is whether the objections are well founded in planning policy terms such that there would be an identified harm to the character and amenity of the area.

I consider that the key issues in the determination of this application are:

- (i) The principle of development on this site,
- (ii) The impact of the plot sub-division and the resulting density and layout in respect of the character of the area,
- (iii) The impact of the proposal on the amenity of neighbouring residents.

In this respect, policies BG4, S7 and S8 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

Principle

I note the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens is unacceptable and each application must be considered on its own merit. I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

I note that the representations appear to challenge the principle of development at this location. However, the site is located within the defined urban area and as such, I do not consider that current national and local planning policy establishes a presumption against development at this location. I examine the proposal on the basis of policies S7, S8 and BG4 of the BDLP and the advice of SPG1.

Design Density and Layout

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. I note that the explanatory text of policy BG4 provides for an indicative density of 1 - 4 units per acre (approximately 3 - 10 units per hectare). I consider that the proposal falls within the parameters of policy BG4 and is therefore acceptable in policy terms.

There have been many comments received in opposition to plot sub-division. Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it relates appropriately to Plymouth Road. I do not consider that the plot sub-division is of particular detriment such that permission can be refused on that basis. I note that permission was granted in B/1993/0142 for the erection of five dwellings at 27 Plymouth Road referred to as 'The Hollies' which similarly amounts to plot sub-division. I note that the application is a spacious corner plot.

In terms of the layout of the proposal, it would be located between No. 2 Berry Drive and No.1 Blakes Field Drive. It would not conflict with the layout prevalent in the area.

The design of the proposal would consist of a large detached house with a narrow profile and a two storey set forward central range. I note the mix of designs in the area and I do not consider that the proposed design is inappropriate.

I have examined the original consent for the site (B1634) and there are no conditions which would preclude this proposal. I do not consider that the character of the existing property (2 Berry Drive) would be harmed by the proposal. Overall, I consider that the proposal is acceptable in terms of its design, density and layout.

Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. The orientation of the plots is such that there is no conflict in terms of the requirements of Figure 14 of SPG1. The proposal is positioned to the front of a long driveway leading to No. 25b. In any event, the retention of the hedge on Plymouth Road mitigates any impact. There is a 45m separation distance to No. 23 opposite. There is 40m to No. 1 Blakes Field Drive.

The comments received from 4 Berry Drive are noted. However, any windows on the proposed dwelling are located between 46m and 52m from windows on No.4. This is twice the standard distance of SPG1 and the angle is oblique. I note that there are no windows main living room windows facing in the direction of No. 4 and in any event, there is screening and only oblique views would be afforded.

In terms of amenity space for the dwelling, the proposal would exceed the requirements of paragraph 9.0 of SPG1.

Overall, the proposal conforms with the advice of SPG1 and or with the requirements of policy S7 (e).

Other Issues

This proposal would not result in the removal of dwellings and thereby the issue of harm to bats would not arise. I note that a bat survey is presented with the application. There are numerous representations received in respect of trees, hedges and ecology. I note that most of the trees on the site are being retained and the part of the hedge removed on Plymouth Road amounts to 2m out of a total length of 63m. There is no objection from the Tree Officer.

The site is below the threshold for the provision of an open space contribution. The history of the site indicates little likelihood of contamination and there is no objection from Environmental Health. The representations raised concerns about drainage. Members should note that a Water Management Statement has been presented with the application which recommends a Sustainable Urban Drainage System (SUDS). The Drainage Engineer has raised no objection subject to conditions and a Flood Risk Assessment is not warranted at this location. The objections in respect of increased traffic and the impact of construction traffic are noted.

Conclusion

Members should note the number of representations received opposed to the application. However on the basis of the characteristics of the area and on the prevailing policies of the development plan, the proposal is acceptable. I do not consider that there is any harm which would impact negatively on the character of the area, the amenity of residents or on any environmental assets of acknowledged importance. Permission should be granted.

RECOMMENDATION: that permission be **GRANTED** subject to the following conditions:

- C1 (Time Limit)
- C1A (In accordance with Approved Plans)
- C3 (Materials)
- C7 (Foul and Storm Drainage)
- C10 (Landscaping Scheme)
- C13 (Retention of Existing Trees)
- HC4 (Single Access New Footway)
- HC5 (Visibility Splays)
- HC8 (Vehicle Access Construction)
- HC14 (Driveway Gradient)

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 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE1, QE2, QE3.
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, C4, C17, BG4, TR1, TR11.

Others PPS1, PPS3, PPS9, PPG13, SPG1.

Draft CS2 CP18

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.

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
ST. MODWEN DEVELOPMENTS LIMITED AND ST. MODWEN PROPERTIES III SARL 'B'	Re-profiling and re-modelling of site levels, de-culverting of part of the River Arrow and associated infrastructure including construction access As augmented by: Geo-Environmental Additional Information received 30.11.2011 Longbridge East and Part River Arrow, Groveley Lane, Cofton Hackett	EMP LB SETT	11/0882-DMB 24.01.2011

