



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH DECEMBER 2009
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

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

AGENDA

1. 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 2nd November 2009 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 09/0618-DK - Erection of 4 no. 1-bedroom flats and a 2 bedroom house with associated garages and parking - Land At Forest Way, Hollywood - Bromsgrove District Housing Trust (Pages 5 - 18)
6. 09/0680-DK - Erection of 5 no. dwellings (approval of reserved matters) - 27 Hollywood Lane, Hollywood - Mr. P. Lane (Pages 19 - 30)
7. 09/0713-CE - Proposed annexe building to provide specialist living accommodation for disabled family member - The Granary, High House Farm, School Lane, Alvechurch - Mr. T. D. Hosking (Pages 31 - 42)

8. 09/0714-CE - Proposed extension to form bespoke living accommodation for disabled family member - The Granary, High House Farm, School Lane, Alvechurch - Mr. T. D. Hosking (Pages 43 - 50)
9. 09/0758-CE - Erection of a stable block with associated parking and turning area and change of use of land to mixed-use Agricultural/Equestrian - Land At Littleheath Lane, Lickey End, Bromsgrove - Miss A. Baldrey (Pages 51 - 56)
10. Appeal Decisions (Pages 57 - 60)
11. 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
12. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraphs</u>
13	2 and 6
14	2 and 6
15	2 and 6 "

13. Enforcement of Planning Control (Ref.: 20091207-01) (Pages 61 - 66)
14. Enforcement of Planning Control (Ref.: 20091207-02) (Pages 67 - 72)
15. Enforcement of Planning Control (Ref.: 20091207-03) (Pages 73 - 82)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

26th November 2009

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 2ND NOVEMBER 2009

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, E. J. Murray, D. L. Pardoe (substituting for Mrs. J. D. Luck), S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observer: Councillor L. J. Turner

Officers: Mr. D. M. Birch, Mrs. H. L. Plant, Mr. R. Goundry and Mr. A. C. Stephens

76/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss D. H. Campbell JP and Mrs. J. D. Luck.

77/09 DECLARATIONS OF INTEREST

Councillor Mrs. J. Dyer M.B.E. declared a personal interest in planning application reference 09/0680 as she was acquainted with the applicant.

78/09 MINUTES

The minutes of the meeting of the Planning Committee held on 12th October 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

79/09 08/0675-HLP - RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF LIGHTING ON THE GROUNDS OF MEADOWS FIRST AND PARKSIDE MIDDLE SCHOOL, STOURBRIDGE ROAD, BROMSGROVE - BAM CONSTRUCTION LIMITED

The Head of Planning and Environment Services confirmed that the applicant had changed its title from HBG Construction to BAM Construction Limited. He also reported the receipt of an email from a local resident expressing concerns about the proposal, as well as an email, report and plan from the applicant's agent. The description of the development was amended to reflect the changes to the proposals and, consequently, a revision to the proposed conditions was also reported.

At the invitation of the Chairman, Mr. C. Platt addressed the Committee and spoke in objection to the proposals, whilst Mr. D. Green spoke in favour of the application.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services. However, upon being put to the vote, Members considered that the application should be deferred in order that further negotiations between officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the school and to explore alternative lighting solutions for the site.

RESOLVED that consideration of the application be deferred and that, in the meantime, further negotiations between officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the school and to explore alternative lighting solutions for the site.

80/09 **09-0680-DK - ERECTION OF 5 DWELLINGS (APPROVAL OF RESERVED MATTERS) - 27 HOLLYWOOD LANE HOLLYWOOD - MR. P. LANE**

The Head of Planning and Environment Services reported the comments of Worcestershire Highways and the Tree Officer. He also reported the receipt of five additional letters, together with a petition signed by seventeen residents objecting to the use of Hollywood Lane for access to the site.

At the invitation of the Chairman, Mr. B. Stokes addressed the Committee and spoke in objection to the proposals, whilst Dr. G. Wynne spoke in favour of the application. Councillor L. J. Turner also addressed the Committee in his capacity as a Ward Councillor for the area in which the application site was located.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services. However, upon being put to the vote, Members considered that the application should be deferred in order that further consultations be undertaken with Worcestershire Highways, West Mercia Constabulary and the applicant.

RESOLVED that consideration of the application be deferred and that, in the meantime, further consultation be undertaken with -

- (a) Worcestershire Highways, in respect of the issues relating to the adoption of Hollywood Drive;
- (b) the Crime Risk Manager at West Mercia Constabulary, in respect of the design of the proposals to limit or reduce opportunities for crime and criminal activity; and
- (c) the applicant, in respect of the clarification of issues relating to defensible landscaping and the design of the proposed dwelling

referred to as Plot 5, with particular reference to the first floor windows overlooking dwellings in Douglas Road.

81/09 **APPEAL DECISIONS**

Consideration was given to a report which outlined the decisions of several planning appeals which had been received since the last meeting of the Committee.

Councillor P. J. Whittaker referred to the appeal decision in respect of planning reference 08/0727 relating to proposals at Sheltwood Range, Sheltwood Lane, Tardebigge, Bromsgrove. In particular, he questioned whether the Inspector's decision could be subject to a legal challenge in view of it pre-judging the outcome of the consultation period for Phase 3 of the Regional Spatial Strategy. The Head of Planning and Environment Services replied saying that he would seek the views of the Head of Legal, Equalities and Democratic Services to determine whether to make an application for Judicial Review in this case.

RESOLVED:

- (i) that the report be noted; and
- (ii) that the views of the Head of Legal, Equalities and Democratic Services be sought to determine whether to challenge the Inspector's decision in respect of plan reference 08/0727.

82/09 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
83/09	2 and 6

83/09 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Planning Committee held in private session on 12th October 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

The meeting closed at 3.25 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Eamon Thompson, Bromsgrove District Housing Trust c/o Mr Arshad Iqbal, BM3 Architecture Ltd, 28 Pickford Street, Birmingham B5 5QH	Erection of 4 1 bed flats and 2 bedroom house with associated garages and parking LAND AT E:408522 N:276902 FOREST WAY HOLLYWOOD WORCESTERSHIRE B47 5JS	Residential	05/10/2009

'A'

RECOMMENDATION: that permission be **GRANTED**.

At the meeting of the Planning Committee held on the 12th October 2009 Members resolved to defer the determination of the application in order to obtain the views of:

- (i) Worcestershire Highways in respect of parking provision, access and egress from the development, highway safety and the site layout (A)
- (ii) West Mercia Constabulary in respect of the site layout and crime prevention (B)

and that the Head of Planning Environment Services report the matter back to Committee with the findings for further consideration.

Consultations

Wythall PC Consulted: 14.08 Response received: 02.09. as follows:

No objection in principle to the provision of affordable houses. The very strong concerns of existing residents need to be taken into account. Consideration should be given to the fact that there will be an increased number of vehicles and potential parking problems should this application be granted. Also concerned as regards the plan to have a mixed site of elderly/vulnerable and young residents together with the overlooking aspect of the proposed parking court which will seriously affect properties 114/120 and 112/118. We trust all these comments will be considered very carefully when arriving at a decision as to whether or not to grant permission on the application as presented.

WH Consulted 14.08. Response received 24.08 as follows:

No objection to the proposal subject to the following conditions:

HC14 Driveway Gradient

HC25 Access, turning and parking
HC36 Cycle Parking (Multi Unit)
HC 51 Parking for Site Operatives
Travel Plan Condition

Full details of these conditions can be found in the conditions section below.

Re-consulted 15.10. Response received 13.11 as follows:

No objection to the proposal subject to the following conditions:

HC14 Driveway Gradient

HC25 Access, turning and parking
HC36 Cycle Parking (Multi Unit)
HC 51 Parking for Site Operatives
Travel Plan Condition

The following advisories should also be noted:

Section 278 Agreement

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

Section 38 Agreement Details

If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.

Design of Street Lighting for Section 278

The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

West
Police

Mercia 1. I note the type B(1B2P) flat is located next to the sheltered housing scheme. This raises concern around potential noise and anti-social behaviour. In reality the flats are likely to be occupied by younger people with a number of visitors. I ask the question is this the best location for such accommodation?

2. Both type A and B have no side elevation window overlooking the parking area and block of garages. These are areas that could suffer crime and disorder if not overlooked.

3. Consideration should be given to appropriate lighting to reduce the fear of crime.

4. There is no protection from the amenity space and the parking bays. This leaves the parked vehicles vulnerable to damage.

5. The new side entrance to number 76 should be secure. If it is not it increases the risk of burglary to this property, provides a hiding place and easy access to the garage roofs.

ENG

Consulted 14.08. Response received: 23.08

No objection to the proposal subject to the standard drainage conditions and the following advisories:

There is a storm sewer available. However ground and floor levels to the south side of the redevelopment may need to be kept high to maintain a fall to this sewer. No flood risk assessment is warranted. Saokaways are not sufficient. There is no need for attenuation.

The disposal of foul sewage shall be to the existing private BDHT that eventually outfalls to the public sewer in Shawhurst Lane. The floor levels may be critical to achieve a sufficient outfall. The connection is critical and the actual pipework will need surveying to prove the integrity of the pipework/outfall.

Strategic
Housing

Consulted 04.09. Response received: 24.09

The development assists with meeting the need identified in the recent Housing Market Assessment and is particularly welcome in this location as very few properties of any kind become available for re-letting in the Hollywood/Wythall area.

Historically the Council has been unable to meet the needs of single people due to the lack of one bedroom general needs accommodation in the area and have had to under occupy existing stock thus not making best use of a limited resource. This development will help with this issue.

Although only one house is included in this scheme, the impact of Right to Buy has seriously depleted the stock of houses in this area and any addition to the supply that would help meet the need of families with

children that would enable them to move from unsuitable flats is to be supported.

It also assists the Council meet the target set in the Councils Housing Strategy of delivering 400 affordable housing units between 2006/2011.

EHO

Consulted 14.08. Response received: 14.05 summarised as follows:

No objection to the proposed development subject to the following conditions:

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, work must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
2. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
4. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Tree Officer Response received: 07.10
No objection subject to a scheme of replacement planting comprising a minimum of 1x semi-mature Maple tree and 3x semi-mature Cherry trees and conditions C10, C13 - C19.

Natural England Consulted 14.08. Response received 24.09
Natural England have no comments to make on the development proposal.

Worcestershire Wildlife Trust Consulted 14.08. Response received: 24.08
We note the contents of the ecological survey and we do not wish to object to the proposed development. However we would recommend that you append a condition to any permission you may be minded to grant to cover ecological enhancement in line with PPS9 and your duties under the NERC Act 2006. Given the information in the ecological data search we would suggest that enhancement should include appropriate landscaping to augment the existing surrounding features (hedgerow augmentation and open space planting), bird boxes (as suggested by the ecologist) and bat boxes, which should be designed to be integral to the new buildings and associated with the outer edges of the development, where corridors to the wider landscape are available.

Publicity Site Notice posted 20.08, expires 10.09.

Neighbour Notification:

4 letters sent 19.08, expire 09.09.

16 letters sent 21.08, expire 11.09

28 letters received. The concerns raised are summarised below:

- Highway issues – the loss of parking as a result of the development is a significant concern. There appears to be no provision for visitor parking. This is a particular concern in terms of the availability of parking for health workers. The existing parking facility is inadequate. The proposal will result in a requirement for 12 additional spaces as the usual family requires at least two spaces. Cars and vans will end up parked on the road, on the pavements and verges. There will be resentment towards the new tenants as they will have their own allocated parking spaces and the existing residents will not. Public transport services are inadequate. The parking provided will be proximal to the new residences which is an unfair advantage over the existing residents.

