



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 17TH MAY 2010
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Those Members of the Council appointed to the Planning Committee following the Annual Meeting of the Council on 12th May 2010

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.

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

AGENDA

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest
5. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 19th April 2010 (Pages 1 - 4)

6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. 10/0016-CE - New detached annex for family support, therapy and education - Primrose Hospice and Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW - Mr. A. Robinson, Primrose Hospice (Pages 5 - 14)
8. 10/0115-JT - Retail Warehouse (bulky goods) with associated parking and infrastructure (application B/2005/0293) - 2 Sherwood Road, Bromsgrove, B60 3DU - Barpro Group and Chase Commercial (Pages 15 - 24)
9. 10/0116-DMB - Proposed erection of 24 no. affordable dwellings including provision of new access road and creation of open space - Land at Shaw Lane, Stoke Prior, Bromsgrove - Bromsgrove District Housing Trust (Pages 25 - 50)
10. 10/0199-JT - Proposed eight court sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse, associated car parking and external works - Bromsgrove School, Worcester Road, Bromsgrove, B61 7DU - Bromsgrove School (Pages 51 - 68)
11. 10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam (Pages 69 - 74)
12. 10/0212-DK - Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas (Extension of time for B/2007/0265) - Plot 10, Acanthus Road, Redditch, B98 9EX - LE Gallais Company (Pages 75 - 80)
13. 10/0213-DK - Erection of B2 building with ancillary car parking and servicing areas at land adjacent to Heller Machine Tools (Extension of time for B/2005/0351) - Heller Machine Tools Ltd., Acanthus Road, Redditch, B98 9EX - Heller Machine Tools Ltd. (Pages 81 - 84)
14. 10/0284-CE - Proposed lorry turning / manoeuvring area - Bransons Furniture Showroom, Alcester Road, Beoley, B98 9DS - Mr. B. Collett (Pages 85 - 90)
15. 10/0317-MT - Change of Use from Market Hall to Car Park - Former Market Hall site, St. John Street, Bromsgrove, B61 8QY - Bromsgrove District Council (Pages 91 - 96)
16. 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

17. 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 involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph 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>Paragraph(s)</u>	
18	2 and 6	"

18. Enforcement of Planning Control (Ref.: 20100517-01) (Pages 97 - 102)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

6th May 2010

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 19TH APRIL 2010

AT 2.00 P.M.

PRESENT: 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, E. J. Murray, S. R. Peters, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillor D. L. Pardoe and Councillor L. J. Turner

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mr. J. Turner, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

148/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs. J. D. Luck.

149/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

150/09 **MINUTES**

The minutes of the meetings of the Planning Committee held at 1.00 p.m. and 2.00 p.m. on 29th March 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

151/09 **09/0996-JT - ERECTION OF 5,049 SQ.M. WAREHOUSE TO REPLACE FORMER POULTRY SHEDS AT REAR OF PREMISES - OAKLAND INTERNATIONAL LTD., SEAFIELD LANE, PORTWAY, B98 9DB - MR. D. ATTWELL**

The Head of Planning and Environment Services reported the comments of Worcestershire Highways and the Herefordshire and Worcestershire Chamber of Commerce. He also reported that a Certificate of Lawfulness had been granted on 16th April 2010 relating to the storage/distribution use of the existing buildings on the site.

In the light of the comments received from Worcestershire Highways, the Head of Planning and Environment Services informed the Committee that his recommendation had been amended to one of approval.

At the invitation of the Chairman, Mr. D. Attwell addressed the Committee and spoke in favour of the application.

RESOLVED that the power to approve the application be delegated to the Head of Planning and Environment Services (Head of Planning and Regeneration) subject to any reasonable conditions and notes as considered necessary, to specifically include appropriately-worded conditions relating to:-

- (a) a restriction on internal alterations to ensure that further floorspace cannot be created without the consent of the Council;
- (b) the imposition of a suitable Travel Plan;
- (c) materials; and
- (d) a limitation on noise emissions from compressors.

152/09 **09/1003-JT - ERECTION OF TWO WIND GENERATORS AND CREATION OF ASSOCIATED ACCESS TRACK - LAND AT KIDDERMINSTER ROAD / BERRY LANE, DODFORD, BROMSGROVE - MR. P. HIRONS**

Consideration was given to the application which had been deferred at the meeting of the Committee held on 1st March 2010 in order to extend the scope of the consultation and to obtain further information before making a decision on the application.

The Head of Planning and Environment Services reported the receipt of comments from the Conservation Officer, Wychavon District Council's Conservation Officer and Worcestershire County Council's Historic Environment Planning Officer. He also reported the views of the applicant, together with the receipt of letters from Julie Kirkbride MP, the proprietor of an adjacent business premises and a third-party. He stated that one letter of support and fourteen further letters from existing objectors in response to the wider consultation had been received.

In the light of the comments and representations received, the Head of Planning and Environment Services informed the Committee that his recommendation had been amended and he was minded to refuse the application.

RESOLVED that permission be refused for the following reasons:-

- (1) The proposed development, by reason of its scale, location and visibility, would adversely affect the setting of nearby listed buildings and the historic landscape in which they are located. It is therefore considered that heritage assets in the local area would be compromised, and that the recognised benefits of the proposals do not outweigh the harm caused. In this respect, the proposal is contrary to Worcestershire Structure Plan policy EN.2, Bromsgrove District Local Plan policy S39, the guidance contained within PPS5 and PPS22, and the Draft Historic Environment Assessment for Bromsgrove.
- (2) Information submitted by the applicant indicates that noise levels at the adjacent caravan site attached to Woodcote Golf Driving Range would be 40-45 dB. A full noise assessment including background noise

surveys and wind-speed monitoring is therefore required. In the absence of such information, it is considered that the applicant has failed to demonstrate that the effects on the caravan park would be acceptable. The proposal is therefore contrary to Worcestershire Structure Plan policy EN.2, Bromsgrove District Local Plan policy ES13A, the guidance contained within PPS22 and PPG2, and the technical advice in ETSU-R-97 'Assessment and Rating of Noise from Wind Farms'.

153/09 **10/0103-DK - THREE TWO STOREY OFFICE UNITS WITH ASSOCIATED CAR PARKING AND LANDSCAPING (EXTENSION OF TIME FOR PERMISSION B/2006/1249) - REGAL GARAGE, 18 BUNTSFORD DRIVE, BROMSGROVE, B60 3AJ - MR. T. MAYNEORD**

RESOLVED that permission be refused for the reason set out on page 54 of the report.

154/09 **10/0128-CE - PROPOSED NEW TRACTOR SHED AND IMPLEMENT STORE (RE-SUBMISSION OF APPLICATION 09/0448-CE) - FOX HAVEN, OLD BIRMINGHAM ROAD, MARLBROOK, BROMSGROVE, B60 1NU - MR. G. VALE**

The Head of Planning and Environment Services reported the receipt of a letter from the applicant.

RESOLVED that permission be refused for the reason set out on page 60 of the report.

155/09 **10/0130-JT - PROPOSED NEW WIND TURBINE - CALCOT HILL FARM, CALCOT HILL, ROMSLEY, DY9 9RX - MRS. J. MCMINN**

The Head of Planning and Environment Services referred to this application and stated that it had been withdrawn.

156/09 **10/0195-CE - PROPOSED ERECTION OF THREE NEW BUNGALOWS AND ONE TWO STOREY DWELLING AND ALTERATIONS TO EXISTING HOUSE TO PROVIDE ACCESS - 46 ALCESTER ROAD, HOLLYWOOD, B47 5NB - MR. N. WICKLEN**

The Head of Planning and Environment Services reported the comments of the Drainage Engineer and Worcestershire Highways, together with the receipt of additional information from the applicant's agent. He also reported an amendment to Note 1 contained within his recommendation, referred to on page 80 of the report.

At the invitation of the Chairman, Mr. D. Wolverson addressed the Committee and spoke in opposition to the proposals, and Councillor L. J. Turner also addressed the Committee, as one of the Ward Members 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. On the matter being put to the vote, Members considered that the proposal -

- (i) amounted to an overdevelopment of the application site, and created a cramped form of development of inappropriate design;
- (ii) was of an unsuitable scale and character;
- (iii) caused a loss of residential amenity due to its non-compliance with SPG1;
- (iv) caused an unacceptable loss of tree cover which provided a valuable asset in the locality; and
- (v) created unacceptable highway implications in respect of access and egress.

RESOLVED:

- (a) that permission be refused for the reasons (i) to (v) above; and
- (b) that the exact wording of these reasons, to form the reasons on the Notice of Refusal of Planning Permission quoting the relevant Structure Plan and Local Plan policies, be delegated to the Head of Planning and Environment Services (Head of Planning and Regeneration).

157/09 **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>
158	2 and 6

158/09 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Planning Committee held in private session on 29th March 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

The meeting closed at 3.25 p.m.

Chairman

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Alvin Robinson, Primrose Hospice 'A'	New detached annex for family support, therapy and education (as augmented by surveys received 15.02.2010 and 29.04.2010 and information received 01.03.2010 and 02.03.2010, 10.03.2010 and amended by plans received 10.03.2010 and 17.03.2010 and 10.03.2010) - Primrose Hospice and Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW	GB	10/0016-CE 01.04.2010

At the meeting of the Committee held on the 29th March 2010 Members resolved to defer the application in order for the applicant to undertake the necessary new surveys as advocated by Natural England and for the application to be brought back to Planning Committee with this information for the consideration of Members.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted - view received 22.02.2010. No objection.
Strategic Planning	<p>Consulted - view received 29.01.2010.</p> <ul style="list-style-type: none"> ▪ PPG2 and BDLP policies DS2 and S28 apply. ▪ Although the current proposal may be well contained within the existing building, built extension and vegetation (which is not a permanent feature itself), it is not considered that the cumulative additions are proportionate to the size of the original building or that the building will cause limited harm to the openness of the Green Belt. ▪ It is not considered that the reasons provided by the applicant comprise very special circumstances. The applicant fails to explain why extending opening hours or relocating to a bigger property within Bromsgrove town are not options. ▪ As the building will be built on an existing pond, it is important to check there will be no harm to biodiversity. The biodiversity value of open water (including man-made ponds) is recognised in the Worcestershire Biodiversity Action Plan. ▪ Although the site falls outside the Landscape Protection Area, it is important to ensure that the development will contribute positively to the landscape character of the area.
Tree Officer	Consulted - initial view received 17.03.2010. Concerns raised regarding the proximity of the development to a protected yew tree. Re-consulted following receipt of amended plans received 17.03.2010 - view received 17.03.2010. No objection subject to conditions.
ENG	Consulted - view received 15.03.2010. No objection subject to a condition requiring the submission of storm water details. No flood risk assessment required.

NE	<p>Consulted - view received 23.03.2010.</p> <ul style="list-style-type: none">▪ The ecological survey contains uncertainty regarding great crested newts in the pond on the application site. This uncertainty is primarily due to the unsuitable time of year that the survey work is carried out and amounts to a lack of inadequate information. Additional survey work should be carried out.▪ Current PPS9 guidance on biodiversity and conservation enshrines the key principle that "planning decisions should be based on up to date information about the environmental characteristics of their area." While Natural England understands the difficulties with regard to the timescale on available funding support, the Council must remain clear about the PPS9 guidance regarding the submission of ecological information with planning applications.▪ It is recommended that planning permission be refused on grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse impact on legally protected species. Concerns relate specifically to the likely impact upon great crested newts. <p>Re-consulted following receipt of Great Crested Newt Survey - view received 04.05.2010. Based on the new information provided, Natural England has no objection the proposed development in respect of legally protected species. The creation of a replacement pond, as recommended in the consultant ecologist's report, is welcomed. Retention of the pond, but in a new location and along the lines set out in the report, should help to maintain the biodiversity value of the existing feature. This type of enhancement feature for biodiversity is consistent with the key principles expressed in PPS9 and demonstrates the Council is fulfilling its biodiversity duty under the Natural Environment and Rural and Communities Act 2006.</p>
WWT	<p>Consulted - view received 19.02.2010. No objection. A condition is recommended to cover the mitigation and enhancement measures detailed in the ecological report. It is not considered necessary to wait for further information on great crested newts.</p> <p>Re-consulted following receipt of Great Crested Newt Survey - view received 29.04.2010. The findings and recommendations in the report are agreed with. A condition is suggested to cover the ecological recommendations and timing of works as suggested in the report.</p>
Bromsgrove Health Authority	<p>Consulted 25.01.2010 (expired 15.02.2010). No response received to date.</p>
Finstall PC	<p>Consulted 25.01.2010 (expired 15.02.2010). No response received. Re-consulted 08.03.2010 following receipt of amended plans (expires 22.03.2010). No response received to date.</p>

Publicity 1 letter sent 10.02.2010 (expired 03.2010).
 1 letter sent 08.03.2010 following receipt of amended plans received
 04.03.2010 (expires 22.03.2010).
 1 site notice posted 09.02.2010 (expired 02.03.2010).
 1 site noticed posted 08.03.2010 following receipt of amended plans
 received 04.03.2010 (expires 22.03.2010).
 1 press notice published 28.01.2010 (expired 18.02.2010).
 No response received to date.

The amended plans received on 17.03.2010 show the proposed building positioned 2 metres closer to the common boundary with 47 St. Godwalds Road. Due to the separation distance between the proposal and the boundary (31 metres), it is not considered necessary to re-notify the adjoining occupiers.