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted - views received 13.12.2011: <ul style="list-style-type: none"> ▪ No objection subject to Conditions relation to: ▪ Access, turning and parking ▪ Wheel washing ▪ Parking for site operatives
HA	Consulted - views received 10.11.2011: <ul style="list-style-type: none"> ▪ No objection
ENG	Consulted 28.10.2011: views awaited.
STW	Consulted - views received 07.11.2011: <ul style="list-style-type: none"> ▪ No objection
CO	Consulted - views received 20.12.2011: <ul style="list-style-type: none"> ▪ No objection
EH	Consulted - views received 11.11.2011: <ul style="list-style-type: none"> ▪ No objection
WRS Contaminated Land	Consulted - views received 19.12.2011: <ul style="list-style-type: none"> ▪ No objection subject to Conditions relating to: ▪ Contamination remediation measures
WRS Air Quality	Consulted 28.10.2011: views awaited.
EA	Consulted - views received 20.12.2011: <ul style="list-style-type: none"> ▪ No contamination subject to Conditions relating to: ▪ Contaminated land remediation
NE	Consulted - views received 04.11.2011: <ul style="list-style-type: none"> ▪ No objection
WWT	Consulted 28.10.2011: views awaited.
Network Rail	Consulted - views received 09.11.2011: <ul style="list-style-type: none"> ▪ No objection
BW	Consulted 28.10.2011: views awaited.
Rights of Way	Consulted - views received 09.11.2011: <ul style="list-style-type: none"> ▪ No objection

Ramblers Association	Consulted 28.10.2011: views awaited.
Birmingham CC	Consulted 28.10.2011: views awaited.
Cofton Hackett PC	Consulted - views received 30.11.2011: <ul style="list-style-type: none">▪ No objection
Publicity	38 letters sent 28.10.2011 (expired 18.11.2011) 3 site notices displayed 17.11.2011 (expired 08.12.2011) 1 press notice published 04.11.2011 (expired 25.11.2011) 1 response received: Barn Green Sailing Club - views received 25.11.2011: <ul style="list-style-type: none">▪ Support scheme▪ This will help with storm water drainage flow across the site and into the River Arrow▪ We are strongly in favour of anything which ensures that as much water as possible feeds into the River Arrow and on into our reservoir at Upper Bittell▪ Some doubts regarding the opening up of the River Arrow regarding rubbish debris and pollution which could affect the reservoir into which the river flows

The site and its surroundings

The application site comprises an area of some 24.99 hectares and forms part of the former car plant. Historically, the application site comprised a number of large industrial buildings. These have now been demolished to enable redevelopment to commence and the site comprises the remains of the hardstanding, building foundations, internal roads and car parking areas. The former industrial site shapes the majority of the application site as a rectangular plot.

The application site abuts the Green Belt and Cofton Park to the south and north-west, and is crossed by the partially culverted River Arrow. In the western section of the application site there is a pond, fed by Cofton Reservoir situated immediately outside the application site boundary to the west. The River Arrow runs across the main part of the site in culvert in a west to east direction. The area surrounding the pond is predominantly woodland, with agricultural land to the south. To the east of the woodland is a former car park.

The central and main part of the site has been cleared of former industrial buildings. It is predominantly flat, with vegetated embankments around the south and west of the application site approximately 8 metres above the main application site. To the north-west the embankment rises approximately 9 metres up to residential properties that border the application site boundary. The north of the application site borders Groveley Lane, where the main access onto the application is located (via retained gatehouse).

To the east of the application site the River Arrow flows out of culvert, under the Lichfield to Redditch cross city railway, with part of the flow passing through filter beds. Further to the west the application site is made of predominantly wet woodland. Residential properties dominate the land use in areas to the west and north east, the Lichfield to

Redditch Cross City land runs parallel to the main eastern application site boundary, whilst industrial uses lie adjacent to the north across the B4096 Groveley Lane. Beyond the railway line to the east of the application site, a number of existing employment units form part of the Cofton Centre.

The site is located in an employment zone.

Proposal

The application relates to a full application for site level reprofiling and remodelling works, deculverting of part of the River Arrow and associated infrastructure, including construction access from Groveley Lane.

The proposals aim to restore the more natural levels of the site's slope which historically was cut out of the hill side to accommodate the large level footprint of the former factory buildings. This would allow for an improved environment for the future residential development of the site, removing the site's steep boundary embankments that may otherwise be difficult to maintain, manage and secure in any later development.

The proposals also include the deculverting of part of the River Arrow through the site, creating a new open watercourse through the central part of the site. New culverts are proposed to replace existing culverts, connecting the proposed open watercourse to its source further west, near Cofton Reservoir.

Taken together, the reprofiling and remodelling works, along with the works to the River Arrow, will prepare the site for its future residential development, creating site levels and a profile which will be suitable to build on. The two existing areas of Green Belt at the southern and western areas of the application site will not be affected by the reprofiling and proposed site levels.

Differences to the 2009 Consent Approved Under B/2008/0333

For the reference of Members, in principle the proposals remain consistent with the 2009 permission in terms of the general approach to remediate the site and provide for the opening up of part of the River Arrow and new site levels which will facilitate the future development of the site.

The current application proposals, however, now incorporate a more extensive level of re-profiling, fully re-instating the original hill side and natural site levels across the site whereas the previous permission only provided for a more modest site re-profiling and still resulted in steep embanked sides to the site.

The consequence of this is that more material needs to be brought to site from other parts of the Longbridge regeneration area, with consequential increases in HGV traffic, albeit on a temporary construction basis. The resultant development arising from the current proposal will result in a more coherent base for future development by eliminating the need for steep embankments around the perimeter of the site. The scheme also includes a new access onto Groveley Lane which will assist in construction access. Focusing on the current application in further detail:

Reprofiling and Remediation Works

Alternative proposals for site reprofiling and remodelling and deculverting part of the River Arrow were granted planning permission in 2009 (reference B/2008/0333) (albeit to a lesser extent). However the revised proposals submitted under the current application now co-ordinate with and facilitate the required site profile to deliver the latest scheme for the residential redevelopment of the site which has been submitted under separate applications (site wide outline application 11/0748 and the full planning application relating to Phase 1 only under reference 11/0750). For the reference of Members both these applications are currently being considered. For clarity, the proposals submitted under this application replace those approved in 2009 under application B/2008/0333.