- Additional traffic generation on Forest Way is unacceptable. The existing design of the road will not be able to cope with the additional traffic. The bend in Forest Way is blind and there have already been minor accidents. There are a lot of children around adding to the danger.
- Housing issues – concerns about the provision of social housing, the affordable housing need and allocation criteria. Infill developments are not supported by the District or Parish Council. Flats should not be allowed next to an 'Old Age home'. Any new housing should be for the over 55s.
- Landscaping – there will be a net loss of greenery and landscaping in the area, two trees, bird boxes and rose borders. The proposed parking court will seriously affect properties 114/120 and 112/118 as a result of car doors closing, headlights and loss of view.
- Loss of privacy and amenity as a result of the proposal.

The site and its surroundings

The application site is a car park with a range of garages to the north and south of the site. The west boundary of the site is formed by the rear garden of 74 Shawhurst Lane and the east boundary is bordered by properties at the end of Forest Way. There is a communal amenity to the north of the present garages, some trees and an area of landscaping in the NE corner of the site. The rest of the site, besides the garages comprises hardstanding.

Proposal

The proposal is a full application for affordable housing made up of four 1 bedroom flats and a 2 bedroom house with associated garages and parking. The two bedroom house (Type A) is located to the south of the application site adjoining three proposed new garages. The four 1 bedroom flats are located close to the northern boundary of the application site with the remainder of the space comprising an access road, turning head, parking spaces and landscaping.

The scheme will involve the building of three garages adjoining No. 67 Forest Way and a total of 20 parking spaces including the proposed garages. There will be a loss of 15 spaces and provision therefore of 5 spaces to serve the new development which is 100% provision. The scheme will be accessed from Forest Way. There is an access being retained to the rear garden of 74 Shawhurst Lane.

Relevant Planning History

There is no relevant planning history.

Relevant Policies

WMSS	QE1, QE2, QE3, CF2, CF3, CF4, CF5, CF6
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S14, S15, C4, C17, TR1, TR11.
Others	PPS1, PPS3, PPS9, PPG13, Circular 06/98, SPG1.

Notes

Members should note that the development proposal relates to what is contained within the red line. All other matters such as the garages identified in other parts of Forest Way at 35, 100 and 250m from the application site are not considered as part of the scheme. BDHT are in the process of submitting a planning application for the erection of In terms of parking provision within the site, the following table clarifies the issue:

No. of Existing Parking Spaces:	12 (excluding garages)
No. of existing garages:	10
Total Parking lost:	22
Total Proposed:	20
Net Loss:	2
Dwelling Requirement:	5

Although a net requirement of 7 spaces is identified, it must be noted that that existing garages are not considered as parking spaces in accordance with the WCC Draft Highways Design Guide. This can be viewed on WCC Homepage – Transport and Streets – Transport – Plans and Strategies – Highways Design Guide.

No. of existing surface spaces	12
No. of proposed surface spaces	17
No. of proposed garages (in application site)	3

Please note that the proposed parking provision is sufficient to meet the requirements of the development (5) and to replace the existing surface car parking spaces (12).

The new spaces are unallocated and this accords with the Manual For Streets (Department for Transport 2007, pages 104-106).

The site is considered to form part of an established residential area and I consider that the principle of the development of the land is not in doubt. The site comprises garages and hardstanding and fulfils the definition of previously developed land in Annex B of PPS3.

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

- (i) The need for additional affordable housing provision in the specific area
- (ii) The impact of the proposal on the amenity of the existing adjoining occupiers
- (iii) The implications of the proposal in terms of parking availability at the site and safe satisfactory access in terms of the local highway network.
- (iv) Amendments to scheme (following deferral at Planning Committee 12.10)

In this respect, I consider that policies T1 and SD3 of the WCSP, policies DS13, S7 and TR11 of the BDLP are most relevant in determining the proposal. The amenity and parking concerns raised above must be considered in the context of the presumption in favour of development at this location.

(i) Affordability

The applicant is Bromsgrove District Housing Trust, a Registered Social Landlord. The applicant has provided some figures to identify the affordable housing need around Wythall and there are 253 families in need of 1 bedroom flats and 30 families are currently in need of four bed houses.

An exception to the Council's current restrictions on future housing provision is proposals for 100% affordable housing to meet a proven local need. Given the involvement of the Council (through BDHT) there is not considered to be a need to address this issue through any form of additional legal mechanism. However, it is considered that a suitable condition is needed to properly address and control this issue to ensure the dwellings remain as affordable units in perpetuity. On this basis, I am satisfied that the proposal falls under an exception to the current restrictions on housing development and should not be refused on housing oversupply. Members should note the comments received from Strategic Housing in support of the proposal and of the Councils Housing Strategy to provide 400 affordable units between 2006 and 2011.

(ii) Design Density Layout and Amenity

The site area comprises 0.135 hectares and the density proposed would be 37 dwellings per hectare which exceeds the minimum requirement for the development of previously developed land in PPS3.

The form and layout of existing dwellings on Forest Way and Shawhurst Lane is noted and consists of mainly two storey dwelling and flats in a variety of arrangements. The scheme layout is in conformity with the existing form and layout of the street and represents the logical extension of Forest Way. It is noted that there will be enclosure of the amenity area to the north of the site but this is already enclosed by the presence of the existing garages. It is noted that the south and east of the site are dominated by gardens and open space but the form and layout of the proposal would not detrimentally affect these. The affordable dwellings will meet the Housing Corporation's Scheme Development and Lifetime Homes Standards. Overall, the proposal fulfils policy S7 criterion (c).

At 0.135 Hectares the scheme is below the threshold required for the provision of play facilities or for an off site contribution in the context of policies RAT5 and RAT6.

I consider that policy S7 and the advice of SPG1 is most relevant in determining the impact of the proposal on residential amenity and on the wider streetscene. The policy requires that the amenity of adjoining occupiers is not detrimentally affected and SPG1 sets standards in terms of separation distances between proposed development and private amenity space. I note that the scheme does not provide for formally demarked private gardens as the amenity areas will be maintained by BDHT as occurs at present. There is communal amenity space to the north of the site which will be overlooked by the proposed 4 No. flats. I do not consider that the requirements of paragraph 8.5 of SPG1 requiring separation distances of 5m per storey are necessary. Although close to the private garden of 74 Shawhurst Lane, I note that no windows on either of the proposed buildings will face this boundary. Paragraph 8.2 of SPG1 advises that a separation distance of 27.5m is required between buildings which have main living rooms above ground level as is the case here. I note that the proposed flats will have a good south facing aspect to maximize daylight provision and that there is adequate separating from the range to the north such that the light conditions of these properties is not affected. I consider that there is adequate separation distance between both proposal buildings and with respect to all neighbouring buildings with the exception of 106 Shawhurst Lane which is to the corner of an existing range in the complex. It is noted that only the corner of this property is close to the proposed flats and there is still a separation distance of 21m. In terms of light, I do not foresee any detrimental impact either to the application proposal or the neighbouring dwellings. Nos. 100-110 will still enjoy an open aspect to the west and there is also adequate distance between Nos. 112-120 from the application site. I note that the office at No. 69 Forest Way will be removed and the proposed gable window proposed to No. 67 will be adequately lit.

I note the loss of existing landscaping adjoining the existing properties 112-120 Shawhurst Lane and that this has been referred to in objections. The proposal includes five car parking spaces in this position. It has been suggested to the applicant that this parking could be moved although I note the limited availability of alternatives given the space available on the site. The provision of parking spaces in front of dwellings is not unique and the suggestion of a planting strip provides some mitigation.

(iii) Parking and Traffic Implications

Members should note the objections to the scheme in respect of the loss of parking at the site. However, it is the considered view of the Highway Authority that the replacement parking proposed is adequate to accommodate the loss of the existing spaces and to provide for the five new units. The comments in respect of visitor parking are noted. However, the Highway Authority do not consider that specific visitor allocation is necessary or expedient and this view is supported in the Manual For Streets (Department for Transport 2007, pages 104-106).

The layout of the proposed access road has been amended to provide and adequate turning head for a refuse vehicle. It is estimated that there would be an additional 8 traffic movements in the peak hours. This increase is not considered significant in the wider context of the area and the proposal is not considered to

perpetuate a traffic hazard. Overall, the proposal accords with the requirements of policy TR11.

Updates since Planning Committee Meeting 12.10.2009

An amended site plan was received 23.11.2009. The revised plan shows several pedestrian routes across the site to access the laundry. The parking layout has also been altered to reduce and reconfigure the parking layout to the front of Nos. 114-120 Shawhurst Lane. There will now be 2 spaces provided in front of these properties in a parallel arrangement to reduce the impact of vehicle lighting and disturbance on residents. A landscaping area is proposed in the space between these parking spaces and the windows of the properties. A further statement from BDHT has been received and is summarized as follows:

The applicant has carried out further detailed consultations with the LPA, Highways Officer and ALO (Architectural Liaison officer) and has attached a revised set of drawings of the proposal (Received 23.11.2009)

(A) Access and Parking

The turning head and parking court in front of existing flats 112-120 Forest Way have been redesigned so that vehicles do not park facing toward the flats, the 2 parking spaces lost here have been distributed around the site. A planting strip has been introduced directly in front of the windows to flats 112-120 to act as a buffer between the parking court, pedestrian path and users of the flats. Low level planting will reduce both sound and light nuisance. The buffer is 3.2m in width.

The turning head shown is to Highways specification, which means it is large enough for a refuse vehicle to turn around in. Access for emergency vehicles is clear and unobstructed, emergency vehicles can easily turn around using the shown turning head. A Stopping up order will be applied for if planning approval is granted. Parking provisions, especially in terms of visitors and disabled parking have been discussed in detail. None of the parking spaces will be allocated. However, all end spaces with a 900 mm path along the side is adequate for disabled parking. The Highways officer was also satisfied that no additional/dedicated visitor parking was required. All requests from residents for allocated disabled car parking spaces will be considered and approved where criteria has been met.

The pedestrian route from the existing flats through to the front and rear entrance of the laundry block has been simplified and made more accessible by introducing additional drop kerbs. The parking spaces and parking court will be of a different material finish to the road and pavement to enable a clear demarcation of road, pavement and parking areas.

Members should note that Worcestershire Highways have been re-consulted on the application (15.10) and the response is still *no objection* subject to conditions. The advisories attached (see consultations above) provide details on the procedures necessary to secure adoption of the proposed roadworks as public highway. Members should note that a planning application (09/0892) for the erection of six garages at Forest Way has been received on 23.11.2009 and is currently being considered. 7 additional parking spaces are also proposed.

(B) Security

The consultation response from West Mercia Police has been addressed by the applicants in the following ways. The 2B House and the block of flats have windows added to the gable elevations so as to increase surveillance of the garages and parking court respectively. Street lighting was discussed in detail and it was agreed that any additional street lighting would be to Worcestershire County Councils specification.

Other considerations

Members will note the views of Natural England and the Worcestershire Wildlife Trust in terms of the ecological implications of the proposal. The consultees have not raised any objections and the reports presented with the application conform that there would be limited impact on local wildlife due to the lack of ecological resources present on the site. Planning permission would not breach the Habitats Directive 1992 or Wildlife and Countryside Act 1981. Members should note that a contamination report was presented with the application and there is no objection from Environmental Health subject to conditions. The satisfactory drainage of the site can also be obtained through conditions.