The site and its surroundings

Primrose Hospice is located to the east side of St. Godwalds Road on the southern end of a run of development. The hospice building was originally constructed as a rectory in 1868 and has been significantly extended at ground floor level in the last 10 years. The building is located in a good sized plot which benefits from a mature boundary hedge along the roadside boundary. The site contains a number of substantial trees some of which are covered by Tree Preservation Orders. Parking is provided to the north and east of the building, with the remainder of the site providing a formal garden. The site shares its northern boundary with 47 St. Godwalds Road, a residential property. To the south and east, are fields. The site is located in a recognised area of Green Belt.

Primrose Hospice provides the following services:

- i) Support for patients suffering from a range of terminal illnesses.
- ii) The Family Support Service provides advice and counselling to the families of patients and runs a number of support groups.
- iii) Primrose at Home is a team of carers providing basic nursing care and social support for patients and their families in their own homes.
- iv) An in-hospital palliative care unit at the Princess of Wales Hospital.

Proposal

This application seeks consent for a part single, part two storey detached building to house the Hospice's Family Support Service. The building will comprise of offices, counselling and therapy rooms, a teaching room and library. It will be sited on land between the existing hospice and the road. This application also proposes to provide 8 additional parking spaces.

Relevant Policies

WMSS QE1, QE3, QE6, QE7, T2, T7
WCSP SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others PPS1, PPG2, PPS9, PPG13

Relevant Planning History

B/2007/0780	Addition of glazed walkway and extension to form single storey spiritual room. Approved 04.09.2007.
B/2006/1367	Addition of glazed extension and walkway. Alteration to existing roof. Approved 08.02.2007.
B/2002/0316	Single storey extension to provide patient care areas. Approved 14.05.2002.
B/2000/0936	Single storey and two storey extension to provide patient care and administrative areas. Approved 16.10.2000.
B/1993/0923	Building and excavating an ornamental pool for the enjoyment of patients. Approved 17.02.1994.
B19223	Change of use of dwelling to day hospice. Approved 10.12.1990.
B1923	Extensions and alterations. Approved 10.12.1990.

Notes

The main issue with this application is whether the proposed development is appropriate in the Green Belt and, if not, whether very special circumstances exist to outweigh the harm caused. Consideration must also be given to design, residential amenity, landscape, tree, ecological, sustainability, parking and drainage issues.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan 2004 is in accordance with Planning Policy Guidance Note 2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. The proposed development does not fall under any of the specified instances and is therefore an inappropriate form of development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. The applicant considers that the proposed annex, by reason of its location within the site and its relationship with surrounding development will be of limited harm to the openness of the Green Belt. I appreciate that the overall impact of the development has been reduced by placing it beside the existing building and that it will be seen in the context of the adjoining built development. However, the building is substantial in size especially when considered with the size of extensions already added to the hospice. I therefore agree with the Strategic Planning Officer that the harm is more than limited.

It now follows for me to consider whether any very special circumstances exist to outweigh the harm caused. The application was accompanied by a supporting statement which has been supplemented with further details and information obtained at a meeting with the applicant. This information puts forward a number of issues in support of the proposed development which are summarised as follows:

- a) In 2008, the Department of Health published its End of Life Care Strategy (ELCS). This guidance seeks to improve the quality of care at the end of life for all patients and for their carers and to enable more patients to live and die in places of their

choice. The strategy requires end of life care providers, such as the hospice, to provide more counselling and therapy rooms and education facilities, places more emphasis on home care services and the provision of support to families. It is hoped that one of the benefits of the strategy will be reduced pressure on hospital services.

- b) Due to an increase in the number of services provided, patients, staff and volunteers, there is no longer sufficient space within the existing building to provide proper counselling and therapy services. This growth is due to increased awareness, better diagnosis of progressive illnesses, increased expectations that families will support relatives with progressive diseases and an increase in the number of people prone to such diseases. The number of staff is expected to increase further with the implementation of the ELCS and the projected increase in mortality figures. The applicant has provided an example room time table which demonstrates limited capacity to increase service provision within the existing building. The hospice is open 4 days a week to allow one day a week for administration / management.
- c) The proposed annex will meet the increased need for services to the community provided by the hospice and its family support network. It will also increase the range of facilities necessary to meet society's ever increasing requirements in respect of medical and social care, particularly since the introduction of the ELCS. Specifically the proposal will:
- Provide additional counselling and therapy rooms and additional staff accommodation to meet the increased demand for the hospice's services.
 - Enable the Family Support Service to remain close to, but separate from, the remainder of the hospice. The current location of the Support Service within the hospice can lead to awkward situations (for example, children receiving counselling seeing hospice patients).
 - Provision of more facilities for children (reducing the amount of children's work taking place at home and schools and providing a more suitable environment for children).
 - Provide a teaching and library area to implement the provisions of the ELCS both in terms of educating existing staff and volunteers and extending the knowledge of care throughout North Worcestershire. A lecturer / practitioner will be employed to undertake this work. The hospice is one of only a few places where students are able to gain experience of palliative care. It is understood that the only other hospice in north Worcestershire (KEMP Hospice in Kidderminster) does not have the space to provide the required facilities.
- d) It is not possible to provide the additional facilities elsewhere due to synergy between the activities that will take place in the annex and the existing hospice. This includes staff working in both buildings and patients and family members arriving at the site together. Clinical staff from the hospice will be involved in the delivery of education and students will need to be able to observe the practice of the hospice. The proposed education facilities will also bring healthcare professionals to the site. This will raise the profile of the hospice, generating more appropriate referrals and improve patient access to the hospice's services.

e) A letter of support has been received from NHS Worcestershire.

In addition to the above, I would note that services offered by the hospice are unique within the District and are of significant value. The Strategic Planning Officer has raised concern that the supporting documentation does not explain why moving to a larger premises is not an option. In response to this, the applicant has advised me that the funding required for the relocation of the hospice would take several years to generate. Further to this, I consider that the tranquil setting of the hospice is an asset given the nature of the work.

In my opinion, the applicant has demonstrated a need for the proposed annex and has justified its location within the hospice grounds. I consider that the issues put forward by the applicant and the unique importance of the services provided, amount to very special circumstances which outweigh the presumption against inappropriate development in the Green Belt and the harm to the openness.

Design

The original Victorian rectory is an impressive building featuring attractive brick detailing. The design of the single storey extension approved in 2001 reflects the basic forms and features of the original building. In contrast, the proposed annex is of a contemporary design. Adjacent to the existing hospice, the annex will be single storey in height allowing it to appear visually subservient to the existing building. The use of a green roof, a covered walkway and large windows along the elevation facing the hospice help to soften the impact between the two differing styles of architecture. The clean simple lines of the annex and the use of render and timber cladding ensure that design of the building does not compete with the level of detailing to the original building. The existing roadside hedge will need to be significantly reduced to make space for the proposed development. However, it is expected that a good level of screening will be retained, preventing views of the whole side elevation from the road.

Residential amenities

47 St. Godwalds Road is located approximately 2 metres below the level of the proposed annex and contains a number of windows which directly face the application site. The separation distance between the annex and the common boundary is some 31 metres and I consider this to be sufficient to adequately protect the amenities of the adjoining occupiers in terms of privacy, light and outlook.

Landscape Issues

The application site adjoins a Landscape Protection Areas to the east and the Landscape Character Area in which it is sited is principal settled farmlands. The proposed development will be mostly screened from the Landscape Protection Area by the existing building and the majority of the vegetation to be removed is not native. I am therefore of the opinion that the development will not adversely affect the landscape character of the area.

Trees

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. The proposed car parking spaces require the removal of a few unprotected holly trees. In my opinion, these trees are of limited intrinsic value in their own right. The proposed annex will be located close (minimum 7 metres) to a Yew, an Oak and a Pine, all of which are protected. The Tree Officer has raised no objection to the proposed development subject to conditions. I am therefore of the view that the proposal will not adversely affect the protected trees at the site.

Ecological issues

Planning Policy Statement 9: Biodiversity and Geological Conservation (paragraph 1vi) states that "*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.*" Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. 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. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

The application was accompanied by a Phase 1 Habitat Survey and Ecological Survey Assessment. Due to the loss of the pond, the survey concluded that there may be implications with regard to great crested newts (protected under the 1994 Regulations). Further survey work was recommended. However, it was not possible to undertake this work prior to the meeting of the Committee on the 29th March 2010. Natural England therefore objected to the development on grounds that insufficient information had been submitted to demonstrate that the development would not cause undue harm to protected species.

The applicant has now submitted a Great Crested Newt Survey. The document reports that no great crested newts were identified during 4 surveys undertaken in April. It is therefore concluded that the proposal would not involve implications for great crested newts. However, the pond does support the breeding of smooth newts and frogs. Although these species are not provided the same level of legal protection as great crested newts, they are protected under the Wildlife and Countryside Act 1981 (as amended). The report therefore recommends that a replacement pond and hibernaculum be created. The submitted block plan already illustrates a replacement pond. Based on the submission of the Great Crested Newt Survey, Natural England has now raised no objection to the proposed development. I am therefore satisfied that the proposal will not adversely affect legally protected species. Natural England has drawn attention to the recommendations made in the report and I consider it appropriate to impose a conditioning requiring these recommendations to be undertaken.

Sustainability and parking issues

Policy SD.4 of the WCSP requires development proposals to be located so as to minimise the need to travel and where there is access of different modes of transport.

Primrose Hospice is within walking distance of Bromsgrove Station and local bus services and is therefore in compliance with policy SD.4.

Worcestershire Highways has raised no objection to the proposed development and I am therefore satisfied that the site provides adequate parking provision.

Conclusion

The proposed annex and car parking are inappropriate forms of development in the Green Belt. However, very special circumstances have been identified which outweigh the harm caused. The proposed development is found to be acceptable in all other respects.

RECOMMENDATION: that permission be **GRANTED**.

1. C99
2. Details of the form, colour and finish of the materials to be used externally on the walls including doors and windows, door frames and window frames as well as rainwater goods shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.
3. C10
4. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas of the trees on and adjacent to the application site as illustrated by Figure 2 or Figure 3 as appropriate at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
5. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery or washing out of mixing or fuel tanks, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
6. No materials of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
7. No trees or hedges shall be lopped, topped, felled or uprooted without the specific written permission of the Local Planning Authority.
8. The development hereby approved shall be carried out in accordance with the recommendations set out in the Summary and paragraphs 4.4, 4.7 and 4.12 of the Phase 1 Habitat Survey and Ecological Survey Assessment by Worcestershire Wildlife Consultancy dated January 2010 and part 4 Conclusions and Recommendations of the Great Crested Newt Survey by Worcestershire Wildlife Consultancy dated April 2010.
9. Prior to the commencement of the development hereby approved, including site clearance and the removal of the existing pond, details of the location and extent of the replacement pond shall be submitted to and approved in writing by the Local Planning Authority.

10. The annex building hereby approved shall be used only for purposes connected to and associated with the existing hospice at the application site and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order).

Reasons

2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
4. - 7. In order to protect the trees which form an important part of 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.
8. & 9. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
10. To preserve the character of the area and as any other use of the building would be inappropriate to the site and contrary to policies DS2 and DS13 of the Bromsgrove District Local Plan 2004 and policy D.39 of the Worcestershire County Structure Plan 2001.

Notes

1. The applicant is reminded that consent will be required from the relevant authority / company for the relocation of the telegraph pole sited in the position of proposed car parking spaces 06 and 07.
2. Attenuation will be required in the form of soakaways or to the new pond with appropriate displacement to accommodate storm conditions.
3. The applicant is advised that this consent does not absolve them from complying with the relevant law concerning protected species, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, 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, QE3, QE6, QE7, T2, T7
WCSP	SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP	DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others	PPS1, PPG2, PPS9, PPG13

It is the Council's view that the proposed development does not comply with the provisions of the development plan. However, it is considered that the benefits of the

scheme amount to very special circumstances that justify the granting of planning permission.

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Barpro Group and Chase Commercial 'A'	Retail Warehouse (bulky goods) with associated parking and infrastructure (renewal of application B/2005/0293) - 2 Sherwood Road, Bromsgrove, B60 3DU	EMP	10/0115-JT 18.03.2010

RECOMMENDATION: that **DELEGATED POWERS** are granted to the Head of Planning and Regeneration to determine the application

Consultations

Worcestershire Highways Consulted: 16.02.2010. Final response received: 15.03.2010.
No objections subject to the imposition of the conditions imposed on the previous approval.

Environment Agency Consulted: 16.02.2010; response received 11.03.2010.
The Environment Agency currently objects to the planning application as insufficient information has been submitted to demonstrate that the impacts of flood risk have been appropriately considered in line with PPS25. The application is currently considered contrary to PPS25 and may be refused on this basis.

The EA was consulted on the previous application, which was submitted with a Flood Risk Assessment (FRA). In May 2005, the EA recommended various conditions to deal with flood risk and contaminated land issues.

However, since this response PPG25 has been replaced by PPS25 (in December 2006).

The application site is located in Flood Zone 3, defined by PPS25 as having a high probability of river flooding (1 in 100 or greater (>1%) annual probability of flooding in any one year).

PPS25 classes the proposed development as a 'less vulnerable' use, which is not considered to be inappropriate in Flood Zone 3, subject to a consideration of the sequential test and provided that an FRA has demonstrated that the development is safe and does not increase flood risk elsewhere (preferably reducing flood risk overall, in line with the policy aims of PPS25).

The EA requires confirmation that Flood Risk has been appropriately considered in line with PPS25 and Practice Guide requirements (for example in terms of assessing the impacts of climate change on peak river flows and rainfall intensity and acceptable depths of flooding in car park areas) and that there have been no significant alterations to the Spadesbourne Brook or key structures (bridges, culverts etc.) since the previous FRA was undertaken.