The proposed reprofiling will require a cut and fill programme to re-instate the site slope. Suitable materials on site will be re-used in the cut and fill operation to establish the new slope. These materials include crushed brick, crushed concrete, metal and glass. The best opportunity for this is from the use of crushed brick and concrete as fill material and capping layers in roads and hard standings. Contaminated materials will also be assessed to determine whether they are suitable for re-use following appropriate remediation to remedial targets. Following appropriate remediation techniques, such material will be used as fill but where contaminated materials are not suitable for re-use they will be removed off site and disposed of to an appropriately licensed facility.

In addition to achieve the full extent of the naturalised slope of the site, up to 60,000m³ of suitable material will need to be imported from the wider Longbridge regeneration sites.

The main area is predominantly flat, partly in cutting to the surrounding topography, with an existing level of 170 AOD. Existing levels surrounding the main plateau fall to 166 AOD to facilitate the railway underpass. Proposed levels will vary across the site, the levels range from the tie in to existing levels along the eastern boundary adjacent to the railway line (ranging along the eastern boundary from 163.913m AOD to 169.755 in the north and 166.45 to 166.197m AOD to the south) to the raised site levels along the western boundary which tie into the embankment (ranging along the western boundary from 177.208 to 177.747 to the north and 177.494 to 178.224m AOD along to the south).

Levels will vary along the western boundary by up to 5 metres adjacent to the Parsonage Drive back gardens (existing base of embankment is 169.836m AOD, the proposed levels will raise to 174.533m AOD, which then ties in to the existing 176.634 level at the top of embankment), and up to 11 metres along the south western boundary (from existing base of embankment 170.725 to 181.00m AOD) adjacent to the agricultural land to the west. The range in levels from the raised ground along the west to the existing levels along the east will form a graded plateau across the site which will set development platform levels.

Localised soil and groundwater contamination issues have been identified at the site and have been the subject of ongoing remediation works. These works are continuing on site in accordance with Geo-Environmental and Remediation Strategies which have been the subject of discussions with the Environment Agency and Regulatory Services. Ground investigation at the site has identified a number of localised contaminants present (within the soils, surface water and groundwater) which are considered to have the potential to constrain the development unless remediated. Contaminants such as hydrocarbons and PAHs (Poly-Aromatic Hydrocarbons) would appear to relate to the historical use of the

site, for example in areas of underground and above ground storage and holding tanks. Localised hot spots of arsenic and copper are distributed randomly throughout the site.

The overall philosophy for remediation of the site is severance of Source-Pathway-Receptor linkages, primarily by means of the removal of significant sources of contamination from the sub-surface. This will be based on an over-dig strategy for selected parts of the application site as part of the cut and fill earthworks and free phase removal with localised shallow groundwater treatment where required.

Access

A new access is proposed to the site from Groveley Lane. This will be used in conjunction with the existing access leading off Groveley Lane for construction purposes. There will be no construction traffic accessing the site from any location other than Groveley Lane. There will be no HGVs accessing the site via Parsonage Drive.

The reprofiling and remodelling works themselves will largely be self contained on site. However, as detailed above in order to reinstate the full quantum of material to achieve the full naturalised slope, material is required to be transported from Longbridge West and Longbridge South to the application site. No material will be brought in from other external sources. The movement of this material will be undertaken by Heavy Goods Vehicles (HGV) with an estimated capacity of 8m³ per vehicle amounting to 22 HGV movements per day (44 return journeys) over the 360 working-day period (72 weeks). This period, however, is likely to overlap with the construction phases of other proposed residential development on the site.

To limit the impact of HGV movements on peak period traffic, the Construction Traffic Management Plan will restrict delivery of these materials outside of peak periods and therefore between 09:00 and 17:00. A Route Plan has been produced as part of the Construction Traffic Management Plan outlining the required delivery route for HGVs. It includes A38 Bristol Road South, Lickey Road and Lowhill Lane.

River Arrow Enhancement Works

The proposed include the formation of the new River Arrow open channel and the new outfall and associated culverts. The existing overflow from the pond, which sources the River Arrow and feeds the existing culvert which flows beneath the application site, will be replaced with a new outfall. The new outfall from the pond will be constructed in a location that allows better access for maintenance and facilitates a more suitable route for the new open channel across the application site. The outfall will feed a new 900mm diameter conduit, which will be laid at a shallower depth through what is currently the upper car park (immediately to the east of the woodland) (the existing culvert is approximately 8-10 metres deep).

The de-culverting of the River Arrow will restore it to a more natural open watercourse. A new headwall will be constructed where the river exits the 900mm diameter conduit and moves into an open channel. This new river alignment has been sized to convey all flows from the upstream catchment, including allowance for the Cofton Reservoir spillway during a 1 in 1000 year event.

The new open watercourse is proposed to meander through the site, discharging to the existing culvert under the railway line via a reprofiled riverbed. To the east of the railway line, flows will continue downstream towards the Bittell Reservoirs and the River Avon catchment.

The application has been accompanied by the following documents:

- Environmental Information Report containing the following aspects:
- Biodiversity
- Noise and vibration
- Air quality
- Traffic
- Archaeology
- Materials management and reuse

In addition to the above, the report also includes in its appendices and cross references to other supporting information including:

- **Geo-environmental information and Site Remediation Strategy**

Remediation of the site has been in progress for a number of years, addressing historic contamination and readying the site for its future residential redevelopment. The remediation of the site has been progressing in line with discussions and agreement with the Environment Agency and the District Council's Environmental Health Department and will continue as part of these reprofiling and site remodelling works.