BDHT have provided additional information in terms of the proposed allocation of the units. It is proposed to restrict occupancy to those over 55 years. In agreeing to allocate tenancies in this way this should assist in freeing up accommodation for general needs housing. This is proposed to be reviewed after 5 years to show that the objective are being met. Members should note that there is a condition set which requires details of the occupancy criteria of the dwellings to be submitted and approved in writing by the LPA.

Conclusions

The principle of development at this site is acceptable and I consider that the proposal would make more efficient and beneficial use of previously developed land in accordance with PPS3. The overall design and layout of the proposal is satisfactory further enhancement can be secured through appropriate conditions. Members should note the concerns of residents, especially in terms of parking at the site. It is considered that the applicant has endeavored to amend the scheme and provide supplementary information in respect of the application. It is noted that the amendments to the design and layout of the proposal address the concerns of Highways and West Mercia Police and some of the amenity issues of concern to residents. The application should be approved

RECOMMENDATION: that permission be **GRANTED** sfc:

1. C1
2. C3
3. C6
4. C7
5. C10 (to include details of replacement tree planting).
6. C13
7. C14

- 8. C15
- 9. C16
- 10. C17
- 11. C18
- 12. C19

- 13. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the flats shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.
- 14. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
- 15. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- 16. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- 17. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 18. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required carrying out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- 19. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- 20. HC14 Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority at a gradient not steeper than 1 in 8.

21. HC25 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.
22. HC36 Prior to the first occupation of any dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of the application site for each dwelling and these facilities shall thereafter be retained for the parking of cycles only.
23. HC51 The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.
24. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a welcome pack for each property that promotes sustainable forms of access to the site with the Local Planning Authority.

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to secure the satisfactory appearance of the development in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
3. To ensure the provision of adequate storm water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
4. To ensure the provision of adequate foul water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
- 5-12 In order to protect the trees and the wider the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
13. To ensure the proposed flats are provided at an affordable level and to meet local housing need in accordance with Policy S15 of the Bromsgrove District Local Plan.
- 14-19 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.
- 20-21 In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.
22. In order to comply with the Council's parking standards.
23. To prevent indiscriminate parking in the interests of Highways safety.
24. To reduce vehicle movements and promote sustainable access

Notes

The applicant is reminded of their duties under the NERC Act 2006 and of the guidance of PPS9. Given the information in the ecological data it is suggested that enhancement should include appropriate landscaping to augment the existing surrounding features (hedgerow augmentation and open space planting), bird boxes (as suggested by the ecologist) and bat boxes, which should be designed to be integral to the new buildings and associated with the outer edges of the development, where corridors to the wider landscape are available.

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, CF2, CF3, CF4, CF5, CF6
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S14, S15, C4, C17, TR1, TR11.
Others	PPS1, PPS3, PPS9, PPG13, Circular 06/98, SPG1.

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

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Paul Lane, 27 Hollywood Lane, Hollywood Birmingham Worcestershire B47 5PT	Erection of 5 dwellings (Approval of Reserved Matters) 27 HOLLYWOOD LANE HOLLYWOOD BIRMINGHAM WORCESTERSHIRE B47 5PT	Residential	19/11/2009

RECOMMENDATION: that be **GRANTED.**

At the meeting of the Committee held on the 02nd November 2009, Members resolved to defer the determination of the application in order to obtain the views of:

- (a) Worcestershire Highways, in respect of the issues relating to the adoption of Hollywood Drive;
- (b) the Crime Risk Manager at West Mercia Constabulary, in respect of the design of the proposals to limit or reduce opportunities for crime and criminal activity; and
- (c) the applicant, in respect of the clarification of issues relating to defensible landscaping and the design of the proposed dwelling referred to as Plot 5, with particular reference to the first floor windows overlooking dwellings in Douglas Road.

Consultations

Wythall PC Consulted: 14.08, Response received: 24.09. as follows:
No objection.

WH Consulted 11.09. No response to date. Response received 02.11, as follows:

No objection.

The following advisories should be noted:

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site

with the Highway Authority.

HN5 This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

Hollywood Drive is not an adopted Highway, but is subject to an agreement to make it maintainable in the future. The application requires a new vehicle access from Hollywood Drive prior to the commencement of development. The applicant attention should be brought to the fact that if they wish to commence work prior to the roads becoming publicly maintainable highway they require the permission of the developer of the road, currently Miller Homes, however if they implement the works after the road is adopted then the applicant will require a license from the highway authority as per note HN5 above.

Re-consulted 04.11. No response to date.

ENG Consulted 11.09. No response to date.

West Mercia Consulted 04.11. Response received: 10.11 as follows:
Police

No objection to the application. The design layout of the application site offers a good deal of security in that cul de sacs increase the opportunities to observe potential trespassers. There is the additional bonus that the new dwellings would provide natural surveillance of the rear of neighbouring properties. The development should be constructed to Secure By Design standards.

EHO Consulted 14.08. Response received: 21.09 summarised as follows:
In accordance with PPS23, where proposed development is of a type that would be particularly vulnerable to the presence of contamination, i.e. residential housing, contaminated land risk assessment must be carried out.

I am aware that this request was not made at the time of the granting of permission under 03/0397 and as such planning conditions requiring contaminated land risk assessment were not included on the permission.

Given the sensitivity of the proposed development I recommend that contaminated land and human health risk assessment is undertaken prior to the commencement of any development. Any risk assessment

must be undertaken in accordance with current UK guidance and best practice. Following this any required remediation must be carried out in full and its effectiveness validated prior to the occupation of any buildings.

Tree Officer Consulted 11.09. Response received 28.10 as follows:
No objection subject to conditions C13 - C17.

Publicity Site Notice posted 08.10, expires 29.10.

Neighbour Notification:

20 letters sent 16.09, expire 07.10.

2 letters sent 09.10, expire 30.10.

5 letters received. The concerns raised are summarised below:

- Highway issues – there will be a dead end as a result of the new access road.
- Landscaping – it is unclear whether the proposed landscaping will be of sufficient maturity. The existing landscaping on the site has been mismanaged. The proposal would result in loss of trees and hedges which are important foraging areas for wildlife.
- Community consultation – the consultation referred to in the application form did not include all neighbours
- Loss of amenity to No. 9 Douglas Road. The proposal would result in a loss of light particularly in the Spring and Autumn when the sun is at a low angle in the sky.
- Loss of amenity to No. 15 Douglas Road as a result of the insertion of an en-suite window and the proposed fence is not sufficiently high on the eastern (Simon Rd.) side to prevent trespass. Plot 5 is very close to the boundary with No 15. Any lighting may further erode privacy.
- Loss of privacy, amenity and aspect to No. 11 Douglas Road. The site is to be developed at a significantly higher density (25 dwellings per hectare) than the surrounding area. Local Plan policies S7, S8 require such development to be in keeping with the area. The length of the rear gardens of plots 2-5 are not sufficiently long to meet the requirements of paragraph 9.0 of SPG1. Overall, the proposed development is far too close to the boundary of No. 11 Douglas Road (at 1.3m) which reduces light, increases noise and reduces privacy. This is contrary to the advice of SPG1 paragraphs 5.5, 6.3 and 8.5. The dwelling on plot 5 needs to be set back at least 10m from the boundary and the loss of light is not sufficiently covered in the Design and Access Statement.
- Design and Appearance – the material finishes do not appear to be in keeping with those of the surrounding area. The design of plot 5 is dissimilar to other local housing especially in terms of roof pitch.
- Character of area - There has already been too much infill

development in the Hollywood area making it difficult for future generations to buy a property with a large garden.

- Security – the building of the proposed development will result in a loss of security to existing properties notably Nos. 7 and 9 Simon Road. A secure, solid fence is needed along the boundary.

3 additional letters received:

(1) Received 12.10.2009

The lighting should be subdued and the fence raised in height to offset the impact of the proposal on privacy.

(2) Received 16.10.2009

- The residents of Hollywood Drive wish to object to the proposal on the grounds that it will be used for access to the development. Hollywood is not currently an adopted highway, the residents pay an annual service charge.
- The consultation procedures were inadequate in that only two of the properties in the cul de sac were consulted.
- The application will result in inadequate parking facilities to the detriment to the safety and character of Hollywood Drive. Parking in the cul de sac at the moment is inadequate and this situation will be worsened.
- The flow of traffic into the application site will have a negative effect on the safety of children using the play area in Hollywood Lane.

The provision of parking facilities at the proposed development is inadequate. Most of the houses will have at least two cars and there is no provision for visitors.

The letter contained 24 appendices covering matters such as letters and telephone correspondence in respect of parking problems at Hollywood Drive. There were emails in respect of the individual objections of residents. One of the appendices comprised a petition by 17 residents objecting to the use of Hollywood Drive for access to the site. Appendices 22-24 comprised extracts of the Design and Access Statement presented with the application.

(2) Received 27.10.2009

- The previous comments on the planning application had not been received by the Planning Department. The emails sent were not received and the system is inadequate.
- The development will have a detrimental effect on family life. It appears to be acceptable to replace a tree with a house and there is only three minutes allocated for residents to voice their concerns to the Planning Committee.

2 additional emails received:

(1) Received 31.10.2009 as follows:

Scale

- The siting and scale of properties do not meet the requirements of

the Residential Design Guide in that back gardens should have a minimum depth of 10.5m and 70m² in area.

- Plot 5 is within 1.5m of the boundary fences of the rear of gardens in Douglas Road and the developer proposes to remove trees close to this boundary.
- Plot 5 contains a bedroom and bathroom window which overlooks private gardens.
- The street lighting for the proposed development will result in light pollution and result in a loss of privacy for residents in Simon Road.

Landscape/Appearance

- The two mature Silver Birch trees are TPO'd. It is unclear from the landscape plan that these will be retained when construction commences. The building arrangements will impact negatively on the health of the protected trees.
- The security of residents on Hollywood Drive and Simon Road will be compromised where the gardens back onto the proposed driveway. A brick wall would be better than a fence. The planting should include pyracantha and hawthorn for enhanced security.

(2) Received 02.11.2009 as follows:

The levels of parking proposed are inadequate which will result in indiscriminate parking. The use of Hollywood Drive for access is not adequate and it will be further harmed by additional movements and large delivery vehicles. The access is inadequate to provide a turning area for a refuse vehicle. Emergency vehicles will be obstructed. The drainage may be inadequate. Consideration should be given to limit contractor working schedules.

1 additional letter received since the last Planning Committee 13.11 as follows:

- Issues associated with the adoption of the access road and its design needs further consideration. Security of the surrounding properties needs further consideration.

The outline planning process was not adequately consulted upon and the proposal considered at outline stage would not meet the District Council Local Plan and planning guidelines. In the outline planning application, the consultation procedures did not enable those affected to understand the implications of what was agreed. It is considered unusual for so much to have been considered at outline stage and these matters should be re-examined.

The proposal should be amended to re-site plot 5 at least 10m from the boundary, windows in the west elevation removed and healthy trees and hedgerows removed. The scheme should be re-designed to be more in keeping with the character of the neighbourhood.

The site and its surroundings

The application comprises the existing rear gardens of 25 27 and 29 Hollywood Lane. These are large gardens with No. 25 having the greatest width. The access to the site is from Hollywood Drive to the east which is a small development of new dwellings. The site is bordered to the west by the rear gardens of properties on Douglas Road and to the south by Simon Road. There are some existing mature trees in the gardens, especially in No. 25 and 27. There is substantive tree cover and boundary treatment separating the site on its southern boundary with high boundary fences around the remainder of the application site.

Proposal

The proposal is a reserved matters application for the erection of five detached dwellings.