It may be appropriate for the original FRA to be submitted with a short addendum.

Officers understand that the applicant has been in discussions with the EA over the additional work required, and is close to agreement. The final response of the EA is currently awaited.

Engineers/
Drainage Consulted: 16.02.2010. Comments awaited.

Economic
Development Consulted: 16.02.2010. No response.

Strategic
Planning Consulted: 16.02.2010. No response.

Woodland
Officer Consulted: 16.02.2010. No response.

Worcestershire
Wildlife Trust Consulted: 16.02.2010. No response.

Publicity Site Notice posted 23.02.2010; expired 16.03.2010.

Press Notice (Bromsgrove Standard): 25.02.2010; expired 18.03.2010.

1 objection received from a local resident whose property overlooks the application site, raising the following points:

- The initial application was supported by a very weak transport statement. Considering the change in baseline conditions since the application this matter should be revisited. The junction of Stoke/Sherwood Roads is over capacity and has an accident problem. Adding more traffic without mitigation would be detrimental.
- The initial application referred to a landscaping scheme. It is imperative that the development does not go ahead without an adequate landscaping scheme to mitigate the visual impact of the building on neighbouring residential properties. The objector is not currently convinced that such a scheme has been developed and further work is required.
- It is important that any external lighting at the site does not adversely impact on residential properties.
- A Design and Access Statement should be produced. [Officer's note: the draft Government guidance for the consideration of 'extension of time' applications states that a Design and Access Statement is not required.]

The site and its surroundings

The application site relates to a 1.72 ha site on the south eastern quadrant of the junction of Stoke Road and Sherwood Road, Aston Fields. The site is currently occupied by the vacant Barpro building, which is understood to have been unused since 2003.

The Spadesbourne Brook divides the site with land to the west being used as parking with a vehicular access over the stream. Industrial units of relatively small scale are sited opposite the site and set back from the road behind frontage parking areas.

Proposal

The application seeks to extend the time in which to implement permission B/2005/0293 which was granted on 15th March 2007, and hence expired on 14th March 2010.

The permission allowed for a 3,716 sq m retail warehouse unit with an external bulk sales area of 929 sq m, with parking for 200 vehicles. The building would be single storey with a flat roof, constructed of brick and steel panelling. Conditions attached to the permission restrict the range of goods that may be sold to DIY, garden foods, furniture, carpets and floor coverings, camping, boating and caravanning goods.

The building would have broadly the same footprint and orientation as the building currently occupying the site. A new access to Sherwood Road would be created near to the existing one, which would be closed and the footway reinstated. This would be the main customer entrance to the site. A further access from Sherwood Road in the south east corner of the site is proposed to be retained, to be used for deliveries and servicing the rear of the store.

The applicant has begun work on creating the main access from Sherwood Road, and wrote to the Council on 15th March to notify officers of this fact. In the applicant's view this would constitute the commencement of the development allowed under the existing planning permission, meaning that the current application is unnecessary. However, the question of whether these works are sufficient to constitute commencement of development is a complex legal matter, which would need to be tested by application for a certificate of lawfulness under section 192 of the Town and Country Planning Act 1990 (as amended).

For the avoidance of doubt, Members are advised to assess this application on the basis that works have not been commenced on the original planning permission.

Relevant Planning History

Several applications relate to the longstanding use of the site for manufacturing purposes. The most relevant record relating to the current application is:

B/2005/0293 Retail Warehouse (Bulky goods) with associated parking and infrastructure. Approved: 15.03.2007.

The application was subject to a complicated decision process. On 5th December 2005, planning committee resolved to approve the application, subject to referral to the

Secretary of State and the completion of a satisfactory planning obligation by way of legal agreement or unilateral undertaking.

The application was 'called in' by the Government Office for the West Midlands on behalf of the Secretary of State in March 2006. Following a public inquiry in November 2006, an Inspector recommended that the Secretary of State refuse planning permission for the development. However, the Secretary of State overruled the Inspector and granted planning permission in March 2007.

The permission was subject to conditions requiring the following:

- The development must commence within 3 years.
- Samples of all materials to be submitted.
- A restriction on the range of products sold to non-food bulky goods.
- The provision and retention of adequate visibility splays at the entrance.
- Turning and parking areas to be laid out.
- Contaminated land study to be undertaken.
- Remediation works to be carried out.
- The submission of a construction code of practice.
- The submission of a scheme for foundation design.
- Control of storage of hazardous substances.
- The submission of a drainage strategy.
- A restriction on finished floor levels.
- A restriction on any development within 5 metres of watercourses.
- The submission of a landscaping scheme and control of tree works/protection.
- The agreement of a Travel Plan.

The permission was also subject to a legal agreement securing payment for resurfacing on Sherwood Road, a contribution to a signals upgrade on the A38/Stoke Road/Charford Road junction and bus shelter improvements.

Relevant Policies

WMSS	PA1, PA6, PA6B (draft), PA13, QE3,UR3
WCSP	CTC8, CTC9, D.19, D.31, D.32, D.33, SD.2, SD.3, SD.4, SD.9, T.1, T.4
BDLP	C17, C18, DS3, DS11, DS13, E6, E10, ES1, ES2, ES6, ES7, ES11, ES12, ES14, S20, S21, TR1, TR8, TR10, TR11, TR13.
Others	PPS1, PPS4, PPS9, PPG13, PPS23, PPS25, Bromsgrove Town Centre Area Action Plan - Issues and Options Report 2008, Bromsgrove District Employment Land Review 2009, Annual Monitoring Report 2009, Bromsgrove Town Centre Study 2004, Bromsgrove Town Centre Retail Capacity Analysis Update 2007.

Notes

In 2004 section 73 of the Town and Country Planning Act 1990 Act was amended so that an application to vary conditions could no longer be used to extend the time limit for implementation of a permission. Section 91 was also amended, to reduce from five to three years the default time limit imposed on the implementation of planning permissions.

However, the Government has recently expressed a concern that there has recently been a marked reduction in the implementation of schemes that already have planning permission, and that if these schemes lapse, economic recovery could be delayed.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 now enables existing planning permissions to be replaced before they expire, in order to allow a longer period for implementation. The Explanatory Memorandum issued with the Order explains that the previous planning permission will not be revoked, rather a new permission granted subject to a new time limit.

The Government is yet to issue formal guidance on how such applications for extension of time are to be determined. However, DCLG advice is that the guidance given in the June 2009 *Greater Flexibility for Planning Permissions* consultation is to be used in the interim.

This guidance states that:

"applicants cannot under this provision seek to make any changes to the terms of the planning permission as granted other than an extension of the time allowed for implementation. While the outcome of a successful application will be a new permission with a new time limit attached, the description of the development and all other conditions must remain the same." (Para. 15)

In relation to the approach that local planning authorities should take on such applications, it is advised that

"In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date ... Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission ... Local planning authorities may refuse applications to extend the time limit for permissions changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably or if they consider that this is not an appropriate procedure." (Paras. 17 and 19)

The advice is therefore clear in determining that, unless anything has changed significantly in national or development plan policy, an application to extend the time for the implementation of a permission should be looked upon favourably.

Changes to development plan policy and national guidance

It is noted that the current Worcestershire County Structure Plan (WCSP) was adopted in June 2001 and the Bromsgrove District Local Plan (BDLP) in January 2004, both pre-dating the decision on the 2007 permission granted by the Secretary of State. Although both plans have expired, the Secretary of State has allowed the majority of policies in each document to be saved and extended, and consequently development plan policy has changed substantively. In particular, the policies designating the site for employment use are still in force.

Although the West Midlands Spatial Strategy (WMSS) was revised in January 2008, no policy applied to the original proposals has changed, and nor has national guidance in the form of PPS1 and PPG13. However, PPS6 was replaced by *PPS4: Planning for sustainable economic growth* in December 2009, and PPG25 was replaced by *PPS25: Development and flood risk* in December 2006 (revised in March 2010).

It is therefore considered that the main changes in planning policy since the previous application was determined relate to: 1) retail policy and the 'town centre first' approach; and 2) the assessment of flood risk.

Retail policy and the 'town centre first' approach

The newly published PPS4 sets out a revised mechanism for assessing retail developments. The sequential approach is retained, but the former 'needs test' has been subsumed into a wider test of impact. Policy E10 sets out the approach to be taken towards all proposals for 'economic development'. Policies EC15-EC17 set out transitional arrangements for the assessment of applications in advance of the new approach being adopted in development plan policy.

In assessing applications for main town centre uses outside of existing centres, developers are expected to demonstrate that two tests have been satisfied: 1) that there is no available town centre or edge-of-centre site available for the proposed development (i.e. the 'sequential test', as set out in the regional, county and district policy set out above); and 2) that the proposal will not result in significant adverse impacts on existing centres (i.e. the 'impact test').

Accordingly, Policy EC17.1 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused planning permission where:

- a) the applicant has not demonstrated compliance with the requirements the **sequential** approach (PPS Policy EC15.1);
- b) there is clear evidence that the proposal is likely to lead to significant adverse **impact**, taking account of the likely cumulative effect of recent permissions, developments under construction and completed development (PPS4 Policies EC10.2 and EC16.1).

Policy EC17.2 states that where no significant adverse impacts have been identified, planning applications should be determined by taking account of:

- a) the positive and negative impacts of the proposal and any other material considerations; and
- b) the likely cumulative effect of recent permissions, developments under construction and completed developments.

In considering the previous application, the Council concluded that there were no sequentially preferable town centre or edge-of-centre sites that were available, suitable or viable to accommodate the proposals. This was partly due to the size and servicing needs of the type of development proposed, which is ill suited to constrained locations.

10 sites were examined, which the Secretary of State found to be comprehensive. As the methodology for sequential testing has not changed significantly in the new PPS4, it is concluded that the Council's previous assessment holds.

The Secretary of State was satisfied that a quantitative and qualitative need for the proposals had been established.

Although 'impact' in the sense of PPS4 was not explicitly assessed during the consideration of the previous application, the impact of the proposals in terms of vitality and viability was discussed at length. It was concluded by the Council that the impact on the Town Centre as a result of the proposals:

would not be of concern in terms of the future vitality and viability of Bromsgrove. This is based upon the view that the health of Bromsgrove is not based on the types of goods that would be sold from the proposed store and that impact would be concentrated on the Focus unit [which forms part of the site currently subject to a planning application 09/0365 by Sainsbury Supermarket for a supermarket and retail units] and associated builders merchants as well as those facilities in competing centres. The proposal would therefore offer the opportunity to claw back some existing retail spending which is leaking to other centres.

Whilst any trade diversion from the town centre is not helpful in sustaining vitality or viability nor attracting potential developers to town centre sites ... the town centre can withstand the application proposal without substantial harm to vitality and viability.

It is also noted that the Secretary of State concluded that "the benefits of the proposal, especially in terms of need and the potential of the proposal to regain expenditure [in Bromsgrove District] that is currently leaking to other areas, outweigh any weaknesses in the frequency of public transport options in this instance" and that the long term viability of the Town Centre would not be affected.

PPS4 Policies EC10.2 and EC16.1 set out a broader range of criteria including the impact on:

- carbon dioxide emissions and climate change;
- accessibility;
- design;
- regeneration and social inclusion;
- local employment;
- public and private investment;
- vitality and viability, choice and range/quality of retail offer;
- allocated sites outside town centres;
- trade/turnover in centre and wider area;
- scale in relation to size of centre and retail hierarchy; and
- locally important impacts on centres.

As is noted above, the Secretary of State previously found that the proposals would have no significant impact on vitality and viability. It is therefore considered that there would be no significant impact on any other centres, investments or allocations, or on the trade and turnover of Bromsgrove Town Centre and the wider area.

With regard to accessibility, the Secretary of State accepted that although "the vast majority of customers travelling to the store would do so by car ... the proposal does offer a choice of transport modes; offers an improvement in non-car transport facilities and includes parking levels that are within the maximum advised by PPG13". It is therefore considered that the development would not have an undue impact on carbon emissions and climate change.

The proposal would involve the reuse of a currently redundant site which would create employment and help to regenerate the site and wider area. The design of the proposals was previously considered acceptable.

On balance, officers are of the opinion that, given the above information, there is no reason to depart from the Secretary of State's previous decision with regard to retail impact.

Assessment of flood risk

Members will note that the Environment Agency currently objects to the proposals on the basis that the Flood Risk Assessment (FRA) submitted with the original application needs to be updated. Officers understand that the applicant is close to reaching agreement over the contents of a revised FRA, which would result in the withdrawal of the objection.

In the event that the requirements of the FRA result in the need for significant changes to the scheme, or the imposition of additional planning conditions, officers advise that the correct course of action would be to refuse planning permission.

Traffic and highways

The objector raises traffic and highways issues in relation to the proposals. Whilst the objector's views are noted, in the absence of an objection from the County Highways Officer or any significant change in local or national planning policy in relation to highways, it is not considered that this issue would warrant refusal of the application.

Conclusion

In conclusion, the changes to policy since the assessment and determination of the previous application should not fundamentally change the Council's approach to the scheme. It is therefore recommended that the application is approved subject to the imposition of similar conditions to those previously attached.

Planning obligation

It is recommended that any permission is contingent on a legal agreement with similar heads of terms to the one attached to the original planning application. This would secure payment for resurfacing on Sherwood Road, a contribution to a signals upgrade on the A38/Stoke Road/Charford Road junction and bus shelter improvements.

Referral to the Secretary of State

Members are advised that resolving to approve the application would depart from the development plan, and in particular would be contrary to policy E10 of the Local Plan, as well as the 'town centre first' approach set out in various development plan policies.