- **Flood Risk Assessment and Drainage Strategy**

Co-ordinating with site wide and phase one proposals for the redevelopment of the site, the Flood Risk Assessment and Drainage Strategy demonstrate how the proposals appropriate manage water resources.

- **Construction Environmental Management Plan**

The development is to progress in accordance with a Construction Environmental Management Plan (CEMP) and this is included in the application. The CEMP will ensure that site works are progressed sympathetically and to agreed good practice to ensure that the potential, adverse impacts of the construction period, albeit being temporary, are minimised as much as possible.

The CEMP gives consideration to the following matters, amongst others, and sets out appropriate mitigations in relation to:

- Hours of construction and site working activities
- Means of access to the site
- Arrangements for construction works
- Noise and dust mitigation measures
- Protection measures for ecological interests and trees
- Routing plans and timing arrangements for construction and site fill materials

Members are encouraged to review all submitted documentation. All submitted information is available to view in full online via the Council's Public Access system or within the planning application file.

Relevant policies

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14, CTC.17, CTC.18, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, S39, TR1, TR11, TR12
Others	PPS1, PPG2, PPS4, PPS5, PPS9, PPG14, PPS23, PPG24, PPS25, Circular 06/05, Longbridge Area Action Plan

Recent relevant planning history

11/0750	Erection of 229 residential dwellings comprising 110 x 4 bed units, 82 x 3 bed units and 37 x 2 bed units. Neighbourhood park, children's play area, associated landscaping and access works (full): pending
11/0748	Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, demolition of existing buildings and site re-profiling, access, parking, landscaping and associated development infrastructure (outline): pending
B/2008/0529	Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline): pending
B/2008/0333	Site Re-modelling, Re-profiling and alterations to River Arrow and culverts: approved 18.03.2009

Notes

I consider the main issues relating to this application are:

- need for the development
- highway impact and highway safety
- visual impact
- noise and dust generation
- ecological impact (with particular regard to the River Arrow)
- groundwater protection
- impact on residential amenity

Re-Profiling and Remediation Works

Policy ES16 of the Bromsgrove District Local Plan refers to development proposals involving the reforming of land. This policy states that such proposals would be considered against the relative benefits and dis-benefits of the proposal taking into account various factors such as the number of vehicle movements, effect upon landscape and the impact upon the amenities of local residents.

The majority of the scheme involves the re-profiling of the existing land levels with a cut and fill exercise. The works form part of the re-development of the site and relate directly to the pending site-wide outline application (11/0748) and pending full planning application for Phase 1 (11/0750). As such I am of the view that the objective of re-profiling the site is considered to be acceptable in principle (Members will be mindful of the approval in 2009 for the previous application submitted under application reference B/2008/0333) and I am satisfied that the volume of fill is necessary to achieve the required levels. The de-contamination of the site is in line with the content of the AAP.

The alignment of the culvert running through the site arises from the aim for it to follow the roads within the new housing development proposed for the site (enabling it to be accessible for maintenance as it cannot go under any building. I raise no concern over this approach.

Members will note the Environment Agency and the Contaminated Land Officer have raised no objection on contaminated land and culvert alignment issues, subject to the imposition of suitable Conditions.

Concerning the potential impact on amenity, I note the site is bounded by residential dwellings to the western boundary (Parsonage Drive/Oakfield Drive/The Grove), with the rear garden curtilages of these properties backing onto the application site. It is inevitable that works to remediate and re-grade the site will create disturbance to the occupiers of these dwellings and is likely to cause some harm to local amenity in the short term. I am of the view, however, that the Construction Environmental Plan (CEMP) accompanying the application can be suitably conditioned to ensure the applicant complies with the mitigation measures set out in this document. Such measures relate to controlling factors such as working hours and dust generation.

Members will note the eastern, southern and western boundary of the site forms the edge of designated Green Belt as detailed in the Bromsgrove District 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. Given the previous use of the site, the employment status of this site and the relative small change in contouring, I am of the view that the scheme would have limited harm to views out of the Green Belt in this location.

WH has raised no objection to the scheme, subject to suitable Conditions relating to access arrangements and wheel washing to serve the site. I would therefore suggest the proposal complies with policy ES16 of the BDLP.

Ecological Issues

In relation to ecological issues, the previous scheme was accompanied by an extended Phase 1 survey was conducted on the site at an early stage in 2005 which was subsequently updated in 2007. An updated Ecological Appraisal has been submitted with the current application. There is one statutory conservation sites within the zone of influence with the potential to be affected by the proposed development, namely Bittell Reservoirs SSSI which is of national ecological importance. There are four non-statutory sites within the potential zone of influence of the proposed development. The previous ecological field surveys in relation to the 2008 application recorded the following main habitat types within the application site: harstanding and buildings, woodland and scrub, individual trees and hedgerows, semi-improved grassland, open water and swamp. Updated specific species surveys have been undertaken for bats, badgers, great crested newts and reptiles. Surveys found a low level of use of the former car plant site as foraging habitat for the Common and Soprano Pipistrelle and Noctule bat. Badgers have been identified as active within the application site. The applicant has submitted a license application to Natural England in relation to the Badger sett. Great Crested Newts and reptiles are not a constraint to the proposed re-profiling.