Relevant Planning History

B/2003/0397 Outline application for the erection of five dwellings: Resubmission of B/2002/0062 Granted 05.10.2006

Relevant Policies

WMSS QE1, QE2, CF2, CF3, CF4, CF6
WCSP CTC.1, CTC. 5, SD.2, SD.3, D3, D4, D9,
BDLP DS4, DS13, S7, S8, C4, C17, C19.
Others PPS1, PPS3, PPS9, SPG1.

Notes

The applicant has submitted additional information and amended drawings to address the concerns of Members and residents following the last Committee. In terms of additional information, the Applicant has emphasized that access has been agreed at outline stage. The original objection from WCC (HP) on application (B/2002/0046) was withdrawn provided that access was arranged via Hollywood Drive and not directly off Hollywood Lane.

Members should note that this is an application for the Approval of Reserved Matters and that the principle of the development of five residential units, the siting and the access to the units has been considered at outline stage. Outline planning permission was granted on 05th October 2006 (B/2003/0397).

Thereby, the main considerations in the determination of the application are the following:

- (i) The relationship of the current proposal to the outline planning permission
- (ii) The design and material finish of the proposal
- (iii) The appropriateness of the landscaping proposed
- (iv) Residents concerns
- (v) Additional amendments (since Planning Committee 02.11)

In this respect, I consider that, policies DS13, S7 of the BDLP and the guidance of SPG1 are most relevant in determining the proposal.

(i) Relationship to outline application

Having carefully examined the site plan accompanying the proposal, it is evident that the content of the development proposed is the same as that agreed at outline stage. It comprises five residential dwellings with access gained from Hollywood Drive. The current reserved matters application also replicates the original siting of the dwellings agreed at outline stage. It consists of a linear arrangement of dwellings and generally reflects the established pattern of development on Hollywood Drive.

(ii) Design

Outline application B/2003/0397 originally included six houses providing a density of 32 dwellings per hectare. Following further discussion with the Planning Officer it was agreed that in view of the specific site constraints i.e. limitations imposed due to retention of existing trees, a lower density would be accepted. A revised scheme was submitted reducing the number of dwellings to five resulting in a density to 26.7 dwellings per hectare and this was approved

There is variation in the design of Plot 1(closest to Hollywood Drive) and the remaining plots 2-5. Plot 1 will comprise a large detached five bedroom dwelling with an integral double garage. It has a traditional mock vernacular façade to the front and a more modern open appearance to the rear.

In terms of the materials proposed including timber framed windows, timber facing detail to render panels and clay roof tiles, these are satisfactory. The facing brickwork for the main element of the façade will be subject to approval through condition. It would conform with the advice in Section 3 of SPG1. Overall, the style of the proposed dwelling is traditional and would not be out of keeping with the character of the wider neighbourhood. The large detached house is similar in scale and design to the properties on Hollywood Lane.

In terms of the design of plots 2 and 3, these comprise a semi detached arrangement with the central feature of a solar porch. Both of these will be three bedroom properties. This arrangement enables passive heating of the units and accords with the design advice of section 7 of the Residential Design Guide. I consider that the properties would take full advantage of the south facing aspect which is welcome in terms of energy conservation. Members should note that the proposed design also incorporates solar panels for water heating, summer overheating control and rainwater harvesting. Whilst the eaves of the solar porch are larger than expected, I do not consider that the overall design is compromised and the solar heating gains are considerable.

Plots 4 and 5 comprise detached houses of modern design. Plot 4 is a three bedroom and plot 5 is a four bedroom house. These do not incorporate the energy saving features of plots 2 and 3. However, there is symmetry between both of the proposed dwellings with a set forward gable fronted projection on both the first and second floors. There is a set forward garage for both plots located to the front of plot 5.

Whilst there is variation in the overall design of the scheme, the dwellings are all two storey and in proportion with each other. Plot 1 (the large detached house) is set down from the other properties. Whilst there are a mix of designs apparent, these are not out of keeping with the wider neighbourhood which contains a mix of detached (Hollywood Lane) and semi detached properties (Douglas Road). There is no particular unifying design code. There are newer residential properties on Hollywood Drive and the current proposal would not be out of keeping with these. In respect of design, I consider that the proposal accords with the relevant criteria of policy S7 and the guidance of SPG1 and with the key principles of PPS1 (Delivering Sustainable Development). The development uses a mix of facing brickwork and render, which follows through from Hollywood Drive, which is also a mix of these finishes.

Members should note that the density, form and layout of the scheme were considered at outline stage. The proposal would have a density of 32 dwellings per hectare and this accords with policy S7 of the BDLP and the guidance of PPS3. These issues have been considered acceptable at outline stage.

(iii) Landscaping

A detailed landscaping scheme has been submitted by the Applicant which includes details of the trees to be retained on the site and identifies the size, position and species of all new planting. Additional trees (a Sorbus and Willow) are being retained on the boundary with the rear garden of 15 Douglas Road and this is shown on the amended landscape plan. The landscaping details have been supplemented with a boundary of *Pyracantha sp.* proposed to enhance security.

(iv) Residents concerns

I note the comments received from neighbouring residents in respect of the scheme. It was pointed out that there will be a dead end in front of plot 5, where the access road terminates. It is noted that a garage is proposed in this position and that the access arrangements have been accepted at outline stage. I note the comments that the existing landscaping on the site has not been effectively managed, but do not consider that this is material to the content of the application being considered. Community consultation by the applicant is a voluntary not a statutory requirement.

I consider the impact of the proposal on the amenity of Nos. 9, 11 and 15 Douglas Road. Members should note that the siting of the dwellings has already been agreed at outline stage and the approved positions were not considered detrimental to the light or privacy of neighbouring residents. The issue of a loss of privacy to No.15 as a result of the en suite window can be addressed through condition. Whilst plot No. 5 is close to the boundary with No. 15, it is the side elevation which will face the neighbouring garden and not a main elevation window. It is stated that the rear gardens of plots 2-5 are

insufficiently long for the requirements of SPG1. However, all of the rear gardens in the scheme exceed the 10.5m requirement of paragraph 9.0 of SPG1. Paragraph 5.5 of SPG1 refers to infill development and the scheme has already been considered acceptable as infill. Paragraph 6.3 refers to the loss of light as a result of development. It is noted that the proposal will be to the east of the properties on Douglas Road and the gardens of the neighbouring properties are more than 20m in length. Whilst some morning light will be lost from the rear portion of the gardens of Nos. 11 and 15, there are some exiting mature trees in this direction at present and I consider the loss of light is not significant in the context of length of the neighbouring gardens. It is clear that main windows will not overlook these gardens so the proposal accords with paragraph 8.5 of SPG1. It is evident that a solid fence is proposed along the boundary with the properties on Simon Road. As stated above, it is not considered that the design of the proposal is detrimental to the wider character of the area.

(v) Additional Design and Landscaping Amendments following Planning Committee 02.11

The impact of the gable wall to Plot 5 adjacent to Douglas Road boundary was considered and a hipped roof has been introduced to this elevation to further reduce the impact and break up the massing. It should also be noted that due to the cross fall away from Douglas Road, Plot 5 will be set lower and is also set into the existing ground by an average of 200mm further reducing the apparent height.

The concerns regarding Plot 5 bedroom window have also been addressed. The first floor layout of Plot 5 has been amended so that the bedroom has been switched to the opposite side of the property and the window in the west side wall now serves a bathroom, which will be glazed with obscure glass. Amended plans and elevations have been provided to that effect.

The roofs to Plots 2 to 5 have pitch of 40 degrees in line with the more traditional properties in Hollywood Lane (i.e. nr 25 & 27 have a pitch of 45 degrees). The more modern properties in Douglas Road have a pitch of circa 35 degrees. The proposed roof pitch is in line with properties in the area. The roof pitch maximize orientation for winter solar water heating despite the shading effect from the retained mature Silver Birch trees to the south.

The homes provide a mix of house types and are accessed via a shared private drive, which in turn is off a Cul-de-sac (designed to accommodate the current proposal), as advocated by 'Secure by Design' and BDC Residential Design Guide, promoting security in the area. The principles of Secure by Design have been followed through the design with 2.1m high fences separating new & existing private gardens from shared areas. Security has been further enhanced by the use of deterrent planting along the southern boundaries. Following concerns raised at the last Planning Committee meeting the deterrent *Pyracantha watereri* and *Pyracantha rosaceae* planting has been extended along the west boundary where existing private gardens back onto a shared access area. Members should note that there is no objection from West Mercia Constabulary.

In terms of the additional letter received 13.11, the issues raised relate to the considered inappropriateness of the consultation procedures adopted at outline stage and the lack of consideration of neighbours amenity and adopted policies and guidance. Members should note that the issues of overlooking from the west elevation of plot 5 have been resolved, with one obscure glazed bathroom window proposed and the bedroom window

removed. The boundary of the site is proposed to be planted with *Pyracantha sp.* to assist in the security of the site. The re-siting of plot 5 cannot be considered as the siting has been agreed at outline stage. The issue of the management of the outline planning application is not a relevant consideration in the determination of this application. The applicant has demonstrated that the separation distances from all of the neighbouring properties meet and exceed the requirements of SPG1.

Conclusions

The principle of development at this site, the access to and the siting the proposed five dwellings has been allowed through outline planning permission. The design of the proposal is considered acceptable. The concerns of local residents mostly relate to matters of the principle of the development and the position of the dwellings which has already been considered acceptable. Any additional concerns in respect of the design have been addressed and the responses of consultees are in favour of the application.

RECOMMENDATION: that permission be **GRANTED** sfc:

1. C1
2. C3
3. C5 (amended)
4. C6
5. C7
6. C13
7. C14
8. C15
9. C16
10. C17

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to secure the satisfactory appearance of the development in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
3. In order to secure the amenity of adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan 2004.
4. To ensure the provision of adequate storm water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
5. To ensure the provision of adequate foul water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
- 6-10 In order to protect the trees and the wider the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

Notes

Given the sensitivity of the proposed development, it is recommended that contaminated land and human health risk assessment is undertaken prior to the commencement of any development. Any risk assessment must be undertaken in accordance with current UK guidance and best practice. Following this any required remediation must be carried out in full and its effectiveness validated prior to the occupation of any dwellings.

The applicant should note that the trees on or adjacent to the application site are covered by a TPO. The tree conditions must be adhered to or the applicant may be prosecuted.

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, CF2, CF3, CF4, CF6
WCSP	CTC.1, CTC. 5, SD.2, SD.3, D3, D4, D9,
BDLP	DS4, DS13, S7, S8, C4, C17, C19.
Others	PPS1, PPS3, PPS9, SPG1.

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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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mr Timothy D. Hosking "A"	Proposed annex building to provide specialist living accommodation for disabled family member (as augmented by information received 20.10.2009). The Granary, High House Farm, School Lane, Alvechurch, Worcestershire B48 7SA	RES	09/0713 02.12.2009

RECOMMENDATION: that planning permission be **REFUSED**.