It is noted that the Town and Country Planning (Consultation) (England) Direction 2009 directs that, where the Council does not propose to refuse planning permission for certain categories of development, it should consult the Secretary of State. One such category (as listed at paragraph 5.(1)) includes retail development which:

- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - (i) 5,000 square metres or more; or
 - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

The proposed development would a) be in an out-of-centre location; b) constitute a departure from the development plan; and c) would exceed 2,500 sq m. Para. 5(2) explains that the 'existing floor space' referred to should include 'retail, leisure or office floor space situated within a 1 kilometre radius of any part of the same type of use', and is either in existence, substantially completed, committed or planned. The application site is within 1 km of the existing Morrisons and approved Aldi store (09/0729). Officers are therefore of the view that, if Members are minded to grant planning permission, the decision should be referred to the Secretary of State.

RECOMMENDATION: that **DELEGATED POWERS** are given to the Head of Planning and Regeneration to determine the application subject to:

- 1) the satisfactory views of the Environment Agency;
- 2) the completion of a satisfactory legal agreement and the imposition of the same conditions attached to permission B/2005/0293; and
- 3) the application being referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BELLWAY HOMES LIMITED/BDHT 'A'	Erection of 24 no. affordable dwellings, including provision of new access road and open space - Land at Shaw Lane, Stoke Prior, Bromsgrove	GB	10/0116-DMB 13.05.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH

Consulted - views received 20.04.2010:

- No objection subject to Conditions
- The applicant is required to enter into a Section 106 Agreement with the following heads of terms:
- **£44,082 to enhance local bus services:**
 - There is a bus service which connects Stoke Prior with Droitwich Spa and Bromsgrove (the 141/940 service).
 - This bus service should be enhanced to support this development. The service operates hourly in the peaks and bi-hourly out of the peaks. The last service is at 19:05 from Bromsgrove Bus Station. The service, however, does serve the railway station at present in both Droitwich Spa and Bromsgrove. We would like to see the developers provide a contribution to support the enhancement of this bus service.
 - There are two sets of bus stops nearby (Stoke Prior Church opposite and Stoke Prior Church adjacent, and Stoke Prior Shaw Lane Shelter adjacent and Stoke Prior Shaw Lane Shelter opposite). We would like to see the developer provide funds for both sets of stops upgraded to the Worcestershire Gold standard.
- **£10,000 to improve the Traffic Signals of the A38 and Hanbury Road:**
 - To upgrade the controller unit and provide remote monitoring of the signals.

Drainage
Engineer

Consulted - views received 19.04.2010:

- No objection subject to Conditions

Severn Trent
Water

Views received 12.03.2010:

- No objection subject to Conditions relating to the disposal of surface water and foul sewage.

Strategic
Planning
Manager

Consulted - views received 20.04.2010:

- The main strategic issues with this application focus on the need for this type and scale of development in this location. The applicant has defined three very special circumstances to justify the release of this site.
- The applicant also focuses considerably on demonstrating that affordable housing is a material consideration, this is a fact which is not contested.

- It is my view that the applicant has not conclusively addressed the issue of specific housing need in the Stoke Prior, or sufficiently linked the need to supporting the surrounding employment sites. Also no robust assessment of other Green Belt locations has been carried out to justify this site over other available sites in Stoke Prior.
- West Midlands Regional Assembly Consulted - views received 09.03.2010:
- It is noted that the proposals submitted are of a similar nature to application 09/0531 submitted last year. The Assembly made comments on by way of a letter dated 17 November 2009.
 - Having considered the revisions to the latest application we consider that our advice remains unaltered
 - This being that the West Midlands Regional Assembly (as the Regional Planning Body) that the proposal is in general conformity with the Strategy as set out in the Assessment and Evaluation of the report attached to that letter.
 - This position is subject to the Local Planning Authority being satisfied that the proposal would meet local needs and/or support local services and that any quantified need could not be first met by the reuse of previously developed land and the conversion of existing buildings that may exist in the settlement as required by part D of current RSS Policy CF2
- Strategic Housing Manager Consulted - views received 14.04.2010:
- The range of property types to be provided within the development proposed in this revised application reflects the priorities identified in the Bromsgrove Housing Market Assessment that was carried out in 2008 which recommended an increase in the supply of affordable and financially accessible housing across tenures within which two bedroom units and aspirational homes for older people should be reflected.
 - The tenure split providing 75% of the units for social rent provides a sensibly higher proportion of rented units than the Bromsgrove Housing Market Assessment recommended back in 2008. I consider this to be a positive and appropriate response to the current financial climate, the availability of mortgage facilities and the level of deposits required to enter into owner occupancy.
- Conservation Officer Consulted - views received 24.03.2010:
- Views as previous (the proposed development site would be located some distance away from the listed church with an area of dense tree cover concealing the church and lychgate from view. The proposals would therefore have no impact on the setting of either listed building, however future phases closer to the church could be of concern).
 - The section on setting from the new PPS5 and accompanying guidance has been extracted for consideration.

EHO
Contaminated
Land

Consulted - views received 05.08.09:

- No objection to the planning application subject to Conditions.
- The Phase I Desk Study represents a thorough and appropriate preliminary risk assessment. This is further supplemented by the Phase II Geoenvironmental Assessment.
- The work undertaken to date has included a good spread of boreholes and trial pits and has included soil sampling and ground gas and groundwater monitoring.
- The soil sampling has revealed that the site is largely uncontaminated. However, it is noted that three soil samples returned arsenic levels elevated above the current Soil Guideline Value of 32mg/kg for the "residential with garden" end-use. Whilst these elevated levels have not been identified as statistical outliers I am of the opinion that they may represent hotspots of arsenic contamination and that they therefore require further consideration, particularly where they fall within garden areas within the proposed development layout. This is difficult to determine as the labels on the borehole location plan attached to the Phase II report are illegible.
- With regards to ground gas risk assessment I agree with the recommendation of the report that a minimum of four more gas monitoring rounds are required before a definitive decision can be made regarding any requirements for gas protection measures within the buildings. However to date the monitoring results indicate that gas protection measures will not be required.
- Information held by this department indicates that the adjacent former Stoke Works landfill, that lies some 350 meters from the site, has been monitored for landfill gas and has been observed to be producing elevated levels of carbon dioxide and hydrogen cyanide.
- Maximum hydrogen cyanide levels have been up to 100ppm.
- The appointed environmental consultant may wish to consider this when planning the proposed additional gas monitoring.
- It may be prudent to include some trace gas monitoring considering the potentially nature of hydrogen cyanide and its potential to have a significant impact on human health

Tree Officer

Consulted - views received 20.04.2010:

- Overall, I therefore consider that, despite the loss of the existing grassland area, the proposed development will not result in the loss of trees and will create a net increase in habitat for wildlife.
- Subject to conditions, I have no objection to the proposal.

Natural England

Consulted - views received 23.03.2010:

- The application site lies close to the Upton Warren Pools Site of Scientific Interest (SSSI).

- The Council should note that the River Salwarpe, which runs close to the proposed development, flows directly into the SSSI.
- No objection, subject to a number of recommendations to be secured through appropriately worded planning conditions dealing with (a) the prevention and control of surface water pollution at the construction phase and (b) suitable surface water drainage system(s) at the operational stage.
- Both of the above point stem from the need to prevent adverse impacts upon the water quality of the river and SSSI.
- Provided that this issue is addressed we consider that the proposal will not have a significant effect on the interest features of the SSSI

WWT Consulted 19.02.2010: views awaited

WCC(CA) Consulted 19.02.2010: views awaited

National Grid Consulted 19.02.2010: views awaited

WMC Consulted - views received 23.02.2010:

- No objection
- It is noted that the applicants intend to apply for secured by design accreditation. If successful this will enhance the security of the dwellings

Stoke Parish Council Consulted - views received 09.03.2010:

- Objection
- The development represents an inappropriate use of Green Belt land
- Councillors are of the opinion that this is not an exception site because it is within the village envelope
- The increased volume of traffic generated would adversely affect the already overstretched road infrastructure and create even more pollution in a recognised "hotspot"

Publicity 1 site notice posted 12.03.2010 (expires 02.04.2010)

1 press notice published 26.02.2010 (expires 19.03.2010)

1 response from Stoke Prior Residents' Association received 08.04.2010 (in summary):

- The number of homes applied for represents a major development which is inappropriate in the Green Belt
- The applicants have not proven any very special circumstances
- The development is completely stand alone, set on rising ground amongst open fields
- No attempt has been made to integrate new development within the existing settlement
- The development is clearly visible from the Church and wholly inappropriate at the entrance to the village
- The hedges provide not effective screening and existing road facing hedges will be removed to facilitate the entrance/exit splay visibility

- The site is unsustainable, with very limited amenities and requiring a car to be used for almost all trips
- The land is recognised quality agricultural land
- The land has a wider place in the ecosystem

485 letters received:

1 letter in support of the scheme

484 letters objecting to the scheme on the following principal grounds:

- No change in policy or circumstances since the previous application - the new scheme does not overcome any of the reasons for refusal stated on 09/0531
- Loss of Green Belt site
- Setting of precedent to release further Green Belt land
- Spoil rural character and aspect of Shaw Lane
- Destroy local distinctiveness of rural setting
- The site is more isolated than the previous scheme
- Stoke Prior has not been identified as a site suitable for housing growth
- The provision of affordable housing to meet defined local need has not been demonstrated by the applicant. The houses would not be reserved for allocation to Stoke Prior residents
- The village has already provided two sites for affordable housing. If there are requirements for more affordable housing in other areas of the District why can they not be built in the Town Centre where there are more ample amenities
- The Redgrove School site has not been fully occupied; why are more affordable housing units required?
- There are other brown field sites in Bromsgrove that are available
- The scheme would stop Stoke Prior being a village and more like a mini town
- The facilities and amenities in Stoke Prior are few and hardly able to satisfy the population as it is - the village has no local dentist, no ATM and the closest supermarket is Morrison
- Insufficient street lighting within the village, including the area along Shaw Lane and the walk up to the A38 along Hanbury Road
- Minimal recreational land
- Existing infrastructure cannot cope with the volume of traffic
- Traffic congestion
- Unsustainable location - would lead to excessive journeys by private motor vehicle
- Bus network is not satisfactory
- The school is small and already close to its capacity and with the recent housing schemes these themselves will bring a need for more school placements
- Flooding and surface water run-off concerns

- Loss of wildlife and wildlife habitat
- Detrimental to setting of Grade I Listed Church
- Concern over proximity of the high voltage power lines
- Increase in anti-social behaviour and vandalism

Members are encouraged to review all submitted documentation, including the pack of information submitted by the Stoke Prior Residents' Association and the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site relates to an area of undeveloped grazed pasture land of 1.26 hectares to the southern side of Shaw Lane. The site is located to the east of existing dwellings located off Shaw Lane and Orchard Crescent at the edge of Stoke Prior village. A pair of imposing Victorian semi-detached dwellings face onto the western boundary. The neighbouring houses are separated from the site by an access road leading to Ryefields Farm.

The site benefits from a gated access onto the north-western corner. The northern and western boundaries are screened by mature hedgerow and a row of pollarded poplar trees. The hedge line along Shaw Lane, to the northern boundary of the site, is set at a slightly higher level than the road. An overhead power line runs along the western boundary between 50 metre high pylons. The River Salwarpe runs along the opposite side of Shaw Lane to the northern boundary of the site. The Parish Church of St. Michael lies further to the north-east and is visible from the elevated aspect of the site.

The land elevates away from Shaw Lane, rising to the south. The site is open and does not contain any buildings.

The site is located in designated Green Belt and within Flood Zone 1, which is a low risk of flooding. The agricultural land on the application site is grade 3a.

Proposal

This application relates to a full application for the erection of 24 affordable dwellings, with associated car-parking provision and open space and a new vehicular access leading off Shaw Lane.

All dwellings will be managed by BDHT and will be allocated with an emphasis on local priority.

The following mix of dwellings is proposed:

Property Type	No. shared ownership	No. social rented	Totals
1 bedroom flat	0	4	4
2 bedroom bungalow	2	2	4

Property Type	No. shared ownership	No. social rented	Totals
2 bedroom house	4	8	12
3 bedroom house	0	4	4
Totals	6	18	24

Members will therefore note the scheme proposes 6 shared ownership units and 18 social rented units. The scheme includes semi-detached and terraced houses, bungalows and apartments, of single and two-storey appearance. Given the concern over the previous scheme submitted under 09/0531, the flats have been reduced in scale and located closest to the western boundary. As before, the bungalows will be located on the highest aspect of the site to the southern boundary.

The new dwellings will have a mix of exposed brick and rendered walls. Smaller units will have leaded lights. Snapped heads (in the same colour brick as the main elevations) to the window heads and cills provide simple brick detailing to the elevations. Each house will have brick corbels and verges, again in the same brick, to provide subtle detailing and a consistency throughout the development.

The dwellings will be built at a minimum distance of 30 metres from the power line which runs approximately north to south, close to the western boundary. A sub station is required to provide electricity supply to the proposed dwellings. This is proposed to be located to the south-eastern corner of the site.

Vehicular access will be from Shaw Lane via a new entrance. A visibility splay of 4.5 metres by 70 metres will be achieved. This will involve the removal of a section of the existing mature hedgerow fronting Shaw Lane. A block paved "square" is located within the site at the end of the access road.

46 car-parking spaces are proposed, at a ratio of 1.5 spaces per flat and 2 per bungalow and house. Cycle storage will be provided in sheds for the houses and in communal, secure storage areas for the flats.