Section 5 of the submitted Longbridge East: Site Re-Profiling and remodellings: Supporting Environmental Information (September 2011) document details proposed mitigation measures to ensure the development meets the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests. Re-profiling will be controlled by means of a CEMP, which will prevent damage to valuable habitats and harm and disturbance to protected species. Where protected species impacts have been identified mitigation will include method statements to be developed within Natural England licence applications, where required, and the implementation of mitigation to minimise potential impacts. Planting of species along the western boundary of the site will be undertaken in line with this application to allow early establishment of species in line with the landscape strategy for the future site end uses.

Subject to a suitable Condition to ensure such mitigation measures are complied with, I consider the scheme to be acceptable in this respect.

Heritage Asset Issues

There are not listed buildings or Conservation Areas within the application site boundaries. There are no Conservation Areas adjacent the site. The following five listed structures are located to the south of the application site:

St Michael's Church, Cofton Church Lane (Grade II*)
Medieval cross in the churchyard of St Michael's Church (Grade II)
Chest tomb in the churchyard of St Michael's Church (Grade II)
Cofton Barns, Cofton Church Lane (Grade II)
Cofton Hall, Cofton Church Lane (Grade II*)

It is considered that the development will not have any significant impact on the listed buildings. The site is located approximately 150 metres from the nearest listed building, St Michael's Church. The proposed change in levels to the southern section of the

application site is not significant and landscape screening is proposed to be retained fronting Cofton Church Lane.

Conclusions

The proposal will enable this previously developed site to be put to a beneficial use and forms part of the wider strategic redevelopment of the former Longbridge sites. Having regard to the provisions in the development plan, so far as, material to the application and to all other material considerations, I consider that the proposal is acceptable and therefore recommend that permission is granted.

RECOMMENDATION: that permission be **GRANTED**

1. C99 (3 years)
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

- Existing Site Contours - PJF066-P006-002
- Proposed Contours Sheet 1 of 2 - PJF066-P006-004 rev A
- Proposed Contours Sheet 2 of 2 - PJF066-P006-005 rev B
- Section Location Plan - PJF066-P006-006
- Site Cross Sections Sheet 1 of 2 - PJF066-P006-007 rev A
- Site Cross Sections Sheet 2 of 2 - PJF066-P006-008 rev A
- Proposed Culvert Details - PJF066-P006-009
- River Arrow Long Section - PJF066-P006-010
- River Arrow Cross Sections 1 of 6 - PJF066-P006-011
- River Arrow Cross Sections 2 of 6 - PJF066-P006-012
- River Arrow Cross Sections 3 of 6 - PJF066-P006-013
- River Arrow Cross Sections 4 of 6 - PJF066-P006-014
- River Arrow Cross Sections 5 of 6 - PJF066-P006-015
- River Arrow Cross Sections 6 of 6 - PJF066-P006-016
- Culvert Outfall into open River Arrow channel - PJF066-P006-017
- Site cross sections North/South 1 of 2 - PJF066-P006-018 rev A
- Site cross sections North/South 2 of 2 - PJF066-P006-019 rev A
- Retaining Structure sections and illustrative planting - PJF066-P006-020
- Weir Detail Pond into culvert source - PJF066-P006-021
- Longbridge East Proposed construction site access - PJF066-P006-024

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The approved remediation scheme must be carried out in accordance with the document Longbridge Redevelopment Remediation Strategy (July 2008) and the document St Modwen Developments Limited Remediation Strategy and Outline Method Statement, Longbridge East Phase I Remedial Works (October 2011) prior to the commencement of development, other than that required to carry out remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan.

4. Following the completion of the measures identified in the approved remediation scheme set out in the document Longbridge Redevelopment Remediation Strategy (July 2008) and the document St Modwen Developments Limited Remediation Strategy and Outline Method Statement, Longbridge East Phase I Remedial Works (October 2011), a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan.

6. The development hereby approved shall be implemented in accordance with the approved Construction Environmental Plan (CEMP) without deviation.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan and to ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan.

7. Notwithstanding Condition 7 and the content of the Construction Environmental Management Plan (CEMP), the hours of operation for the re-profiling works and remediation works hereby permitted shall be 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays. No operations are to take place

whatsoever on Sundays or Bank Holidays. No vehicles whatsoever shall arrive at the site and no operations pertaining to the works hereby permitted shall be carried out on the site outside of these hours.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan

8. Notwithstanding the mitigation measure for dust control detailed in Section 6 of the document Longbridge East: Site Re-Profiling and remodellings: Supporting Environmental Information (September 2011), dust control measures shall be achieved through compliance with the content of the *London Best Practice Guidance: The control of dust and emissions from construction and demolition* (November 2006). These measures shall be fully implemented prior to the development commencing and for the duration of the works hereby approved.
Reason: To safeguard nearby residences from undue dust generation in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan
9. Noise mitigation measures shall be achieved through implementation of the recommendations in Section 5 of the document Longbridge East: Site Re-Profiling and remodellings: Supporting Environmental Information (September 2011).
Reason: To safeguard nearby residences from undue noise in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan.
10. Before any materials are brought on to the site or any development commenced the developer shall erect protective tree fencing in relation to retained tree specimens as illustrated by BS 5837:2005 Fig 2 on a line concurrent with Section 5 of BS 5837:2005 The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policy DS13/C17 of the Bromsgrove District Local Plan and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan.
11. Mitigation measures for biodiversity shall be carried out without deviation in accordance with Section 5 of the document Longbridge East: Site Re-Profiling and remodellings: Supporting Environmental Information (September 2011).
Reason: To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan
12. No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with the Written Scheme of Investigation (WSI) produced in June 2011. The WSI shall be submitted to and approved by the Local Planning Authority.
Reason: To protect features of archaeological interest in accordance with policy C38 of the Bromsgrove District Local Plan and policies CTC.17 and CTC.18 of the Worcestershire County Structure Plan