Councillor R. Hollingworth has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH Strategic Planning (Policy)	<p>Consulted – view received 06.11.2009. No objection.</p> <p>Consulted – view received 13.11.2009.</p> <p>The site is identified as a residential area in Alvechurch within the BDLP and falls within Policy ALVE5. Although the proposal is described as an annex, the building has many characteristics of a self contained unit and should therefore be treated as a new dwelling. Policies S7 and S14 of the BDLP, SPG1, PPS1 and PPS3 are of relevance. Advice provided on housing supply issues is detailed below. SPG11 does not apply as the number of units is less than 6. The Highways Engineers comments will be pertinent in relation to highway issues.</p>
Tree Officer	<p>Consulted - view received verbally 25.11.2009. No objection.</p> <p>Recommends condition C10</p>
ENG	<p>Consulted – view received 19.10.2009.</p> <p>No objection. Existing domestic drainage systems will accommodate proposal. No flood risk assessment required.</p>
NE	<p>Consulted – view received 02.11.2009.</p> <p>No objection to the proposal in respect of legally species.</p> <p>Incorporating the measures outlined in the Land Care Associates (LCA) letter should be achieved by means of a suitable condition or legal agreement.</p>
WWT	<p>Consulted – view received 27.10.2009.</p> <p>A condition is recommended to cover the recommendations made by LCA. In particular it is recommended that any conditions cover bat enhancement in line with PPS9 and the authority's duties under the NERC Act 2006.</p>
Alvechurch PC	<p>Consulted – view received 03.11.2009.</p> <p>No objection (due to extenuating circumstances). However, the Parish Council would not wish to see further development on site.</p>
Publicity	<p>4 letters sent 14.10.2009 (expired 04.11.2009).</p> <p>1 site notice posted 20.10.2009 (expired 10.11.2009).</p> <p>1 response received raising the following issues:</p> <ul style="list-style-type: none"> • The proposal will materially affect the privacy, aspect and light and therefore quality of life of the occupiers of The Barn.

- The need for a new property on a restricted site is questioned as it is understood there is another adjacent property at the family's disposal.
- In light of previous planning applications, assurances are requested that the development is undertaken purely for the reasons stated and that restrictions are placed on its future disposal.

The site and its surroundings

This application relates to the rear garden and parking area to The Granary, a two storey domestic barn conversion, and an adjoining paddock area. The site lies in the south east corner of a group of buildings collectively known as High House Farm. In addition to The Granary, the group consists of two dwellings formed from the former farmhouse and five attached domestic barn conversions located around three sides of a courtyard. The Granary forms the fourth side of the courtyard. The group shares a single access off the east side of School Lane. The paddock lies to the south of the amenity and parking areas with a brick wall to the common boundary. Just to the other side of the wall is a small brick outbuilding. To the side of this is a large timber outbuilding which is understood to be used for garaging for The Granary and equestrian related storage. The remainder of the building was used by the applicant, some years ago, in connection with his construction business. The paddock is accessed via a driveway which leads down between the timber outbuilding and the side boundary of The Farm House. Leading from the access towards the centre of the paddock is an area of hardstanding. The remainder of the site is grassed although it is overgrown around the edges. To the rear boundary is an hedge and field gate. To the rear is open countryside sloping down hill to a public right of way leading of Station Road. The application site is located in a recognised residential area but adjoins designated Green Belt to the south.

Proposal

This application proposes the demolition of the existing garage/stores and the construction of a single storey detached unit of accommodation in its place. The new unit would include the conversion of the existing brick outbuilding which would have a dual pitched roof added to its flat roof. The unit would provide two bedrooms each with an en-suite, an open plan kitchen, lounge and dining area. To the rear of the unit would be a partly covered area of decking. The existing access to the paddock would be closed off and a new access and driveway created leading off the existing parking area to the Granary. The remaining paddock would be converted to garden with the existing rear boundary hedge removed. The unit has been designed to provide accommodation for a disabled family member (the applicant) and a carer.

Relevant policies

WMSS	CF2, CF3, CF4, CF6, QE1, QE3, QE6, QE7, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, CTC.12, CTC.21, D.5, D.14, D.16, T.1, T.4
BDLP	DS4, DS13, S3, S4, S7, S8, S14, C4, C10A, C17, C27, C30 TR8, TR11, ALVE5

Others PPS1, PPG2, PPS3, PPS9, PPG13, SPG1, SPG4, Alvechurch Village Design Statement

Relevant Planning History

- 09/0713 Proposed extension to form bespoke living accommodation for disabled family member (As augmented by information received 20.10.2009). Pending.
- 08/0763 Log cabin for use as a private dwelling by disabled relative (as amended by plan and information received 24.11.2008) at Land to the rear of The Granary, High House Farm. Withdrawn 09.12.2008.
- B/1999/0917 Erection of bungalow (as amended by plans received 04.10.1999 and 07.10.1999) at Land at High House Farm. Refused 01.11.1999.
- B/1995/0413 Erection of dwelling and associated stables at High House Farm. Refused 14.08.95. Appeal dismissed 01.04.1996.
- B/1994/0546 Division of existing house to form 2 dwellings and conversion of existing agricultural buildings to form 6 dwellings (as amended by plans received 05.08.1994 and 02.09.1994) at High House Farm. Approved 12.09.1994.

Notes

The submitted application form describes the proposal as an “annex building”. This would suggest that the proposal would be ancillary to the existing dwelling, The Granary. Two criteria have emerged in the consideration of whether one use can be considered ancillary to another. The first criteria is a severability test, could the alleged ancillary use practically and viably operate on its own should the primary use of the site cease. I consider that the proposed annex, which has its own garden and parking, could easily be occupied without any association to The Granary. The only reliance the annex may have on The Granary would be in terms of right of access. However, a separate access could be easily achieved via the existing driveway to the paddock (which is to be retained to provide access to the rear garden of The Farm House). The second test relates to the outward effects of the use including the appearance of the site. In my opinion, the proposed annex would have the appearance of a separate unit. The Granary is occupied by the applicant’s mother and, in this respect, I acknowledge that initially there would clearly be a functional relationship between the two units. However, I consider that in the future, it would be possible for the two units to be occupied completely independently of each other. I therefore consider that this proposal relates to the creation of a new dwelling and I will assess the application on this basis.

The main issues with the creation of a new dwelling in this location are housing supply, the design and density of the development, the amenities of adjoining occupiers, highway safety and parking, ecological and tree issues. Consideration must also be given to a supporting statement and information which has accompanied this application.

Housing supply

As Members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of SPG10 to manage a situation of housing over-supply. The Strategic Planning Officer has advised that guidance provided in SPG10 has now been superseded by policies contained in PPS3: Housing, the adopted RSS and the revised housing figures published by the Inspectorate in response to Phase 2 Revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Design and density

Policy S7 of the Bromsgrove District Local Plan relates to new dwellings outside the Green Belt and requires such proposals to be of a density appropriate for the site and a form and layout appropriate for the area. The area surrounding School Lane is characterised by low density development. Policy ALVE5 of the BDLP identifies this area as having a special character which needs to be protected. In assessing the design and density of the proposal, I consider two previous applications for new dwellings in the paddock are of relevance.

Under application B/1995/0413 permission was refused for a large one and a half storey dwelling and a detached stable building. In dismissing the subsequent appeal, the Inspector noted that the “attractive, low density character of the area is very evident from along Station Road where the soft edge of the settlement meets the open countryside...” “Although involving a much higher density of residential development than found elsewhere in this low density area, the former farm buildings are hardly noticed because of the open area, including the appeal site that lies between these and the line of the settlement envelope.” The Inspector was of the view that even allowing for the southern boundary hedge “the large mass of the proposed dwelling would very much disturb the present attractive balance between natural and built elements thereby detracting from the character of the area.” Application B/1999/0917 proposed a slightly smaller house but was again refused on grounds of harm to the character and visual amenity of the area. (Both applications were also refused on grounds of being inappropriate development in the Green Belt. Following the removal of Alvechurch from the Green Belt, such a reason for refusal is no longer applicable.)

The Council considered that the development proposed under B/1995/0413 would appear cramped within its curtilage, having a rear garden of only 6 metres. I consider that the proposed dwelling would also appear cramped. Located towards the front of its plot it would be in close proximity to The Farm House, The Granary and The Barn. Such close proximity is clearly out of keeping with and would detract from the spacious character of the surrounding area. Policy ALVE5 limits the density of housing development to 10 dwellings per hectare and the ground area of a dwelling to no more than 20% of the plot area. The proposed development would have a density of 13 dwellings per hectare and a 14.3% plot coverage. Whilst I acknowledge that these figures are only slightly above the maximums specified under Policy ALVE5, I consider that the size and position of the development in relation to adjoining buildings would appear as over-development of the site.

Both PPS1: Delivering Sustainable Development and PPS3: Housing state that design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of an area should not be accepted. The submitted Design and Access Statement explains that the traditional style of The Granary and the surrounding barn conversions shall be carried forward throughout the proposed new development. I acknowledge that this has been achieved in part, particularly in relation to the inclusion of a dental course and arched openings to the north and west elevations. However, I consider that the whole design is let down by the roof formation which would consist of two sections of dual pitched roof connected by a flat roofed link. This arrangement gives the dwelling a disjointed and unattractive appearance which would be clearly visible from the adjoining properties and the entrance to the site. The link section shares an uncomfortable relationship with an arched window to the north elevation and incorporates a large rectangular window which bears to no relationship to other openings. I therefore consider the proposal to be of a poor design which would erode the character of the group of buildings in which it is sited and the special character of the wider area.

Personal circumstances

The application was accompanied by a Family Statement in support of the proposed development. The Statement explains that the applicant suffered a severe head injury which rendered him unable to speak or move and is confined to a wheelchair requiring 24 hour care. The Statement makes a point of noting that the proposal is solely to benefit the applicant to hopefully improve his chances of rehabilitation whilst improving his quality of life. A condition is suggested to restrict the use of the development. Medical experts and the family feel that for the applicant's health to improve, it is important that his environment and integration back into the family is enhanced. It is considered that the proposed arrangement would be more conducive to the applicant having regular visits from his 6 year old daughter and would allow him to be involved with and a participant in family life. Close proximity with his family would allow the applicant a far more varied and wider spectrum of events that would provide the stimulus he is missing in his present environment. The proposal would also provide the applicant with a new purpose and incentive, and with the help of a full time carer would give him the best chance of securing greater autonomy and less dependency on the state. A copy of the full statement is included within the attached Appendix. The application was also accompanied by 5 letters from medical practitioners providing further information on the applicant's medical condition. Two letters, from a local doctors surgery and the Community Neurological Team, provide support for the proposed development. The latter letter states if the applicant "could be cared for in more familiar environment ... then this would provide the best stimulation and environment for further recovery to occur."

It is acknowledged that exceptionally the personal circumstances of an applicant may be a material consideration of a planning application. However, as noted in The Planning System: General Principles (which accompanies PPS1) and established through case law, arguments relating to personal circumstances will seldom outweigh the more general planning considerations. Proposed development of a permanent nature (such as the proposed development the subject of this application), will remain long after the personal circumstances of the applicant have

ceased to be material. Whilst I empathise with the personal circumstances of the applicant and his family and have given full consideration to the Family Statement and the information provided in the letters, I do not consider that the argument put forward in support of the proposal has greater weight than the level of harm that would be caused to the character of the surrounding area. I also note that no argument has been put forward regarding alternative means to allow the applicant to live close to his family, such as the adaptation of an existing property.

Residential amenities

Policy S7 states that residential development must not adversely affect the existing amenities of adjoining occupiers. The occupiers of The Barn have raised concern that the proposal would be detrimental to their privacy, aspect and light. The proposed rear decking would be 0.6 metres above the adjoining ground level and would therefore provide views over the boundary fence into the rear garden of The Barn. I consider that the privacy of The Barn could be protected through the introduction of a screen at the side of the decking (away from the common boundary). I acknowledge that the proposal may result in the loss of light to some of the side windows to The Barn. However, as the extension is single storey in height and would be some 7 to 8 metres from the nearest window to The Barn, I do not consider that the level of harm would be detrimental to the amenities of the occupiers of this property.