The design of the layout and units reflect Secured by Design recommendations. All the proposed dwellings are designed to Lifetime Homes Standard (designed with in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement). The new dwellings will need to achieve Level 3 of the Code for Sustainable Homes.

An area of informal/casual public open space will be located to the western boundary beneath the overhead power line. This totals approximately 4,350 square metres. This aspect of the site is proposed to be landscaped. Footpaths will be included to link this aspect of the site to the new dwellings. In order to reinforce the site's boundaries the trees, and wherever possible the hedgerow, will be retained and complemented with new planting as detailed in the submitted Landscape Strategy.

The average density will be 29 dwellings per hectare on the developable part of the site, which comprises 0.82 hectares of the 1.26 hectares total.

A Planning Statement, Design and Access Statement (incorporating a Sustainability Statement), Ground Investigation Survey, Food Risk Assessment, Traffic Impact Assessment, Ecological Assessment, Landscape Strategy and Tree Survey are available in the planning file or online on the Council's Public Access system should Members wish to view them.

Relevant Policies

WMSS	RR1, RR3, RR4, CF2, CF3, CF4, CF5, PA1, QE1, QE2, QE3, QE5, QE6, QE7, QE8, QE9, T1, T2, T4, T7
WCSP	SD.2, SD.3, SD.4, SD.5, SD.8, CTC.1, CTC.2, CTC.5, CTC.6, CTC.7, CTC.8, CTC.9, CTC.15, CTC.17, CTC.18, CTC.19, D.6, D.8, D.12, D.38, D.39, T.1, T.3, T.9
BDLP	DS1, DS2, DS3, DS5, DS11, DS13, S9, S14, S16, S39, C4, C5, C9, C10A, C12, C16, C17, C18, C36, C37, C38, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES8, ES11, RAT5, RAT6
Others	PPS1, PPG2, PPS3, PPS4, PPS5, PPS7, PPS9, PPG13, PPG17, PPG24, PPS25, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008)

Relevant Planning History

09/0531	Proposed erection of 49 no. affordable dwellings including provision of new access road and creation of public open space Refused 17.12.2009
B20100	Residential development (outline) Refused 11.02.1991
B18928	Residential development (outline) Refused 16.07.1990
B8381	Residential development (outline) Refused 20.07.1981

Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal constitutes inappropriate development in the Green Belt;
- (ii) the effect on the openness of the Green Belt;
- (iii) and in the event that it would amount to inappropriate development, whether the harm by virtue of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development
- (iv) whether there is a local need for affordable housing in Stoke Prior sufficient to justify the number and type and tenure of affordable dwellings proposed
- (v) The issue of design, form and layout, including density
- (vi) The affect on residential amenity and the character of the locality, including health and safety issues arising from the proximity of the development to the pylon and overhead power lines
- (vii) The implications for highway safety and egress

- (viii) Ground conditions and drainage issues
- (ix) The impact on ecology and biodiversity
- (x) Archaeological issues
- (xi) The impact on the setting of the Grade I Listed Church and lychgate

Green Belt and Affordable Housing Issues

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. This includes limited infilling in existing villages and limited affordable housing for local community needs under Development Plan Policies according to policies with PPG3 (now PPS3).

Affordable housing is defined in PPS3 Annexe B as:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.*

The terms *affordability* and *affordable housing* have different meanings. *Affordability* is a measure of whether housing may be afforded by certain groups of households. *Affordable housing* refers to particular products outside the main housing market and relates to accommodation for sale or rent available at a price identified as being genuinely affordable to those persons living or working in the area who are unable to access housing on the open market.

In recent years, Bromsgrove District Council has invested heavily in identifying the level of need for affordable housing across the District. Firstly a Bromsgrove District Housing Needs Study was completed in 2004, followed by a Strategic Housing Market Assessment in 2007 and most recently a Housing Market Assessment in 2008. A specific Stoke Prior Housing Needs Survey was conducted in August 2009

The main types of affordable housing are:

Low Cost Rented Housing

Housing rented by a Registered Social Landlord at a price below the cost of renting privately.

Intermediate Housing

Of which there are three types:

- **Shared Ownership Housing** - housing where a tenant buys a proportion of the property from a Registered Social Landlord and rents the rest with the option to buy an increase share of the whole property
- **Intermediate Rent** - housing is rented at prices above the cost of low cost rent but below prices of the private rental market. The rent is approximately 80% of the price of full market renting.
- **Intermediate Rent to Purchase** - the property is rented at a price that is 80% of the full market value for 5 years. After this period, the tenant has the opportunity to purchase a share in the property.

PPS3 states that in providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

The principle of rural exception housing is referred to in PPS3 (paragraphs 30 and 38). This states:

- (a) Fundamentally it enables Local Authorities to grant permission for small sites within or adjoining existing small rural communities which would not otherwise be released for general market housing, in order to provide affordable housing to meet local needs in perpetuity. This may include land covered by a Green Belt designation
- (b) Whilst it is often the best solution to tackling housing needs in rural areas, it is only intended to supplement overall rural affordable housing provision
- (c) Local Authorities may allocate rural exceptions sites for 100% affordable housing within Local Development Framework documents

Policy S9 of the BDLP relates to new dwellings in the Green Belt. Criteria (c) refers to limited affordable housing for local communities in accordance with Policy S16. Policy S16 refers to rural exception sites and lists five criteria against which such an application will be considered. Members will note the applicant has taken the view that the development relates to a rural exception site in accordance with all the criteria of Policy S16 (b, c, d and e). The applicant appears to suggest that for the most part criterion (a) is also met. This was not the stance taken by the applicant in the original submission under 09/0531. The applicant's Design, Access and Sustainability Statement, however,

does not refer to the site being a rural exception site. This document refers to three very special circumstances as justification for the proposed development.

I shall consider each criterion of Policy S16 of the Local Plan in turn:

(a) The site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location

The applicant has taken the view that criterion (a) is met is so far as (1) the site adjoins the settlement boundary and (2), the proposal is suitable for the location given the application site has sufficient capacity to accommodate the level of development being proposed at an appropriate density for the location in accordance with Development Plan Policy and having no technical constraints.

The scheme proposes 24 dwellings. I still consider this to be significant and although I accept the Local Plan does not provide a definition of the term "small scale", I do not consider the proposal to be small scale or indeed limited. In the previous scheme submitted under 09/0531, the applicant referenced the appeal decision relating to land at Hinton Fields (APP/P1805/A/08/2061377: 18th April 2008), whereby the Inspector defined small scale as relating to schemes of below ten dwellings. This arises from the District Council's Housing Capacity Study of 2004, whereby the Council considers a small site as one having a potential capacity of 10 dwellings. The applicant therefore accepted this definition and approach at this time.

Members will also recall that the same applicant promoted and accepted this definition of small scale under the recent planning application (reference 09/0670) for the erection of 28 dwellings in Birmingham Road, Alvechurch. In paragraph 8.1 of the submitted Planning Statement accompanying this application, the applicant states "*owing to this scale, the proposed development exceeds the scope of limited infilling in existing villages and limited affordable housing for local community needs considered to be appropriate by PPG2; 'limited' or 'small scale' being defined in the local context as anything below 10 dwellings in the recent Inspector's decision concerning the Hinton Fields, Catshill appeal referred to in Section 9 below. It therefore falls upon the applicant to demonstrate the very special circumstances connected with the proposal*".

Members will be aware that the application site is located outside the defined village of Stoke Prior in open Green Belt. Although the site sits adjacent or adjoins the settlement boundary of Stoke Prior, the site is clearly separated from the adjoining dwellings fronting Shaw Lane by the access track leading to Ryefields Farm. The land to the east and south comprises open agricultural land. In my view the site resembles part of the adjoining countryside and the proposal would not complete the settlement pattern of the village. Although I accept the number of dwellings has been reduced from 49 to 24, I remain of the view that due to this gap between the site and the existing housing in Shaw Lane, and to the landform and levels, the proposed new units would remain prominent in the landscape and isolated from existing built development, especially when travelling into Stoke Prior westwards from Hanbury Road. The scheme resembles a stand alone development, clearly divorced from the settlement of Stoke Prior with no integration to the wider form of the existing housing stock.

As a result the scheme would extend residential development further into the countryside, with a consequent adverse impact on the rural character and appearance of this aspect of Stoke Prior. Although the number of units has been reduced from that submitted under 09/0531, I remain concerned that the extent of the development, enhanced by the elevated nature of the site, would still permit a number of the proposed dwellings to be clearly visible on or close to the skyline. This serves to add to the unsuitable scale of the scheme in this predominantly rural and undeveloped aspect of Shaw Lane which contributes significantly to the landscape setting of the village.

Policies SD.4 and T.1 of the WCSP encourage development to be located in or adjacent to urban areas in order to minimise the need to travel and to provide access to a number of travel modes as advocated by PPG13, notably the objectives set out in paragraph 4. I am of the view that prospective occupiers will have to travel by car in order to gain access to jobs, education facilities greater than primary schooling, shopping and leisure facilities. The physical detachment of the site from such facilities and services would mean that journeys that in a better located site might be made on foot, bicycle or on public transport would be made using the private car.

Whilst there are footpaths and to an extent cycleways in the area these are unlikely to be used for anything other than leisure purposes and do not provide realistic alternative modes of transport or viable links to frequent public transport services, contrary to Policy T.1 of the Structure Plan. Members will note there is a bus service which connects Stoke Prior with Droitwich Spa and Bromsgrove (the 141/940 service). The service operates hourly in the peaks and bi-hourly out of the peaks. No service runs on Sundays. The last service is at 19:05 from Bromsgrove Bus Station. The service does serve the railway station at present in both Droitwich Spa and Bromsgrove. There are two sets of bus stops nearby (Stoke Prior Church opposite and Stoke Prior Church adjacent, and Stoke Prior Shaw Lane Shelter adjacent and Stoke Prior Shaw Lane Shelter opposite). Bromsgrove Train Station is located 1.88 miles from the site. Appendix G of the Planning Statement contains a letter from LG Harris and Co Limited to Bellway Homes dated 19th February 2009 that points to the fact that the area is not well covered by any public transport. This would suggest that the sustainability criteria of the site is not as high at the applicant demonstrates.

I am therefore of the view that prospective occupiers would be highly dependent upon the private car and that the occupier's lifestyles would be largely car-orientated. In this respect, and for the reasons given above, I do not consider the scheme to be suitable for the location.

(b) Any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings

Members will be aware of the previous views of the Strategic Planning Manager and the Strategic Housing Manager on this issue relating to 09/0531. The views of the Strategic Planning Manager and the Strategic Housing Manager have also been sought on this revised application.

Members will recall that the Strategic Housing Manager, in his consultation response to 09/0531, took the view that taking into account the fact that housing need identified

through the questionnaire had not been individually verified, not all of the Housing Register applicants registered as living in Stoke Prior were currently actively bidding for properties and not all were necessarily in housing need. On this basis, the Strategic Housing Manager at that time considered that an appropriate assessment of need would be at the lower end of between 26 and 40. In accordance with the submitted analysis, the remaining supply of the new units at Redgrove School would then be deducted. This left what the Strategic Housing Manager considered to be a reasonably identified level of need, being at the lower end of between 16 and 30 people in need or coming into need over the next 5 years. The proposed scheme before Members therefore falls at the mid-point range of this level of need.

Members should be clear in considering the issue of housing need that the housing register can only indicate demand for housing in the locality. This does not demonstrate a need for housing. Members must therefore clearly distinguish between housing need and housing demand.

To clarify:

Housing need relates to the quantity of housing required for households who are unable to access suitable housing without financial assistance (ie. those unable to afford to purchase their home and/or to afford market rents).

Housing demand is the quantity of housing of the type and quality that households are willing and able to buy or rent. Housing demand thus takes into account both preference and the ability to pay.

Members will also be aware in consideration of this issue that the housing need figures put forward by the applicant differentiate between the settlements of Stoke Prior and Stoke Heath as Stoke Heath is contained within the Parish of Stoke Prior. Although this would appear appropriate, Members need to carefully consider the geographic location of Stoke Heath in relation to that of Stoke Prior which relates far more closely with Bromsgrove Town rather than Stoke Prior. The applicants have provided an analysis of the needs for Stoke Prior from this survey that propose a likely need of between 42 and 68 within the next 5 years. This is made up from two sets of figures representing:

- The needs of those resident or needing to return to Stoke Prior
- Need relating to employment provision in Stoke Prior.

The identification of the needs of those residents in, or needing to return to Stoke Prior is presented as being between 26 and 52, the lower figure being based upon survey questionnaire results (still subject to verification of individuals needs) and the higher figure being based upon the number of Housing Register applicants residing in Stoke Prior. Taking into account the fact that people's housing needs identified through the questionnaire have not been individually verified, not all of the Housing Register applicants registered as living in Stoke Prior are currently actively bidding for properties and not all are necessarily in housing need, the Strategic Housing Manager considers that an appropriate assessment of need would be at the lower end of this figure. In accordance with the submitted analysis, the remaining supply of new units at Redgrove School would then be deducted. This leaves what the Strategic Housing Manager would

consider to be a reasonably identified level of need, being at the lower end of between 16 and 30 people in need or coming into need over the next 5 years.

The submitted analysis within the application however also proposes that an additional level of housing need should be added into the calculation to reflect the housing needs of people working on the business parks in Stoke Prior. This is based upon an estimation of need generated by an employment base that is of a substantially larger scale than the employment that exists in village settlements in the District previously assessed for potential development under Rural Exception Site policy. The applicant has estimated that 35 households would require housing in Stoke Prior because of connections to the employment areas, this estimate accounts for 83% of the total need for the lower range of provision and 51% for the upper range. This estimate is based on the Housing Register which has previously been identified as not necessarily showing need as it can just as easily show demand. On this basis I do not consider it appropriate for the assumed level of needs generated from this employment base to be included in the housing needs for Stoke Prior. This approach was supported by the Strategic Planning Manager and the Strategic Housing Manager in the appraisal of 09/0531.