13. All vehicular access to the site and operations hereby permitted in relation to the remediation and re-profiling of the site shall be gained via the existing access or proposed access off Groveley Lane.
Reason: In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan and policy T.1 of the Worcestershire County Structure Plan.
14. HC25 (modified): The access hereby permitted shall not be brought into use until it has been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority.
Reason: In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan and policy T.1 of the Worcestershire County Structure Plan.
15. HC44 (wheel washing)
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety
16. HC51 (parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety

Notes

No work on the proposed site access should be commenced until its engineering details have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

The applicant is advised to apply for a temporary access under Section 184. The Highways Act 1980 to allow a sacrificial construction to be used so that the site re-engineering works can commence and the permanent access be installed under either the full or outline application and will still provide the access as per this application.

Details of the River Arrow cascade, cascade to tie into the existing railway culvert, the future footway access and the future bridge edge restraint/railing and concrete headwall finish shall be submitted to the Local Planning Authority as part of the future landscape strategy.

The applicant is advised to contact the Environment Agency to obtain the necessary Waste Management Licence or a formally registered exemption.

Under the terms of the Land Drainage Act 1991, the prior written consent of the Environment Agency will be required for any proposed works or structures (that is, culverting, diversion, etc.) that will affect the flow of water in the River Arrow (designated an ordinary watercourse in this location).

As part of the consent applications some further detail on the watercourse works will be required and the following points on the submitted drawings will need to be addressed:

- (1) Where the new open watercourse is culverted under the access road there will need to be a properly constructed lead in for the river bed so that it is level with the soffit of the pipe, to prevent scour.
- (2) The applicant has included details of the new overflow structure from the pond at the extreme west of the site. The larger the entry screen to this structure is, the less often it will need to be raked clear. Also, the drawings show a change in direction in the screen where a reinforcing bar crosses the frame. This will prevent easy raking of the screen. The applicant may be better off using a single face with no intervening bars.
- (3) The EA will need to see details of how the new watercourse will tie into the existing culvert under the railway.
- (4) A planted slope is proposed as a buffer between the back gardens of the houses on Parsonage Drive and the new development. The EA suggests a French toe-drain at the toe of that slope to convey rainwater away and prevent soggy ground at the bottom of the slope.
- (5) Some detail is shown of the new access opposite Cofton Park. The EA are aware that there have been some flooding problems at the east corner of the park which have been predicted by the EA areas susceptible to surface water mapping. The EA are aware that this water drains into a culverted watercourse under the north of the development. The design should ensure that overland flows can get into this pipe easily without flooding Groveley Lane and the new development.

The applicant should contact Dave Hughes in the Development and Flood Risk Team on (01543) 404899 to discuss the consenting requirements in more detail and to apply for consent.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

Duty of Care Regulations 1991
Hazardous Waste (England and Wales) Regulations 2005
Waste Management Licensing Regulations 1994 (as amended)
Pollution Prevention and Control Regulations (England and Wales) 2000
Landfill (England and Wales) Regulations 2002

Only clean, uncontaminated rock, subsoil, brick, rubble and crushed concrete should be used as fill material on site.

The applicant 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 delays.

The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside

and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover an additional cost of road maintenance due to damage by extraordinary traffic. Prior to the commencement of works the applicant and representatives of Worcestershire County Council, as the Highway Authority shall carry out a joint road survey/inspection on the roads leading to the site. Any highlighted defects shall be rectified to the satisfaction and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of the development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

The applicant/developer is advised to contact Mr Des Harris, Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways Code of Practice for Works affecting British Waterways.

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the applicant should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

The applicant should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. The applicant is to reimburse Network Rail the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to carry out any necessary emergency work on the site at the applicant's expense should this become necessary.

No piling over the tunnel. Border piles as part of an independently supported structure clear from the tunnel may be acceptable, but the piles must not be closer than 5, from the outside face of the tunnel structure and have full bearing below invert levels, unless with the prior approval of Network Rail's Engineer.

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur.

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, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14, CTC.17, CTC.18, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, S39, TR1, TR11, TR12
Others	PPS1, PPG2, PPS4, PPS5, PPS9, PPG14, PPS23, PPG24, PPS25, Circular 06/05, Longbridge Area Action Plan

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.

PLANNING COMMITTEE

9th January 2012

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	Catshill; Drakes Cross and Walkers Heath
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

1.1 To note several planning appeal decisions which have recently been received.

2. RECOMMENDATION

2.1 Members are requested to note the report and accompanying appendices detailing the issues and conclusions in each case.

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications arising from this report

Legal Implications

3.2 There are no legal implications arising from this report.

Service / Operational Implications

3.3 The appeal decisions are as follows:-

Name of Appellant	Plan Ref. / Proposal / Decision
3.3.1 Mr. N. Pocrnic	11/0533-HR - Proposed 45° pitched roof to a permitted development outbuilding certified lawful under ref.: 11/0194-TC - Batemans Green Farm, Batemans Lane, Hollywood, B47 5DE - See APPENDIX 1 Refused: 12th August 2011 Appeal decision: dismissed - 10th November 2011

**PLANNING
COMMITTEE**

9th January 2012

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.2	Mr. A. Neale	11/0182-SC - Proposed construction of five two-storey, two-bedroom dwellings - Land to the side and rear of 52 Chadcote Way, Catshill, Bromsgrove, B61 0JT - See APPENDIX 2 Refused: 2nd March 2011 Appeal decision: dismissed - 21st November 2011

Customer / Equalities and Diversity Implications

3.4 There are no customer / equalities and diversity implications arising from this report

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

Appendix 1 - Appeal report for 11/0533-HR - Batemans Green Farm, Batemans Lane, Hollywood, B47 5DE

Appendix 2 - Appeal report for 11/0182-SC - Land to the side and rear of 52 Chadcote Way, Catshill, Bromsgrove, B61 0JT

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate dated 10th and 21st November 2011.