The proposal is located away from the windows to The Farm House and is sited a minimum of 6.5m from the south facing windows to The Granary. The existing common boundary treatments to the application site are sufficient to protect the privacy of these two properties. I am therefore satisfied that the proposal would not unduly harm the amenities of adjoining occupiers.

Highway and parking issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress and include sufficient parking. The Granary would retain three existing spaces and a new space would be provided for the proposed unit. Worcestershire Highways has raised no objection to the proposal and I am therefore satisfied that an adequate access and parking arrangement would be provided.

Ecological issues

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Under the Conservation (Natural Habitats etc.) Regulations 1994, a Local Planning Authority has a duty to have regard to the Habitats Directive when dealing with planning applications where a European protected species may be affected. Policy QE7 of the WMSS requires Local Authorities to encourage the maintenance and enhancement of the Region's wider biodiversity resources giving priority to (among other criteria) the protection of statutory protected species.

The application was accompanied by a Daytime Bat and Hedgerow Assessment which was later updated by a letter from the Consultant Ecologist. The assessment and letter report that both outbuildings have a very low potential for roosting or resting bats. No protected species were using the rear hedgerow although it did have some potential for nesting birds. No further surveys were considered necessary although a number of recommendations are made including the provision of bat boxes at the site. Natural England and Worcestershire Wildlife Trust have suggested a condition covering the recommendations made in the letter. Such a condition would be consistent with the principle of maintaining and enhancing, restoring or adding to biodiversity conservation advocated under PPS9: Biodiversity and Geological Conservation.

Tree issues

The proposed dwelling would be located approximately 2.5 metres from a eucalyptus tree within the boundaries of The Barn. This tree is considered to be of limited amenity value to the wider landscape and the Tree Officer has raised no objection to the scheme.

Conclusion

The proposal would appear cramped within its context and is of a poor design which would detrimentally harm the special character of the area. I have given due regard to the applicant's personal circumstances but do not consider that these outweigh the level of harm caused.

Members will be aware that a separate application (09/0714) for an annex extension to The Granary is included within this agenda. The footprints of the two developments do not completely overlap and if planning permission was to be granted under both applications, the applicant would be able to construct part of the proposed extension and part of the detached building. This would have severe implications for the amenities of the locality and possibly those of adjoining occupiers. If Members are minded to grant consent for both applications it is suggested that consideration be given to a suitable mechanism to ensure that only one development is constructed.

RECOMMENDATION: that planning permission be **REFUSED**.

The proposed dwelling would be an over development of the site and would appear cramped within its context. The roof formation and fenestration detail of the dwelling are of a poor design which will detract from the appearance of the site and cause detriment to the special character of the area. The proposal is therefore found contrary to Policies DS13, S7 and ALVE5 of the Bromsgrove District Local Plan 2004, Policy CTC.1 of the Worcestershire County Structure Plan 2001 and the provision of good design advocated in PPS1 'Delivery Sustainable Development' and PPS3 'Housing'.

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architecture • planning • design

09/0713

22 SEP 2009
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MW/JML/7342

July 2009

Hosking Family Statement in Support of Planning Applications Submitted on behalf of Tim Hosking and Family

FOREWORD

This statement reflects the combined views of the Hosking Family – Jan (mother), Neil (brother) and Alison (sister in law) of Tim. It details the discussions had with them to understand their anguish and concerns as well as aspects of the social, physical and mental requirements they wish to put forward on Tim's behalf, not solely as representatives, but as Tim's family and carers.

Living Accommodation in Alvechurch for Tim Hosking

This statement has been prepared to help seek support to secure Planning Consent for purpose designed living accommodation in the Alvechurch area for Tim Hosking following his skiing accident in January 2003.

Tim suffered a severe head injury which has rendered him unable to speak or move and is confined to a wheelchair requiring 24 hour care. The Hosking family have commissioned us to design bespoke living accommodation for Tim on land they own which was originally part of the curtilage of the main farmhouse at the rear of his Mother's barn conversion called The Granary, High House Farm, School Lane, Alvechurch, B48 7SA. This is a complex consisting of a farmhouse and barn conversions close to St. Lawrence Church in the heart of Alvechurch village. In fact, High House Farm was originally the Hosking main family home and the conversion and refurbishment of the barns was carried out by Tim as developer, prior to his accident.

The main reason for seeking your help and written support is that initial discussions with the Planning Authority at Bromsgrove District Council have received a negative response due to current policy on restricting new dwellings and significant extensions within the village. However, we and the family, feel that there are **exceptional** circumstances which hopefully will allow the local Planning Authority to take a more lenient flexible attitude in dealing with this planning application, without setting a precedent. It is our intention to request that our planning applications are considered by the Planning Committee and not dealt with under officer's delegated powers, when we are hoping that Members will support the application, even though this might be contrary to the recommendation made to them by their officers. It is with this in mind that we seek your written support to help achieve this aim.

By way of further background information, we enclose copies of letters from Tim's Occupational Therapist, Consultant and local doctor's surgery. These give a good and unbiased insight into Tim's current medical condition and best describe why this bespoke living accommodation is required for Tim.

It must be made clear that this purpose designed living accommodation is solely to benefit Tim and hopefully improve his chances of rehabilitation and at the same time improve his quality of life. It is certainly not intended for the long term benefit of the family by creating additional living accommodation which could be sold off separately at a later date. In fact, the Hosking family would invite the Planning Authority to impose a suitable restrictive Condition as part of any planning consent if they were mindful to approve the application. It should also be noted that the family have funds available to construct the new accommodation without the requirement for additional finance.

Two suitable designs are to be promoted. These are shown on our drawing numbers **7342-07** and **7342-08**. Both are a variation on the same theme, except that one is being treated as an extension to Tim's mother's house and the other is a '*stand alone*' unit. Both have purpose designed living accommodation for Tim and his full time carer. The family have a preference for the individual unit. This provides Tim with greater independence, as they believe Tim would appreciate not being a burden on his mother. The design allows for Tim to enjoy an aspect over the Worcestershire countryside from the rear of the property. A raised, covered rear terrace is proposed looking out over the family's paddock which houses their four horses. This will allow Tim to feel part of the family, and enjoy seeing the children riding ponies on their frequent visits to ride and groom the horses.

It is clear that both the medical experts and the family feel that for Tim's health to improve it is important that his environment and integration back into the family is enhanced. In addition, this new environment and holistic approach is far more conducive to Tim having regular visits from his 6 year old daughter Maisie, who now lives with her mother in Hereford. It was agreed that where Tim currently resides is not the most suitable of environments for a young child. This has led to a reluctance by Tim's former fiancée to allow their child to visit her father.

An important factor, not to be overlooked, is that of logistics. If Tim lived close to his family, relatives would not need to be restricted to planned visits, nor would they be confined to timetables. Life would inevitably become more 'normal' for everyone. As with all busy families, funny incidents, dramas, even the occasional calamity happens; it is these events that are part of every day life, these precious moments that Tim would be involved with solely because he was there and therefore a participant. This close proximity would automatically give him access to a far more varied and wider spectrum of events that would most definitely provide the stimulus he is missing in his present environment.

He is a relatively young man who, at present, physically cannot involve himself in his family's busy day to day lives. By moving him closer to his family he will be involved mentally although not physically. Family members, and indeed friends, will be able to call in to talk to him and tell him of their own daily experiences. Also, Tim will be able to join the family on short trips out in his specially adapted vehicle. These local journeys would not have been sensible to undertake if Tim lived at a different location, logistically it would turn a quick 'pop to the shops' into a marathon and therefore would not be undertaken. In fact, so many of the small things that physically able people take for granted would suddenly become possible for Tim if he were given the opportunity to live independently and in a more accessible location to those closest to him.

It goes without saying, that the family desperately want their son and brother back in his own home environment surrounded by the people who love him. The new accommodation will enable more regular visits by his family, as well as his mother being his immediate neighbour. However, the proposals also ensure Tim has a new purpose and incentive, and with the help of his full time carer will give him the best chance of securing greater autonomy and less dependability on the state. At the same time, and perhaps most importantly, greatly expand and assist his chances of joining his family in the normality of daily life.

Unfortunately, there are many people who find themselves in a similar situation to that of our clients; they also wish to be in a position to care for their loved ones in an independent home environment, but are unable to provide either the finance or man power required to make it possible. Tim Hosking's family realise they are extremely fortunate in that they are able to provide the necessary finance and care to achieve this happy environment for Tim. It is hoped that we can, with your support and compassion, and on the family's behalf, persuade the Planning Committee to agree to the **exceptional** circumstances, and on this occasion, grant approval to either of the applications, once submitted.

Thank you for your time.

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mr Timothy D. Hosking “A”	Proposed extension to form bespoke living accommodation for disabled family member (As augmented by information received 20.10.2009) The Granary, High House Farm, School Lane, Alvechurch, Worcestershire B48 7SA	RES	09/0714 02.12.2009

RECOMMENDATION: that planning permission be **REFUSED**.

Councillor R. Hollingworth has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH Strategic Planning (Policy) Tree Officer	Consulted – view received 06.11.2009. No objection. Consulted – view received 13.11.2009. The scheme does not raise any policy issues.
ENG	Consulted – view received 19.10.2009. No objection. Existing drainage infrastructure should accommodate the proposed extension. Storm and foul systems should be checked before making any connections. No flood risk assessment required.
NE	Consulted – view received 02.11.2009. No objection to the proposal in respect of legally species. Incorporating the measures outlined in the Land Care Associates letter should be achieved by means of a suitable condition or legal agreement.
WWT	Consulted – view received 27.10.2009. A condition is recommended to cover the recommendations made by Land Care Associates. In particular it is recommended that any conditions cover bat enhancement in line with PPS9 and the authority’s duties under the NERC Act 2006.
Alvechurch PC	Consulted – view received 03.11.2009. No objection (due to extenuating circumstances). However, the Parish Council would not wish to see further development on site.
Publicity	4 letters sent 14.10.2009 (expired 04.11.2009). 1 site notice posted 20.10.2009 (expired 10.11.2009). 1 response received raising the following issues: <ul style="list-style-type: none"> • The proposal will materially affect the privacy, aspect and light and therefore quality of life of the occupiers of The Barn. • The need for a new property on a restricted site is questioned as it is understood there is another adjacent property at the family’s disposal. • In light of previous planning applications, assurances are requested that the development was being undertaken purely for the reasons stated and that restrictions are placed on its future disposal.

The site and its surroundings

This application relates to a two storey domestic barn conversion, The Granary, and an adjoining paddock area. The site lies in the south east corner of a group of buildings collectively known as High House Farm. In addition to The Granary, the group consists of two dwellings formed from the former farmhouse and five attached domestic barn conversions located around three sides of a courtyard. The Granary forms the fourth side of the courtyard. The group shares a single access off the east side of School Lane. To the south/rear side of The Granary is a small enclosed amenity area and space for two cars. The paddock lies to the south of the amenity and parking areas with a brick wall to the common boundary. Just to the other side of the wall is a small brick outbuilding. To the side of this is a large timber outbuilding which is understood to be currently used for garaging for The Granary and equestrian related storage. The remainder of the building was used by the applicant, some years ago, in connection with his construction business. The paddock is accessed via a driveway which leads down between the timber outbuilding and the side boundary of The Farm House. Leading from the access towards the centre of the paddock is an area of hardstanding. The remainder of the site is grassed although it is overgrown around the edges. To the rear boundary is an hedge and field gate. To the rear is open countryside sloping down to a public right of way leading of Station Road. The application site is located in a recognised residential area but adjoins designated Green Belt to the south.