Whilst it is accepted that predicting housing need is not an exact science and assumptions may have to be used, the main concern expressed by the Strategic Planning Manager on the new figures centres on the assumptions that have been used to generate the levels of need. The significance of these assumptions when compared to the amount of housing need actually identified in Stoke Prior does pose the question if there is such a great need in the locality why the initial surveys did not identify it, and why is it only possible to demonstrate a need by assuming it exists, almost half of the identified needs is based on assumptions and estimates. Further to this these assumptions have been based on the figures provided in the Housing Needs Survey which have never been verified to prove that those who state they are in need actually do have a requirement. It is also acknowledged by the applicants that for a number of reasons these initial findings may not be robust. It therefore seems unwise to base assumptions on data which is acknowledged as being unreliable.

Members will thus note the findings of the Stoke Parish Housing Needs Survey have been uplifted by the applicant from a response rate of 25.3% (505 responses) to provide a more representative 40% response rate. Paragraph 4.25 of the *Stoke Parish Housing Needs: Consolidated Review of Survey and Further Analysis (revised and reissued 12th February 2010)* document states that *various factors appear to have limited the response rate and at around 25% this was lower than might reasonably have been expected. It is therefore arguable that the actual responses should be enhanced to make them more representative of the total population; reflecting a more normal response rate of 40%.* Members need to carefully consider that the process of uplifting data even by just under 15% (as in this instance) will be influenced on assumptions that will inevitably influence and distort the final dataset utilised for analysis. Members should also be aware that the survey was undertaken in August 2009 after the original planning application 09/0531 had already been submitted. This was at a time when tensions were high and many local residents were strongly opposed to the application. To gauge housing need more accurately the survey should have preceded any planning application. This opportunity has now been lost.

It is acknowledged that there may be some housing need in Stoke Prior but the evidence submitted does not **clearly** identify what this level of need could be. The applicant has used a number of sources to define the need that primarily focus on a housing needs survey undertaken in the Parish of Stoke Prior, data from Choice Based Lettings and census data. The uncertainty over the level of need in Stoke Prior is emphasised by the ever changing figures promoted by the applicant throughout the life of the original planning application (09/0531) for 49 dwellings. The final figure for Stoke Prior that was used in determining the previous application indicated a likely upper and lower range of need with the upper figure being 65 and the lower figure being 51. For the purposes of this new application further analysis has taken place to provide a lower estimate of 42 and a higher estimate of 68 households.

The applicant has attached significant weight to data from the housing register but it is unclear how much of the housing register demonstrates demand rather than need. With the vast majority of applicants in Stoke Prior located with the Bronze and Bronze Plus categories, it difficult to accurately assess the need from these figures.

The final component of the identified need is those who work in Stoke Prior but live elsewhere. The evidence of need from those working in the business park is acknowledged by the applicant themselves as an estimate. An estimate has been made by applying the average proportion of working households in Bromsgrove who are on the Housing Register to the number of people employed in the Stoke Prior ward but not resident there. There is no clear evidence that shows these people who commute daily to Stoke Prior either need or want to live in the settlement.

It is obvious from the applicant's submission that a number of sources have been utilised to define the need for this development in Stoke Prior. Although Members will note that the Strategic Housing Manager considers there to be a reasonably identified level of need at the lower end of between 16 and 30 people in need or coming into need over the next 5 years, I remain concerned that it has not been proven conclusively what the local housing need in Stoke Prior is. Members will be aware this is critical to the appraisal of this application.

In summary the housing needs survey is not entirely robust, the figures used to justify a need within the local workforce are based on unfounded assumptions and the housing register is not necessarily an indication of need. Whilst a level of need may exist in Stoke Prior in my view the data to support this planning application remains inconclusive.

(c) The site should conform with all environmental and control policies in both the Local and County Structure Plan

The scheme would cause harm to the openness and visual amenities of the Green Belt and be located in an unsustainable location. As such I am of the view the site does not conform to all environmental and control policies contained in the Local Plan and the County Structure Plan.

(d) The proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers

On such Rural Exception Sites it is necessary to ensure that adequate occupancy controls are in place to reserve the affordable housing for local needs in perpetuity and this may involve the uses of conditions or planning obligations. The applicant's Agent has confirmed that it would be standard practice for BDHT to impose a covenant to ensure that the affordable housing is retained for future occupiers for such a scheme as this. I consider this mechanism would achieve retention of such arrangements.

(e) The proposal does not involve cross subsidy

The proposal does not involve cross subsidy. The scheme relates to a scheme of 100% affordable housing.

Paragraph 9.36 of the Local Plan states that the scale and location of exception site schemes will be examined carefully. Proposals which are of a high standard of design and layout and relate sympathetically to their natural and built surroundings are more likely to be acceptable. I consider the proposal to be currently contrary to tests set out in Policy S16 of the Local Plan under criterion (a), (b) and (c) and thus the scheme is subsequently contrary to Policy S9 and DS2. Given these circumstances, I am consequently of the view that the proposal is, by definition, inappropriate development in the Green Belt. On this basis it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

Harm Caused

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

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

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

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

outweigh the harm. Members will also be aware that it is for the applicant to show why permission should be granted.

Members should now be aware that paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. Specifically, I consider that in this case the erection of new dwellings, would in itself, go against the fundamental aim of Green Belt policy by diminishing the openness of the Green Belt. The erection of 24 units would dominate the agricultural land, clearly resulting in a permanent urban/domestic appearance to the site. PPG2 indicates that the most important attribute of Green Belts is their openness. Although I do not consider that Green Belt in this area contributes to the setting of historic towns, contrary to the view of the applicant, it is my view that the proposed development would prejudice the purposes of Green Belt policy by not encouraging the recycling of derelict or other urban land and by not safeguarding the countryside from encroachment.

I consider the cumulative impact of the development would involve a substantial intrusion of built form (the sprawling form of the scheme in an elevated position unconnected geographically to the urban form of Stoke Prior along Shaw Lane to the west; and the associated areas of development, including new pathways and parking areas with a combination of parked vehicles of unrestricted sizes and colours) would significantly erode the openness of the site and thus cause harm to the Green Belt in this location. The site is a particularly sensitive area of land that forms an important approach into Stoke Prior.

Although I note the site contains mature trees and vegetation to the north, east and west boundaries, PPG2 makes no reference to the way in which openness is perceived. It makes no concessions with regard to development which is screened or otherwise hidden from view. Additional planting could, to some extent, mitigate against the adverse visual impact of the development. It would take many years, however, before the planting would be of sufficient height and maturity to totally screen the new buildings given their height and scale. Such screening in my view would also be less effective during winter months. Trees and hedges are also not permanent and cannot undo the overt visual impact of the development. Furthermore, the elevated nature of the site rising from Shaw Lane dictates that the southern aspect of the site is particularly open in character. Furthermore, although development cannot be seen in the wider context this does not make it appropriate and this argument could be used time and time again to justify inappropriate development. Lack of harm, in itself, does not amount to very special circumstances.

Members will also note the agricultural land on the application site is Grade 3a under the Agricultural Land Classification. Together with Grades 1 and 2, this is considered to be the best and most versatile farmland. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28).

The Consideration of Very Special Circumstances

The applicant's agent has submitted additional information in support of the application. Three very special circumstances put forward by the applicant can be summarised as:

- (a) The provision of affordable housing to meet defined local need
- (b) The absence of any alternative sites within Stoke Prior village for meeting this need in the short term
- (c) The need to improve the balance of jobs and houses in Stoke Prior

I will deal with each of these points in turn:

(a) The provision of affordable housing to meet defined local need

I am not convinced that the case for the provision of affordable housing is so much higher in Stoke Prior than other settlements in the District that it should necessarily be regarded as being exceptional. It is a well publicised fact that rural housing provision has been affected by external factors and I have no evidence to prove that Stoke Prior is in any way unusual in this regard. Therefore this issue is not unexpected and this argument could consequently be repeated across the country. I therefore do not consider this issue to be "very special". I am thus not persuaded that the circumstances demonstrated by the applicant could be described as unusual or **very** special when compared to the national picture. As such I consider that a similar case could be mounted in many other Districts. Furthermore, the Local Plan would allow, in principle, for affordable housing units within the urban areas of the District if a suitable site were to be found. Such need could thus be met in the wider area with particular regard to non-Green Belt locations and not solely in this location.

I am therefore of the view that the general need for more affordable housing in itself does not amount to the very special circumstances necessary to justify inappropriate development in the Green Belt as such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. Notwithstanding the need for some additional affordable housing in Stoke Prior, this does not amount to the very special circumstances which need to exist in order to justify setting aside the presumption against inappropriate development in the Green Belt.

(b) The absence of any alternative sites within Stoke Prior village for meeting this need in the short term

Should Members accept the evidence put forward by the applicant that there is in fact a need for 24 affordable units in Stoke Prior, the applicant has failed to demonstrate why this site is the most suitable of all the Green Belt sites around Stoke Prior.

The applicant simply relies on some of the findings of the Local Plan inspector and fails to consider the suitability of other sites, even those which itself submitted as part of the Bromsgrove Strategic Housing Land Availability Assessment (SHLAA).

The fact they have put forward an alternative site for potential development would mean that there are in fact alternative sites in Stoke Prior which could be considered which they

have not done in attempting to justify this site. I would also suggest that the current site being in the ownership of a volume house builder could be seen as the first stage of a much wider development site, this fact is supported by landowners submission to the SHLAA which includes the whole of the Ryefields farm site as a potential housing development. Decisions about such large scale land releases should be considered as part of the development plan process, and not through speculative applications.

(c) The need to improve the balance of jobs and housing within Stoke Prior

The applicant states that at present the lack of low cost and market housing is restricting the supply of labour to local businesses, although they suggest evidence indicates that this is a District wide problem they do not state what that evidence is. The applicant has provided a letter from one local business in Stoke Prior who surmises that the ability to recruit younger people would be enhanced by the development; again this is not backed up by any evidence. The letter also points to the fact the area is not well covered by public transport which would suggest the sustainability criteria of the site is not as high as the applicants demonstrate.

Much of the evidence presented in justification of this issue was prepared to support the review of the Regional Spatial Strategy whilst at regional level I have no reasons to disagree with what the evidence suggests, but I do not believe that the findings of a study which is looking at the implications of providing upwards of 365,600 houses and upwards of 4,000 hectares of employment land can be used to justify the release of a site such as this. No detailed evidence has been produced at a local level to demonstrate that the housing contained in this proposal will help to sustain the current business operations in Stoke Prior, or further to this there is no way or ensuring that those people entering into any new accommodation would work at the business parks in Stoke Prior.

Having considered the points raised by the applicant, it is my view that the applicant has not suitably addressed the issue of specific housing need, or sufficiently linked the need to supporting the surrounding employment sites. Also no robust assessment of other Green Belt locations has been carried out to justify this site over other available sites in Stoke Prior and as such permission should not be granted.

As such I do not consider any very special circumstances exist or have been put forward to outweigh the harm that would be caused to the Green Belt.

Other Issues

Density

The total developable area (excluding the area beneath the overhead power lines) is 0.82 hectares. This provides a density of 29 dwellings per hectare.

This accords with the guidance set out in PPS3 which promotes the efficient use of land, stating that Local Authorities should encourage development of generally 30-50 dwellings per hectare. I also consider the rural character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable.

Design, Form and Layout

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

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

The new dwellings accord with amenity space and garden length distances set out in SPG1 and the new properties will face onto the open space area, providing natural surveillance. The amount of outdoor public space proposed exceeds the provision detailed in SPG11 and I raise no issue on this point.

Stoke Prior is characterised by a predominant mix of housing stock from circa. 1950s/1960s of semi-detached and terraced dwellings, of predominantly two-storey set in large to medium sized plots. A pair of imposing three-storey dwellings is located adjacent to the site on Shaw Lane. The two-storey dwellings fronting Shaw Lane are reflective of the character of Shaw Lane and that of Orchard Crescent to the west of the site.

In my view the sprawling scale of the development, enhanced in the wider streetscene by the elevated nature of the site, the expanses of hardstanding areas created by the access road, turning head facility and access to the electricity sub-station to the south-eastern corner of the site all serve to create a suburban development with a very urban feel that will be conspicuous from both directions on Shaw Lane and from wider views in Hanbury Road. The block of two-storey dwellings to the eastern boundary of the site and the dwellings located on the elevated southern boundary appear as harsh, uncompromising edges between the wider undeveloped Green Belt and the proposed development. Although the open space aspect to the western boundary provides a swathe of green space to the development and creates an attractive open feel when entering the site, this has the affect of pushing the built form of the development further away from the settlement boundary, thereby exacerbated the lack of cohesion with the main village.

As such I have concerns over the form and layout of the scheme and the lack of geographic integration with Stoke Prior.

Members will be aware that advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings. I am therefore of the view that the layout proposed would not safeguard the setting of the settlement of Stoke Prior, with the result that the development conflicts with Policy DS13 of the Local Plan and Policy CTC.1 of the WCSP which seeks amongst other things, to protect the essential character of the area.