AUTHOR OF REPORT

Name: Andy Stephens
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Tel.: 01527 881410

Appeal made against the refusal to grant planning permission

Appeal reference	APP/P1805/D/11/2161213
Planning Application	11/0533-HR
Proposal	Proposed 45° pitched roof to a permitted development outbuilding certified lawful under ref.: 11/0194-TC
Location	Batemans Green Farm, Batemans Lane, Hollywood, B47 5DE
Ward	Drakes Cross and Walkers Heath
Decision	Refused (Delegated decision) - 12th August 2011

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.rajwanshi@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a 45° pitched roof to an outbuilding being constructed under Permitted Development (certified lawful under ref.: 11/0194).

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. It is considered that the proposal is inappropriate development in the Green Belt because the impact of the proposal would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policy DS2, and S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of SPG7 and the guidance contained in PPG2. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

The Inspector found the main issue to be its Green Belt location and:

- Whether the proposal constitutes inappropriate development in the Green Belt;
- Whether the proposal would harm the visual character of its local surroundings; and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Proposal

The applicant has already obtained a Certificate of Lawfulness for a replacement garage to be built under Class E, Part 1, of The Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal is to add a 45°

pitched roof to the existing development. The application site falls within the Green Belt.

Discussion

The Inspector explains the fact that the roof itself would be no increase in the floor space is irrelevant to the assessment of inappropriateness. The crucial consideration is that if the building had not been permitted development and an application was required, then it would have been considered inappropriate development. As it stands, the permitted development building itself, irrespective of the pitched roof, will now be calculated towards the 40% allowed under SPG7 in the Green Belt. This results in an increase in the floor space of the original dwelling by 115%. This would be well over twice the maximum 'proportionate' increase (40%) referred to in SPG7. It is therefore concluded, on this point, that the appeal development, as a result of previous extensions and buildings, is inappropriate development in Green Belt policy terms.

The Inspector is in agreement with the Council's view that the appeal development would in terms of its character, appearance and design be compliant with the relevant provisions of SPG1 (Residential Design Guide) and Local Plan policies DS13 and S11. The pitched-roofed building can be seen from Packhorse Lane largely against the backdrop of the pitched-roofed of the existing dwelling, and would also relate satisfactorily to other pitched-roofed dwellings close by in Packhorse Lane. It is therefore concluded, on this point that the appeal development would result in no material harm, to the visual character of its surroundings including the street scene in Packhorse Lane.

The Inspector notes that the proposed development would result in a small increase in the bulk beyond that of the Permitted Development building, thus there would only be a small reduction of the openness of the Green Belt in this locality. No other harm has been identified.

The applicant put the case forward that a building with a more pronounced pitched roof would be more preferable in design and impact terms than one with a truncated or more shallow-pitched roof as a very special circumstance. However, the Inspector considers that there is no evidence available to make the appellant's point a telling one. Although it is noted that the building which the garage is replacing had a pitched roof facing the highway, that building was much smaller than the replacement which is to be constructed under Permitted Development, either with or without the pitched roof for which permission is now sought. It is therefore concluded, on this point that the case put forward by the appellant does not carry significant weight as to clearly outweigh the harm that would be done to the Green Belt by virtue of inappropriateness and loss of openness and thus constitute very special circumstances justifying planning permission.

In conclusion

Both the Inspector and the Council agree that the appeal development would result in no loss of amenity for neighbouring residents. However, this finding is not considered sufficient to outweigh the other two issues in relation to the Green Belt. The proposal is

considered as inappropriate development in the Green Belt that would injure the visual amenities of the Green Belt. Other considerations put forward as very special circumstances do not exist to justify this inappropriate development.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (10th November 2011).

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2158231
Planning Application	11/0182-SC
Proposal	Construction of 5 no. 2 storey 2 bed dwellings on land to the side and rear with revised access from highway (plans as amended 09.06.2011 and 13.06.2011 realigning Plot 1 adjacent No. 52 and reducing height of Plots 2 - 5)
Location	Land to the side and rear of 52 Chadcote Way, Catshill, Bromsgrove, B61 0JT
Ward	Catshill
Decision	Refused by Planning Committee - 18th July 2011

The author of this report is Stuart Castle who can be contacted on 01527 88131339 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for five, two-storey, two-bedroomed houses on land to the rear and to the side of 52 Chadcote Way.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. The number of proposed dwellings and their layout would result in the overdevelopment of the site, creating a cramped and contrived form of development of an inappropriate design harmful to the established character of the local area. This would adversely affect the appearance and amenities of the surrounding area and is contrary to policies DS13, S7 and S8 of the Bromsgrove District Local Plan 2004, policy CTC.1 of the Worcestershire County Structure Plan 2001, Supplementary Planning Guidance Note 1: Residential Design Guide and the principles of good design advocated in Planning Policy Statement 1 and Planning Policy Statement 3.
2. The proximity of the proposed dwellings to the neighbouring properties would create a visually intimidating affect, would unduly harm the outlook, privacy and amenities of the neighbouring properties and fails to meet the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide. The development would therefore be detrimental to the amenities of adjoining occupiers and is contrary to policies DS13 and S7 of the Bromsgrove District Local Plan 2004.
3. The proposal would lead to unacceptable traffic implications and negatively impact on the amenities of existing residents by virtue of exacerbating the on-road parking issues inherent in Chadcote Way contrary to policy T.1 of the Worcestershire County Structure Plan, policy DS13, criterion (h) of policy S7 and

policy TR11 of the Bromsgrove District Local Plan and the guidance contained in PPS1, PPS3 and PPG13.