Proposal

This application proposes the demolition of the existing brick built outbuilding, garage/stores and brick boundary wall and the construction of a single storey annex extension to the existing barn conversion. The annex would contain two bedrooms and bathrooms and an open plan kitchen, lounge and dining area. To the rear of the extension would be a partly covered area of decking looking out over a large garden. The existing parking area at the rear of The Granary would be extended to allow the two existing parking spaces to be retained whilst providing access to a new parking space to the side of the extension. The annex has been designed to provide accommodation for a disabled family member (the applicant) and a carer.

Relevant policies

WMSS QE1, QE3, QE6, QE7
WCSP SD.2, SD.3, CTC.1, CTC.5, CTC.12, CTC.21, T.1, T.4
BDLP DS13, C4, C10A, C17, C27, C27C, TR8, TR11, ALVE5
Others PPS1, PPG2, PPS9, PPG13, SPG1, SPG4, Alvechurch Village Design Statement

Relevant Planning History

09/0713 Proposed annex building to provide specialist living accommodation for disabled family member (as augmented by information received 20.10.2009). Pending.

- 08/0763 Log cabin for use as a private dwelling by disabled relative (as amended by plan and information received 24.11.2008) at Land to the rear of The Granary, High House Farm, School Lane. Withdrawn 09.12.2008.
- B/1999/0917 Erection of bungalow (as amended by plans received 04.10.1999 and 07.10.1999) at Land at High House Farm, School Lane. Refused 01.11.1999.
- B/1995/0413 Erection of dwelling and associated stables at High House Farm, School Lane. Refused 14.08.95. Appeal dismissed 01.04.1996.
- B/1994/0546 Division of existing house to form 2 dwellings and conversion of existing agricultural buildings to form 6 dwellings (as amended by plans received 05.08.1994 and 02.09.1994) at High House Farm, School Lane. Approved 12.09.1994.

Notes

The main issues with this application are the visual impact of the proposed extension, the amenities of adjoining occupiers, highway safety and parking provision and ecological and tree issues. Consideration must also be given to a supporting statement and information which has accompanied this application.

Although the submitted application form indicates that the proposal involves an increase in the number of residential units at the site, the applicant's agent has verbally confirmed that the proposed development is intended to be an annex to the main dwelling. The annex would be in close proximity to The Granary and would be internally linked to it. Access from the existing dwelling to the proposed garden area would be through the annex. I am therefore satisfied that there would always be a functional need for the annex and main building to be occupied as one unit and that this could be satisfactorily controlled by way of a condition.

Design

Policy ALVE5 of the Bromsgrove District Local Plan identifies the area to the south of St. Laurence Church in Alvechurch as having a special character worthy of protection. Although High House Farm now lies outside the Green Belt, I consider that its barn conversions still clearly read as former rural buildings. I therefore consider that the most appropriate policy to consider the proposed development against is Policy C27C of BDLP (Extensions to converted rural buildings). This policy states that such proposals will be assessed against their impact on the character of the building as it existed immediately prior to conversion rather than the use to which it has been converted. Paragraph 16.10 of the BDLP states that for the purposes of this policy, the key element is the form and style of the original building. Further guidance is provided in Council's adopted Supplementary Planning Guidance Note 4: Conversion of Rural Buildings. Paragraph 1.2 and 2.1 note that one of the main reasons for allowing conversion schemes is to preserve the character, form and basic integrity of traditional rural buildings. I consider this need to preserve the character, form and integrity of the original building remains an important consideration in the assessment of subsequent applications to extend and alter the building. Paragraph 3.7 of SPG4 states that extensions will not normally be

permitted as these would detract from the plain, simple and utilitarian appearance of most rural buildings.

The Granary was converted to residential use under application B/1994/0546. The existing plans to that application indicate that the property has retained much of its original character. With the exception of the removal of part of the roof to a rear lean-to, the form of the building remained fairly unaltered during its conversion. As with many rural buildings, one of The Granary's most important characteristics is its strong linear form. The proposed extension, with its almost T-shaped footprint and stepped east building line, is completely at odds with the linear form of the building. Paragraph 3.3 advises that agricultural buildings are characterised by few windows and door openings. Additional doors and windows should be kept to a minimum and reflect existing patterns. I do not consider that the fenestration detail of the proposed extension has achieved this. Whilst the openings to the north and west elevations are aimed to reflect the existing openings to The Granary, they are not of the same proportions or detailing. The three large openings to the rear elevation of the annex clearly do not reflect the existing doors and windows and I consider that these have an overly domestic appearance. Further to this, the incorporation of a flat roof along the east side of the extension is uncharacteristic of an agricultural building. I am therefore of the view that the proposed extension would detrimentally harm the character of the existing building which made it worthy of conversion.

In order to preserve the special character of the area, Policy ALVE5 restricts the ground floor area of a dwelling to no more than 20% of the plot area. The proposed extension would increase the footprint of The Granary to 25% of its plot area. Notwithstanding my objection to the design of the extension, I consider that an additional 5% of plot coverage over that specified under Policy ALVE5 would not, on its own, cause detriment to the character of the locality.

Personal circumstances

The application was accompanied by a Family Statement in support of the proposed development. The Statement explains that the applicant suffered a severe head injury which rendered him unable to speak or move and is confined to a wheelchair requiring 24 hour care. The Statement makes a point of noting that the proposal is solely to benefit the applicant to hopefully improve his chances of rehabilitation whilst improving his quality of life. A condition is suggested to restrict the use of the development. Medical experts and the family feel that for the applicant's health to improve, it is important that his environment and integration back into the family is enhanced. It is considered that the proposed arrangement would be more conducive to the applicant having regular visits from his 6 year old daughter and would allow him to be involved with and a participant in family life. Close proximity with his family would allow the applicant a far more varied and wider spectrum of events that would provide the stimulus he is missing in his present environment. The proposal would also provide the applicant with a new purpose and incentive, and with the help of a full time carer would give him the best chance of securing greater autonomy and less dependency on the state. A copy of the full statement is included within the Appendix attached to the previous item (09/0713). The application was also accompanied by 5 letters from medical practitioners providing further information on the applicant's medical condition. Two letters, from a local doctors

surgery and the Community Neurological Team, provide support for the proposed development. The latter letter states. The statement considers these letters give an unbiased insight into the applicant's medical condition. A letter from the local doctor's surgery states that if the applicant "could be cared for in more familiar environment ... then this would provide the best stimulation and environment for further recovery to occur."

It is acknowledged that exceptionally the personal circumstances of an applicant may be a material consideration of a planning application. However, as noted in The Planning System: General Principles (which accompanies PPS1) and established through case law, arguments relating to personal circumstances will seldom outweigh the more general planning considerations. Proposed development of a permanent nature (such as the proposed development the subject of this application), will remain long after the personal circumstances of the applicant have ceased to be material. Whilst I empathise with the personal circumstances of the applicant and his family and have given full consideration to the Family Statement and the information provided in the letters, I do not consider that the argument put forward in support of the proposal has greater weight than the level of harm that would be caused to the character of the surrounding area. I also note that no argument has been put forward regarding alternative means to allow the applicant to live close to his family, such as the adaptation of an existing property.

Residential amenities

To the east of the site of the proposed extension is The Barn, built at a slightly lower level to the application site, and to the west, is The Farm House. The occupiers of The Barn have raised concern that the proposal would be detrimental to their privacy, aspect and light. However, the proposal does not include any windows directly facing The Barn and the common boundary wall is of a sufficient height to prevent overlooking from the proposed timber decking to the rear of the annex. The nearest window to The Barn is a side dining room bay which would directly face the gable wall of the annex. Whilst I acknowledge that the proposal would reduce the level of daylight received by this window and affect its outlook, I am aware that the dining room benefits from a north facing window. Given the separation distance between the bay and the gable wall of just over 7 metres, I do not consider that the level of harm would so significant to detrimentally harm the amenities of the occupiers of The Barn. Other openings to The Barn facing the proposed extension are to non-habitable rooms.

The windows to the corridor linking the annex to the main house would directly face a number of ground and first floor windows to The Farm House with a separation distance of approximately 24 metres. SPG1 suggests that, for two storey dwellings, a minimum window to window separation distance of 21m should be achieved to secure a satisfactory level of privacy. I am therefore satisfied that the proposal would not unduly harm the amenities currently enjoyed by the occupiers of The Farm House.

Highway and parking issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress and include sufficient parking. The Granary would retain its existing three outside parking spaces and a fourth space would be provided adjacent to the extension. Worcestershire Highways has raised no objection to the proposal and I am therefore satisfied that an adequate access and parking arrangement would be provided.

Ecological issues

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Under regulation 3(4) of the Conservation (Natural Habitats etc.) Regulations 1994, a Local Planning Authority has a duty to have regard to the Habitats Directive when dealing with planning applications where a European protected species may be affected. Policy QE7 of the WMSS requires Local Authorities to encourage the maintenance and enhancement of the Region's wider biodiversity resources giving priority to (among other criteria) the protection of statutory protected species.

The application was accompanied by a Daytime Bat and Hedgerow Assessment which was later updated by a letter from the Consultant Ecologist. The assessment and letter report that both outbuildings have a very low potential for roosting or resting bats. No protected species were using the rear hedgerow although it did have some potential for nesting birds. No further surveys were considered necessary although a number of recommendations are made including the provision of bat boxes at the site. Natural England and Worcestershire Wildlife Trust have suggested a condition covering the recommendations made in the letter. Such a condition would be consistent with the principle of maintaining and enhancing, restoring or adding to biodiversity conservation advocated under PPS9: Biodiversity and Geological Conservation.

Tree issues

The proposed extension would be located approximately 2.5 metres from a eucalyptus tree within the boundaries of The Barn. This tree is considered to be of limited amenity value to the wider landscape and the Tree Officer has raised no objection to the scheme.

Conclusion

The proposed extension by reason of its footprint, form and fenestration detailing would erode the plain, simple and utilitarian character of The Granary and would therefore detract from the group of buildings to High House Farm. I have given due regard to the applicant's personal circumstances but do not consider that these outweigh the visual harm caused by the proposal.

Members will be aware that a separate application (09/0713) for a detached annex is included within this agenda. The footprints of the two developments do not

completely overlap and if planning permission was to be granted under both applications, the applicant would be able to construct part of the proposed extension and part of the detached building. This would have severe implications for the amenities of the locality and possibly those of adjoining occupiers. If Members are minded to grant consent for both applications, it is suggested that consideration be given to a suitable mechanism to ensure that only one development is constructed.

RECOMMENDATION: that planning permission be **REFUSED**.

The form, fenestration detailing and non-linear footprint of the proposed extension would detrimentally erode the inherently plain, simple and utilitarian character and appearance of the converted rural building and the wider group of converted farm buildings contrary to Policies DS2 and C27C of the Bromsgrove District Local Plan 2004, Policy D.16 of the Worcestershire County Structure Plan 2001 and the provisions of Supplementary Planning Guidance 4: Conversion of Rural Buildings.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Miss Abigail Baldrey “A”	Erection of a stable block with associated parking and turning area. Change of use of land to mixed-use Agricultural/Equestrian. Land At E:397827 N: 272980, Littleheath Lane, Lickey End, Worcestershire	GB	09/0758 04.01.2010

RECOMMENDATION: that planning permission be **REFUSED**.