Proximity to Pylon and Overhead Power Lines

Members will note an overhead power line runs along the western boundary between 50 metre high pylons, with one pylon located just outside the site to the southern boundary. Policy ES8 of the Local Plan states that the District Council will consider applications, in conjunction with relevant agencies, on their merits where these involve the location of buildings and land uses close to notified installations. Paragraph 24.10 of the Local Plan states that concern has been expressed over the possible dangers of radiation emanating from high voltage overhead power cables. In the light of evidence available today, the National Grid Company does not believe that the electric or magnetic fields from its power lines present any public health risk. This view is supported by a number of national and international bodies who have reviewed this situation.

Although I note the views of third parties in relation to health concerns, the Health Protection Agency (now incorporating the National Radiological Protection Board (NRPB)) states that there is no definite proven link with health issues in relation to power lines and pylons. As such I have no technical data or evidence that links the proximity of housing development to the risk of health. The applicant is silent on this issue and provides no relevant information within the submitted Planning Statement. Members will also note I have not received any form of consultation response from the National Grid on the development to date.

Impact on the Amenity of Adjacent Occupiers

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

Given the distance from existing residential dwellings, I am reasonably satisfied the development should not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1.

Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (for example on the elevated section of Hanbury Road overlooking the site) would not wish to lose this view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

Traffic and Highway Implications

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has raised no objection to the original scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement. As a result I am of the view that there would not any material harm to the safety or free flow of traffic on this part of Shaw Lane as a direct consequence of the proposed development.

The suggested Heads of Terms for inclusion in the Legal Agreement put forward by WH relate to the provision of £44,082 to enhance local bus services and £10,000 to improve the traffic signals on the A38 and Hanbury Road by upgrading the controller unit and to provide remote monitoring of the signals. Although the applicant's Agent is agreeable to this, I am not in receipt of any such Agreement to date. I will update Members at your Committee on this issue.

Ground Conditions and Drainage Issues

The submitted Phase 1 and 2 Ground Investigation Surveys show that ground conditions do not pose any risks to the proposed development and for future occupiers. Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

Although I note the views of third parties in relation to flooding in the locality, the FRA indicates that the site is not within a flood risk zone and that the proposed development will actively reduce run-off from the site by a minimum of 25%. The accompanying drainage proposals plan indicates the use of soakaways and sustainable urban drainage systems (SUDS) on the site. The Council's Drainage Engineer and Severn Trent have raised no objection to the scheme, subject to the imposition of suitable Conditions.

Ecological and Biodiversity Issues

An Extended Phase 1 Ecological Survey has accompanied the application. The survey indicates that although the site is approximately 800 metres from the Upton Warren Pools SSSI, the proposed development is not likely to have any impact upon the designated area due to the distance and separation from the SSSI. The survey concludes that the intensive agricultural management of the land has significantly affected the quality of the

land, resulting in a low ecological value and absence of any suitable habitat for any protected species.

Natural England has commented that provided the recommendations of the survey are followed, the application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity. This stance has been reinforced by the Council's Tree Officer. The views of WWT are awaited.

Archaeological Issues

The views of the County Archaeologist are currently awaited. However Members will recall in his consultation response to 09/0531, the CA raised no objection to the scheme, subject to a programme of archaeological work as a condition of planning consent should Members be mindful to approve consent.

Impact on the Setting of the Grade I Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard is paid to the desirability of preserving the setting of Listed Buildings.

Policy HE10 of PPS5 states that when considering applications for development that affect the setting of a heritage asset, Local Planning Authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, Local Planning Authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval. Paragraph 120 of PPS5 states that when assessing any application for development within the setting of a heritage asset, Local Planning Authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The Conservation Officer has commented that the proposed development site would be located some distance from the Grade I St. Michael's Church and associated lychgate with an area of dense tree cover concealing these structures from view. On this basis the Conservation Officer is of the view that the proposals would have no impact on the setting of either Listed Building (referred to as "heritage assets" in PPS5). Whilst I accept the appearance of the site would alter as a consequence of the development proposed, I am satisfied that the setting of the Church and lychgate would not be unduly compromised and would therefore be preserved.

I therefore find no conflict in this respect with regard to Policy S39 of the Local Plan and Policy CTC.19 of the Worcestershire Structure Plan and the policy advice in PPS5.

Conclusions

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

The scheme for 24 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links. As such, residents of the proposed dwelling would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport.

Furthermore, the issue as to whether criterion (b) of Policy S16 has been met is also one which must be questioned. I raise concerned over both the process of identification, and the level of housing need identified by the applicant. As such I am of the view that it has not been proven conclusively what the local housing need in Stoke Prior is. The application in my view therefore consequently fails to comply with Policy S16 of the Local Plan.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. The development would unduly intrude into the Green Belt with a significant and adverse impact on the rural character and appearance of Shaw Lane in this location. No very special circumstances exist or have been put forward to outweigh the harm caused. As such I find the scheme to be unacceptable and contrary to the aims of Local Plan Policies DS2, S9 and S16, Policy D.38 of the Worcestershire County Structure Plan and the provisions of PPG2.

Members will be aware that the applicant has submitted appeal decisions relating to affordable housing schemes in England (appearing within the body of the Planning Statement and contained within the appendices). The balancing of the need for affordable housing in Stoke Prior with the effect of the scheme on the Green Belt and the wider locality is integral to the determination of this proposal. These are highly specific matters to this particular proposal and thus differing conclusions could inevitably be reached on differing schemes on differing sites.

I therefore recommend that permission be refused.

RECOMMENDATION that permission be **REFUSED**

- (a) The application site falls within Green Belt as designated within the Bromsgrove District Local Plan. The scheme for 24 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links or within easy walking distance of a range of facilities such as shops, schooling or different places of employment. As such, residents of the proposed dwelling would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport. Furthermore no specific and conclusive proven local need for affordable housing in relation to the settlement of Stoke Prior for 24 affordable dwellings has been provided to the Local Planning Authority.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused. As such the proposal is contrary to Policies CF2 and T2

of the West Midlands Spatial Strategy, Policies D.8, D.12 and D.39, SD.4 and T.1 of the Worcestershire County Structure Plan, Policies DS2, DS3, DS13, S9 and S16 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS3.

- (b) Due to the topography of the site and the form and layout of the development, the cumulative effect of the proposed scheme would have a materially detrimental impact upon the visual amenity of the locality which would not safeguard the setting of the settlement of Stoke Prior, contrary to Policy DS13 and C4 of the Bromsgrove District Local Plan, Policy CTC.1, CTC.2 and SD.2 of the Worcestershire Country Structure Plan and the provisions of PPS1.
- (c) The application does not include contributions towards the provision of public transport enhancement and highway improvement works contrary to Policy DS11 of the Bromsgrove District Local Plan.

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Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove School 'A'	Proposed eight court sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse, associated car parking and external works at Bromsgrove School, Worcester Road Bromsgrove Worcestershire B61 7DU	RES	10/0199-JT 12.05.2010

RECOMMENDATION:

That permission be **GRANTED**, subject to the satisfactory opinion of Worcestershire County Highways.

Consultations

Worcestershire County Council	Consulted 11.03.2010; response received: 07.04.2010 Initial comments recommend that the application be deferred due to issues over the assessment of car parking provision, trip generation, access alterations and light spill. The Transport Assessment submitted by the applicant has been updated and further comments are awaited.
Sport England	Consulted 11.03.2010; final response received: 29.03.2010. Sport England is required to consider any proposals that affect current playing fields with regard to Sport England's policy 'A Future for the Playing Fields of England' (1997). The aim of this policy is to ensure that there is no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and future needs for pitched sports. Sport England will normally oppose development that would lead to the loss of, or prejudice the use of, all or part of the playing field without meeting at least one of the specific exception criteria identified in the above policy as follows: <ul style="list-style-type: none">• E1: An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport.• E2: The development is ancillary to the principle use of the playing field and does not affect the quantity/quality of pitches.• E3: The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch.• E4: Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility.

- E5: The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

In the absence of an up-to-date Playing Pitch Strategy it is difficult to assess the supply and demand of playing pitches in this part of Bromsgrove District and the value of the area lost to community sport.

Bromsgrove School has significant existing sporting facilities which include playing pitches, 2 four court sports halls and a swimming pool. The school already has significant community use of their facilities and a list of current clubs and organisations which currently use the facilities is contained with the Design and Access Statement. In addition to the existing provision, the proposal is for a new eight court sports hall, fitness suite, sports teaching pavilion, changing room extension and associated ancillary development. This combined with existing provision will be available for community use and will provide a flexible facility capable of meeting the needs of community sport up to county level performance for sports such as hockey, netball, basketball, volleyball and badminton. It will also enable sports such as indoor cricket, futsal and wheelchair basketball to be played. The additional car parking is in part required because of the location of the new sports hall and in part due to the increased community use outside school hours.

The need for the proposed facilities was also analysed using Sport England's Active Places Power strategic planning tool. This shows that there is a shortage of facilities within Bromsgrove/Worcestershire which can accommodate indoor cricket nets, competition indoor netball, basketball, badminton and volleyball. The provision of indoor nets facilities are also a priority for Worcestershire County Cricket as highlighted in their facilities plan in 2008.

It should be noted that there are only 3 existing 8 court sports halls in Worcestershire: Malvern College Malvern; Perdiswell Leisure Centre, Worcester; and Forest Glades Leisure Centre, Kidderminster. They are all located on the other side of the M5 in the county of Worcestershire.

For the reasons outlined above Sport England considers that the proposed development meets the policy E5 exception in that the benefits of the proposed indoor sports facilities outweigh the loss of a single pitch.

No objection is therefore raised, subject to the imposition of a condition requiring the submission of a Community Use scheme.

If the Council decided not to attach such a condition, Sport England would wish to lodge a statutory objection to the application. In such circumstances, the application should be referred to the Secretary of

State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

The absence of an objection in the context of the Town and Country Planning Act does not in any way imply or commit support for any related application to the Sport England Lottery Fund.

West Mercia
Police

Consulted 11.03.2010; final response received: 25.03.2010.

Requests that comments be made available to ALL planning committee members for them to consider their responsibilities under Section 17 of the Crime and Disorder Act 1988.

- No objections to the application.
- It is important that a suitable design of access control is included to prevent sneak-in thefts.

Engineers /
Drainage

Consulted 11.03.2010; final response received: 01.04.2010.

No objections subject to conditions controlling the disposal of storm and foul water.

The Spadesbourne as the adjacent watercourse is a critical ordinary watercourse and as such is the responsibility of the Environment Agency and the respective riparian owners. This Agency will therefore have a greater say in what enters their watercourse, and no doubt will ask for a Flood Risk Assessment. [Officer's note: the Environment Agency has advised that it does not wish to comment on the application and refers the Council to its Standing Advice on Flood Risk.]

With regard to the proposed structures etc. that the school intend to development, all storm outlets are to be taken to an attenuated outfall, whether in the form of soakaways or a direct discharge into the Spadesbourne downstream of Worcester Road Bridge. This is to include all hardstanding areas such as driveways and car parking. In such areas, trapped gullies are to be used, probably in conjunction with a petrol interceptor if an outfall is being taken to the said watercourse. A SUDS programme should be followed.

Economic
Development

Consulted 11.03.2010; final response received: No response received.

Environmental
Health

Consulted 11.03.2010; final response received: 27.04.2010.

No objections subject to a condition requiring that all external lighting must comply with the Guidance Notes for the Reduction of Obtrusive Light issued by the Institute of Lighting Engineers.

Strategic Planning	Consulted 11.03.2010. No response received.
Woodland Officer / Landscaping	Consulted 11.03.2010; final response received: 27.04.2010. No objections subject to suitable conditions landscaping and tree protection conditions.
Conservation Officer	Consulted 11.03.2010; final response received: 27.04.2010. Advises that the proposed sports hall is most likely to have an impact on the setting of the listed buildings, as the closest part of the development to them. However the existing modern library acts as a visual barrier between the listed buildings and the proposed new development and as such I do not feel the setting of the listed buildings would be adversely affected by the current proposals. The development would therefore comply with policy HE10 of the new PPS5.
Publicity	Site notice posted: 18.03.2010; expired 08.04.2010. Press notice (Bromsgrove Standard) posted: 18.03.2010; 08.04.2010. 29 notification letters sent to adjoining occupiers 15.03.2010; expired 05.04.2010. Subsequent letters sent 22.04.2010 to all objectors. A petition with 8 signatories was received on 01.04.2010 stating the following: <ol style="list-style-type: none">1. We the undersigned believe that the current proposal to develop a coach parking and loading area immediately adjacent to the school boundary with Peter's Finger and to the rear of 167, 169 and 171 Worcester Road, will adversely affect our quality of life.2. We believe that the level of noise, dust, pollution and nuisance we currently experience will increase, that we will suffer a significant loss of privacy, that the view from our properties will be far less attractive and that our property values will decrease.3. We would like all vehicle parking and loading areas sited to the right of the proposed new access road, for these areas to be effectively screened by trees and shrubs and for the area to the left of the proposed new access road to be suitably landscaped. We would also like consideration to be given to neighbouring properties when the lighting scheme for the new area is drawn up. 4 letters of objection have been received, on behalf of the occupiers of no.133 and nos.167, 169 and 171 Worcester Road and Peter's Finger,

which adjoin the application site to the west. The concerns raised may be summarised as follows:

- The new sports centre would result in a loss of natural light to properties at nos. 129-135 Worcester Road.
- The siting of a coach parking and pupil loading/unloading area in the immediate vicinity of properties in Peter's Finger, and 167,169 and 171 Worcester Road would create additional dust, noise, nuisance, pollution, litter, loss of privacy and smoking.
- Loss of mature trees and open green playing fields.
- It is requested that the coach parking area is re-sited elsewhere within the proposed development along with amendments to the existing vehicle management plan which would leave the area adjacent to Peter's Finger and 167,169 and 171 Worcester Road completely clear of all vehicles.
- The proposals will lead to an increase in traffic. Worcester Road is already extremely busy and the development will have a detrimental effect to congestion, noise and air quality in a largely residential area.
- There have been continuing issues with light pollution for the existing car park. There are also concerns that the parking area has encroached over green space.
- The development would result in a reduction of value in property. [Officer's note: this is not considered to be a valid planning consideration in itself.]