The Inspector found the main issue to be its Green Belt location and:

- The effect of the proposed development on the visual character of its surroundings, including the street scene in Chadcote Way.
- The effect on the amenity of neighbouring residents in terms of noise, privacy, sunlight, daylight and outlook.
- The effect of vehicular traffic associated with the development on parking and general road safety conditions in Chadcote Way.

The Proposal

It is proposed to erect 5 no. 2 bedroom dwellings on the site. A detached dwelling would be accommodated to the west of the site adjacent to number 52 Chadcote Way, and a terraced development comprising four units would be erected towards the eastern end of the site. All of the units would be for sale on the general market.

Discussion

The appeal proposal represents the response to an earlier refusal of planning permission for the erection of five dwellings on the appeal site. The most obvious change to the previously-submitted scheme has been the relocation of Unit 1 in the development from a position near the Chadcote Way road frontage, to a position close to the northern gable end wall of 52 Chadcote Way, allowing for a realignment of the proposed access road to create optimum conditions at the junction of the access road with Chadcote Way.

However, the Inspector considers that this amendment would result in an unsatisfactory feature of the frontage development. When viewed from the street, the proposed narrow fronted house would assume an unduly cramped position set back slightly from but very close to No. 52. The new dwelling would be out of proportion with No. 52 and would by reason of its unduly tight relationship with the existing house disrupt the rhythm of dwellings fronting the street on its eastern side.

The Inspector is satisfied that the appeal site has the general characteristics of a 'backland' site. However, this form of development does not comply with the saved policy S8 regarding plot sub-division. Although the Units on Plots 2 - 5 to the rear of 52 Chadcote Way would occupy the greater part of the width of the site in that location and thus would have little effect on the street scene in Chadcote Way due to the distance from that road, they would, in their compact terraced block formation, appear uncharacteristic with the spacious ambience of the backland area between the dwellings on Chadcote Way and those on Wildmoor Lane. Therefore the new infill development could not be described as integrating closely with the surrounding housing layout.

On this point, it is concluded that the appeal development would harm the street scene on Chadcote Way and the visual character of the area enclosed by the dwellings on Chadcote Way, Springs Avenue and Wildmoor Lane.

With regard to residential amenity, the Inspector is content that the separation distances between proposed Unit 1 and 52 Chadcote Way, between those dwellings and proposed Units 2 - 5 and between Units 2 - 5 and 35a Wildmoor Lane would be sufficient to ensure no general loss of privacy for existing neighbouring residents to any material extent. The separation distances would comfortably exceed the 21 metres minimum separation distance for two storey conventional dwellings set out in the Residential Design Guide (SPG1).

In contrast, the relationship between the terraced block of Units 2 - 5 and the existing houses at 1 - 23 Springs Avenue would be more sensitive. It is the Inspector's opinion that whilst the proposed access way would introduce new and potentially noisy activity from the passage of motor vehicles, any disturbance would be slight and intermittent and any resultant loss of amenity; for example, in the enjoyment of their back gardens; would not be serious or sustained.

The recommended separation distance between façade windows and blank walls in SPG1 is 12.5 metres. The Inspector notes that the distance between the proposed Unit 5 and the gardens of 1 and 1b Springs Avenue would fall short of the recommended separation distance. Despite the fact that the gable wall of Unit 5 would be of a lesser scale than the sectional profile of Units 3 and 4, it would nevertheless, result in quite a dominating presence for anyone standing in the rear gardens of Nos. 1 and 1b. As the proposed gable wall of Unit 5 would be sited to the south of the gardens under consideration, it would have the potential to cast a shadow over at least part of the rear gardens. That potential would be at its greatest during the winter months when the elevation of the sun is at its lowest.

On the point of residential amenity, the Inspector is satisfied that the proposed development would result in a material loss of amenity for the occupants of 1 and 1b Springs Avenue, in terms of visual over dominance and a loss of sunlight to those properties.

Finally, the Inspector acknowledges that street parking occurs on Chadcote Way. At least one and, in some cases, two parking spaces would be provided for each of the proposed dwellings. The parking court and access way leading to it would be of limited capacity to accommodate additional parking demand from visitors or service vehicles. It is therefore accepted that in these circumstances the appeal development could generate some demand for parking space on Chadcote Way itself and exacerbate parking conditions on the public road at times of heavy parking demand. However the Inspector is not convinced that conditions would be so worsened as to endanger the safety of road users.

The Inspector therefore concludes that whilst there might be some residential amenity impact from on-street parking, the access to the site has been designed to meet professional engineering standards and there is no convincing evidence that the

proposed development would have any material effect on the safety of road users on Chadcote Way.

In conclusion

The Inspector is satisfied that although the appeal development would not be built on land that is previously-developed, the development would satisfy sustainable development objectives, insofar as the site is in an urban area and in a location accessible to regular public transport services. However, the conclusions reached on the first and second main issues in this appeal, which take into consideration the representations of neighbouring residents, outweigh all other matters raised.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (21st November 2011).

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.