Consultations

WH	Consulted – view received 13.11.2009. Recommends conditions HC7 and HC8 and note HN5.
Highways Agency	Consulted – view received 02.11.2009. No objection.
Tree Officer	Consulted – view received 23.10.2009. No objection subject to conditions C13 to C19.
Publicity	1 site notice posted 23.10.2009 (expired 13.11.2009). 1 press notice published 15.10.2009 (expired 05.11.2009). 1 response received offering support for the proposal. The L-shaped building seems suitable bearing in mind the prevailing wind and weather and shelter from the two large oak trees. It is considered that the proposal would have minimal effect on the immediate environment. A nearby building built some years ago blends into its surroundings and it is expected this would happen with the proposal.

The site and its surroundings

This application relates to a piece of land measuring 3.53 hectares located to north side of Littleheath Lane. The site forms part of a larger field which appears to have been subdivided in terms of ownership although there is no physical boundary on the site. The roadside and south west boundaries are marked by mature hedgerow. To the north is a partly tree and shrub covered embankment rising up to the M42. The field slopes gently down to the embankment. Vehicular access to the site is provided by an existing gateway off Littleheath Lane opposite its junction with Lower Shepley Lane. The site is located in a recognised area of Green Belt.

Proposal

This application proposes an L-shaped stable building, associated hardstanding and change of use of the site to equestrian and agricultural purposes. The agricultural element would relate to hay production to be used on site.

Relevant Policies

WMSS	QE6
WCSP	SD.2, CTC.1, CTC.5, D.38, D.39, T.1, RST.10,
BDLP	DS1, DS2, DS13, C4, C17, TR11, RAT1, RAT2, RAT16, RAT17
Others	PPS1, PPG2, PPS7, PPG17, SPG5

Relevant Planning History

None.

Notes

The main issue in the determination of this application is whether the proposed stable block is an appropriate form of development in the Green Belt and if not whether there are any very special circumstances that would override the harm caused. Consideration must also be given to the visual impact of the proposal on the surrounding landscape, residential amenity issues, trees and highway safety.

Green Belt and visual impact

Policy DS2 of the Bromsgrove District Local Plan is in general accordance with the provisions of PPG2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. Criterion (b) of this policy allows for essential facilities for outdoor sport and recreations. PPG2 explains that a possible example of such facilities includes small stables. Policy RAT2 of the BDLP explains that outdoor sport and recreation facilities will be supported in the Green Belt subject to a number of conditions. Policy RAT16 states that proposals involving the use of agricultural land for equestrian pursuits in the Green Belt will be considered favourably provided that any stabling does not conflict with the visual amenities of the Green Belt and the proposal is in compliance with Policy RAT17. Clearly grazing land is an essential requirement of equestrian activities and I am therefore of the view that the proposed change of use and the principle of the proposed stable building are appropriate forms of development in the Green Belt.

Policy RAT17 of the BDLP relates specifically to stable developments. Criterion (a) of the policy requires new buildings to be kept to a minimum necessary and consist only of essential facilities genuinely required on a parcel of land which preserves the openness of the Green Belt. Save in exceptional circumstances buildings will only be permitted where they are closely related to existing farm buildings or other groups of buildings. Criterion (b) states that where possible the re-use of existing agricultural buildings should be achieved. Criterion (c) requires the design, materials and landscape treatment of a stabling development to be of a high standard and sensitive to its surroundings in order to protect the visual amenity of the Green Belt and to ensure integration into the rural setting.

The stable building is to consist of three stables and a tack/feed/fodder store. The individual stables meet the size requirements specified under criterion (e) of Policy RAT17 and given the size of the site, I am satisfied that there is sufficient grazing land for three horses (even with part of the site used for the production of hay). The applicant has justified the size of the store in relation to the items which would need to be stored at the site for the horses to be stabled for part of the day. The stables are to be timber clad with a black roof covering and these materials are considered to be appropriate for the development. There are no existing buildings on or adjacent to the site which the stable building could be positioned adjacent to and as such the proposal is contrary to Policy RAT17(a). Criterion (h) of the policy states that, where exceptionally a site in open

countryside is allowed, the proposal should integrate with existing planting and landform to minimise the impact on visual amenities. Although the proposed building has been set against an existing boundary hedge, its L-shaped footprint fails to take account of the line of the hedge, extending 9 metres out into the field. The Design and Access Statement puts forward a view that the mature trees and hedges surrounding the site would ensure that it would be well screened and minimise any impact on the surrounding area. However, the boundary hedge is just 2 to 3 metres in height and the proposed development would be clearly visible from Littleheath Lane. I therefore consider that the proposal occupies an isolated position and fails to integrate within its surroundings as required under Policy RAT17. The 7.3 metre wide side wall of the stables would be visually intrusive and detrimental to the surrounding landscape and visual amenities of the Green Belt.

To overcome this objection, the applicant was advised to amend the scheme to form a linear building running parallel with the hedge. In response to this the applicant has explained (letter dated 23.11.2009) that the application site is particularly susceptible to the prevailing wind. The horses that are to be stabled are thoroughbreds which are susceptible to cold and in particular draughts. The stable block has been designed in an L-shape to protect the horses and contents from the worst of the worst prevailing winds. Without such protection, the horses would be put at an unacceptable level of risk. Whilst I appreciate the applicant's need to provide suitable accommodation for the horses, I do not consider that this provides justification for the Council to depart from its adopted policy or outweighs the level of harm that would be caused and the potential setting of a precedent which could be repeated over the whole District. Instead, I would suggest that a site which offers no level of natural shelter from the wind is unsuitable for the stabling of thoroughbred horses. The applicant has stated that the suggested amendment would increase the footprint of the development from 98 to 114 square metres. I disagree that this would be the case as the concrete apron in front of the stables could be reduced in size whilst still providing a sizeable area in front of the stables. The applicant has made reference to other schemes where the Council has granted consent for L-shaped stable buildings. In conversations three specific schemes have been referred to. I consider the circumstances relating to these applications are quite different to those to the proposal. The L-shaped stable block approved under B/2003/1514 was closely related to existing buildings and was therefore in compliance with Policy RAT17(a). As such, there was no requirement for the building to integrate with the existing landscape. The stables approved under B/2004/0931 was in the vicinity of an existing dwelling and were located in a two sided space created by the roadside hedge and a proposed ménage. The building approved under B/2002/0615 was located towards the corner of a field clearly integrating with the existing boundary hedge. A third party has made reference to a stable building built some years ago which is considered to blend with its surroundings. I am aware of three examples of stables close to the application site. However, unlike the application site, these examples are well screened from the highway.

Paragraph 42 of PPS7: Sustainable Development in Rural Areas encourages Local Planning Authorities to support equine enterprises that maintain environmental quality and countryside character. In my opinion, the proposed development will be of harm to the character of the locality and therefore does not benefit from the support provided under PPS7.

Residential amenity issues

The proposed stable building is located away from nearby residential properties and I therefore do not consider the proposal raises any residential amenity issues.

Policy RAT17 requires stable developments to provide adequate provision for the storage and disposal of waste materials without detriment to neighbouring occupiers or pollution of any watercourses or water supply sources. It is understood that a muck trailer would be used to remove waste from the site.

Tree issues

Policy C17 of the BDLP states that development proposals should retain existing trees wherever possible. The proposed stable building would be located just outside the canopy of a large oak tree within the roadside boundary hedge. The Tree Officer has raised no objection to the proposal subject to conditions.

Highway safety

Policy RAT(d) requires adequate highway access and parking facilities to exist or be provided without detriment to highway safety or the visual amenities of the Green Belt. The proposed development would utilise the existing field access. The proposed hardstanding would consist of a 34 square metres of concrete in front of the stables and 120 square metres of tarmac planings leading from the access to the stables. The applicant has explained that the area of tarmac planings would allow for a vehicle to safely park off the highway and to be turned around. I am aware that the Council has previously granted consent for similar sized areas of hardstanding areas in association with stable developments (applications B/2003/1514 and B/2004/ 0931). The use of two different materials to the hardstanding would break up its expanse reducing its impact on the visual amenities of the Green Belt.

Worcestershire Highways has requested a condition requiring the existing gate to be set back 7.3 metres from the highway and a second condition requiring the construction of a formal vehicular access. I note from the Design and Access Statement, that the applicant already proposes to set the gates back and as such I consider the first condition to be appropriate. As the access to the field is already in place, I do not consider that the second condition is reasonably necessary.

Conclusion

The proposed development is located away from existing buildings and fails to integrate with the existing landscape as required under Policy RAT17 of the BDLP. Failure to integrate with the existing landform would create an intrusive feature which would cause an unacceptable level of the harm to the appearance and character of the locality.

RECOMMENDATION:

The proposed stable building occupies an isolated position and, by reason of its L-shaped footprint, fails to integrate with the existing planting and landform to the application site. The proposal will therefore unduly harm the appearance and character of the landscape

and the visual amenities of the Green Belt and is found to be contrary to Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policies RAT2, RAT16, RAT17 and C4 of the Bromsgrove District Local Plan 2004.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

7TH DECEMBER 2009

APPEAL DECISIONS

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

1. SUMMARY

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

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

	Name of Appellant	Plan Ref. / Proposal / Decision
3.1 (a)	Mrs. Y. Rowbottom	09/0340-DK - Lawful Development Certificate appeal for detached garage to additional ancillary living accommodation within planning unit - Ankcorn Cottage, Bell Green Lane, Birmingham, B38 0EN Refused: 25th June 2009 Appeal decision: allowed - 27th October 2009
3.1 (b)	Mrs. Y. Rowbottom	08/0978-DK - Proposed conversion of an existing three car garage to living accommodation for elderly relative ancillary to main dwelling - Ankcorn Cottage, Bell Green Lane, Birmingham, B38 0EN Refused: 6th January 2009 Appeal decision: As planning permission is not required for the proposal (see 3.1 (a) above), no decision needs to be made
3.2	Mrs. C. Pascal	08/0819-DK - Proposed two-storey side extension - High Bank, Hewell Lane, Tardebigge, Bromsgrove, B60 1LN Refused: 3rd November 2008 Appeal decision: allowed - 2nd November 2009

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3	Mr. P. Grove	08/0894-DK - Proposed detached 5-bedroom dwelling on a vacant zoned residential site - Land adjacent to 6 Blakesfield Drive, Barnt Green, B45 8JT Refused: 4th December 2008 Appeal decision: dismissed - 11th November 2009 Costs: not awarded
3.4	Mr. D. Kemp	08/0549-MT - Proposed erection of a garage - 224 Birmingham Road, Lickey End, Bromsgrove, B61 0EZ Refused: 7th September 2009 Appeal decision: dismissed - 16th November 2009
3.5	Mr. N. Langley	09/0417-DK - Proposed extension to dwelling to form covered swimming pool - Wilmore Grange, Wilmore Lane, Wythall, B47 6LG Refused: 6th August 2009 Appeal decision: dismissed - 20th November 2009
3.6	Mr. D. Scott	09/0596-SP - Proposed 2 storey side extension + rear (Ground floor - study, WC and kitchen. First floor - bathroom, en-suite + bedroom) - 20 Pinewoods Avenue, Hagley, DY9 0JF Refused: 28th September 2009 Appeal decision: allowed - 20th November 2009

4. **FINANCIAL IMPLICATIONS**

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

5. **LEGAL IMPLICATIONS**

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

6. **COUNCIL OBJECTIVES**

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

7. **RISK MANAGEMENT**

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

8. **CUSTOMER IMPLICATIONS**

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

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and / or diversity implications directly relating to this report.

10. **OTHER IMPLICATIONS**

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

11. **OTHERS CONSULTED ON THE REPORT**

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

12. **APPENDICES**

12.1 None.

13. **BACKGROUND PAPERS**

13.1 Appeal decision letters received from the Planning Inspectorate, dated 27th October, 2nd, 11th, 16th and 20th November 2009.

CONTACT OFFICER

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