The following requests are made:

- That the planned roadway is not brought any closer to the properties in Worcester Road under any circumstances.
- That the proposed coach park is not constructed in its present location.
- That the frontage of the car park at the edge of the road facing the properties is planted with a substantial barrier of non-deciduous trees.
- That the access to Walters House is restricted to pedestrians and deliveries only, with pupil drop off in the main car park.
- That any new lighting is low level and not left on all night.
- The junior football pitch included in the proposals to meet Sport England requirements could be used for coach parking.
- That consideration is given to the drainage of the car park.
- The possibility of creating an underground garage for coach parking beneath the existing garage is raised.
- By way of compromise, 4 parking spaces should be provided for nos.129-135 Worcester Road to counter the detrimental effect of the proposals on property values.

Officers have requested that the parking and servicing area be rethought to take account of these concerns. The applicant has

redesigned the layout to move the coach parking bay away from the Worcester Road boundary.

1 further objection has been received in response to the revised layout, on behalf of the residents of Peter's Finger, 167, 169 and 171 Worcester Road. The following points are raised:

- All affected residents welcome the re-siting of the coach parking and pupil loading/unloading area but remain concerned that the same area now appears to have been re-designated as a car parking area.
- It is requested that a substantial green 'buffer' zone should remain between neighbouring properties and all vehicles using the school site - all parking should be on the far side of the proposed new access road.
- The car parking area is still extremely close to neighbouring properties (about two metres at one point) and because of this, significant privacy, noise, nuisance and pollution issues still exist. Residents of Peters Finger for example are only separated from the School site by iron railings and gates and would be fully exposed to the gaze of anyone using the proposed parking area while sitting in their gardens. The proposed parking area is just 2 m from 167, 169 and 171 Worcester Road and separated from it by a wooden fence less than six feet in height, over which anyone using the area would be able to see with ease.
- The 19 spaces proposed in this location could be accommodated elsewhere within the development area or on the school site.
- All parking and traffic circulation within the proposed development area:-
 - 1) Should be located a reasonable distance from all neighbouring properties, that is, on the far side of the newly planned roadway.
 - 2) Should not compromise the privacy or security of local residents.
 - 3) Should be effectively screened by imaginative landscaping and effective fencing or walling.
 - 4) Should avoid light pollution to neighbouring properties through an effective area lighting scheme at low level, which is significantly reduced at night, when the site has been secured.
- The view of approximately 150 parked vehicles clearly visible from homes would be unsightly.
- The homes are on the busy Worcester Road. It is unreasonable and extremely unhealthy for anyone to have to live with traffic on two or three sides.
- The objector has contacted Sport England to obtain an opinion as to whether the retention of the junior football pitch adjacent to the main car parking area shown on the amended plan is essential to the project as a whole or whether, under Section E1

of their policy statement 'A Sporting Future for the Playing Fields of England - Policy on planning applications for development on playing fields', it could justifiably be sacrificed to the overall benefit of a 'state of the art' centre for sporting excellence, as an alternative location for the 19 parking bays which appear immediately adjacent to our properties on the revised plan. The objector has also asked Sport England whether it would be acceptable for the junior football pitch to be relocated elsewhere on the school site or within the proposed development area, if in their view it has to be retained.

The site and its surroundings

Bromsgrove Senior School is located on a large 40.5 ha campus site providing boarding and day education to boys and girls aged 13-18. It is located within the Bromsgrove urban area, designated as Residential by the Local Plan Proposals Map. The campus has a range of architectural styles, including several heritage assets in the northern part of the campus (the Memorial Chapel and Thomas Cooke's House are Grade II listed). There are also several more modern buildings on the campus. The northwestern part of the campus fronting Worcester Road is located within the Bromsgrove Town Centre Conservation Area.

The application site itself is located approximately 100 m to the south of the Conservation Area, set behind the School Library and the Technology Building, and occupying an area of 3.2 ha. The site presently contains the south entrance to the campus, car parking, playing fields, informal open space, boarding houses, swimming pool, sports hall, squash courts and a store/gatehouse.

The site is bounded to the north west by Worcester Road and residential properties fronting onto it, as well as Peter's Finger, a residential street running south east from Worcester Road. School buildings are located to the north, with existing outdoor sports facilities - including tennis courts, multi-use games areas and playing fields - to the east. To the south are further playing fields and the Manor Court Road residential development.

Proposal

The proposal is composed of several elements - sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse and car parking and landscaping. These are summarised in the following paragraphs.

Sports hall

A new eight court 33 x 42 m sports hall sized for indoor hockey is proposed to the north of the existing sports hall on land currently occupied by a grass bank and car parking. The building would be asymmetrical, and set into the ground with lower eaves on the western elevation. The eaves height on the western elevation would be approximately 8 m. A covered walkway between the existing sports hall and swimming pool buildings would link the development to the extended changing facilities.

Fitness suite

The two storey fitness suite would extend southward from the existing sports hall, on an area of parking and concrete terracing. The building would have a sprung floor at ground floor level for aerobics and dance, and could be subdivided into two spaces for maximum flexibility. A centre manager's office, disabled WC, lift and toilets would also be provided at ground floor level. The upper level would be occupied by a fixed weights/cardio fitness suite.

Sports teaching pavilion

A sports teaching pavilion would be located to the east of the existing swimming pool, overlooking the all weather pitches and playing fields further to the east. This would provide dedicated sports teaching accommodation which the school currently lacks, as well as an after match hospitality venue. The building would accommodate three classrooms, department base, swimming pool viewing galley, toilets and a sports hospitality room.

Changing room extension

The current facilities are located to the south of the existing swimming pool overlooking a grassed bank. According to the applicant, these facilities are too small. It is proposed to extend the facilities southward by 2.8 m to provide bench spaces for 18 persons at 750 x 500 mm.

Boarding accommodation

The applicant states that:

"while preparatory School boarding has declined nationally, Bromsgrove Preparatory School has continued to thrive. The school wishes to develop the Preparatory boarding to ensure a sustainable feed of British boarders into the senior school over the next ten years. It is the strategic vision of the school to unite the current three preparatory boarding houses within a single boarding house."

The application proposes to achieve this by assigning the existing Mary Windsor boarding house located on the senior school site to the prep school. All of the boarding accommodation would then be located on a single site. To enable this to take place, alternative facilities for senior school girls occupying the accommodation is required. An extension of Oakley boarding house is therefore proposed to provide accommodation for 18 boarding pupils. A new three storey boarding house to the south of Oakley would accommodate 52 pupils.

Gatehouse

A gatehouse based on the 'estate lodge' typology would overlook the south entrance to the campus. The 42 sq m single storey building would provide facilities for the gatehouse manager to monitor access and egress, provide information to visitors and accept deliveries. The existing store/gatehouse further into the site would be demolished.

Car parking and landscaping

A total of 152 car parking spaces would be provided, with an additional 8 for disabled people and 8 spaces for Bromsgrove School minibuses. The applicant has reconfigured the parking and servicing arrangements at the advice of officers, in order that the coach parking bay is moved from the rear of premises on Worcester Road. The site would be served by a tree-lined access way running from the entrance towards the proposed new fitness suite. The majority of car parking would be located to the south of this access way, as well as a circular coach parking bay. 19 car parking spaces would be located on existing hardstanding serving as the current access. The junction with Worcester Road would be improved to allow for a pedestrian separation and a left and right turn lane.

The proposal would involve the removal of approximately 60 trees of variable degrees of quality, the most significant of which cross the site of the new sports hall, as well as the planting of approximately 60 new specimens. The proposals also involve various hard and soft landscaping measures to improve the aesthetic quality of this section of the campus and to give a more welcoming appearance.

The proposals would involve the loss of an area of playing field equivalent to a single playing pitch.

Relevant Policies

WMSS	T2, T3, T5, T7, PA1, QE1, QE3, QE9
WCSP	CTC1, CTC 8, SD.4, SD.5, SD.6, SD.7, T.1, T.3, T.4, T.5, RST.1, RST.11
BDLP	DS3, DS13, S19, S31, S32, S39, C17, TR8, TR11, RAT3, RAT8
Others	PPS1, PPS4, PPS5, PPG17, Bromsgrove District Open Space, Sport and Recreation Assessment.

Relevant Planning History

Over 50 planning records relate to the Bromsgrove School site. The most relevant to the application proposals are as follows.

BU/387/1960	Proposed additional changing rooms. Approved.
BU/55/1974	Erection of boarding house for senior pupils and construction of car park and vehicular access to Worcester Road. Approved.
B/2275/1976	Erection of sports hall. Approved.
B/2395/1976	Erection of changing room link block and new cover to existing swimming pool. Approved.
B/11463/1983	Erection of covered swimming pool, plant room and chemical store. Approved: 19.12.1983.
B/1993/0169	Widening of commercial gate giving access to the school from Worcester Road. Approved: 26.04.1993.
B/2005/0929	Erection of single storey changing room block. Approved: 01.11.2005.
08/0929	Proposed extensions and refurbishment of Chemistry/Biology and Physics Blocks. Approved 19.12.2008.

Notes

It is considered that the main issues in determining the application are:

- The principle of the proposed development in land use planning terms.
- The loss of playing fields facilities, and whether the provision of improved and extended sports facilities outweighs this.
- The acceptability of the proposed access and parking arrangements in the context of transport and highways policy.
- The impact on the amenities of adjoining residential properties.
- The design of the proposals and the impact of the development on adjacent heritage assets.
- The impact of the proposals for the removal of trees, planting and landscaping.

Each of these issues is discussed in turn below.

Principle of development

Local Plan Policy S31 confirms that, subject to compliance with other development plan policies, the Council will consider favourably development required to facilitate the provision of education or for purposes ancillary to such provision (e.g. student accommodation and additional buildings supporting present operations).

Structure Plan Policy RST.1 states that "proposals to provide facilities for recreation and sport to serve the needs of local residents and visitors will be encouraged", and sets down a series of criteria for the development of recreation and sport facilities. These include an assessment of:

- the impact on nature conservation interests;
- the impact on the built and archaeological heritage;
- the ability to access the proposed development by alternative modes of transport to the private car and the impact that additional traffic will have on the area; and
- the provision of ancillary facilities (toilets, refreshments, picnic areas, information points etc.) appropriate to the anticipated level of usage of the facility.

Structure Plan Policy RST.11 indicates that the development of purpose-built facilities for sports and formal recreation catering for regional and sub-regional needs will only be allowed in accordance with the town centre first approach and where access by public transport can be maximised.

Local Plan Policy RAT3 states that the Council will support proposals for new and improved indoor sports and recreation provision, within or adjacent to existing settlements, where a need can be demonstrated and subject to several criteria including:

- the scale, design and car parking arrangements should not have an adverse effect upon the character, appearance and environmental amenities of the area;
- the proposal should have a safe and convenient access to the satisfaction of the highway authority;
- the proposal should be well related to the public transport network.

As the facility will not primarily be for commercial use, it is considered unreasonable to apply the full sequential approach to site selection to the proposals. The proposal is within the urban area of Bromsgrove adjacent to a busy main route serviced by buses, and in this sense, although not in the designated Town Centre Zone, is considered to be located in a sustainable location, consistent with the approach set down in PPS4. The proposal is therefore consistent with the aim of making sports facilities accessible, and also Local Plan Policy DS3, which states that "the majority of growth during the Plan period will be centred on the urban area of Bromsgrove".

The proposed ancillary facilities are considered to be commensurate with the scale of development proposed.

The technical assessments submitted by the applicant indicate that the site has limited ecological value and that the proposals would be unlikely to have an impact on any archaeological assets. The traffic and heritage impacts are discussed below. The proposal is considered to be consistent in principle with Structure Plan Policies RST.1 and RST.11, Local Plan Policies DS3, RAT3 and S31, and the town centre first approach set out in *PPS4: Planning for sustainable economic growth*.

Loss of playing pitch

The proposal would result in the loss of a playing pitch to the proposed car parking area. It is noted that a junior playing pitch is to be retained on part of the existing playing area.

Paragraph 15 of *PPG17: Planning for open space, sport and recreation* states that planning applications for development on playing fields should not be allowed, unless one of a series of criteria are met, including iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field. Local Plan Policy S31 states that no development proposals at educational establishments will be permitted which lead to an unacceptable loss of open space and/or sports facilities. S32 explains that proposals leading to the loss of school playing fields will not be allowed unless they satisfy one of the following criteria:

- a) that the provision of playing fields to Council standards would still be met;
- b) there is alternative local provision of playing space;
- c) an alternative replacement site could be provided in a suitable location; or
- d) the scheme would lead to an improvement in the facilities available elsewhere on the site.

The proposal includes new sporting facilities (in the form of a new eight court sports hall, fitness suite, sports teaching pavilion and changing room extension) considered by Sport England to be sufficient to outweigh the harm caused by the loss of the playing pitch, on the proviso that community use is allowed.

Local Plan Policy RAT8 states that the Council will seek the provision of dual use school sports facilities subject to the following criteria:

- a) the location of the proposed dual use scheme can most effectively meet proven demand;

- b) the proposed site is readily and safely accessible by both public and private transport;
- c) adequate car parking provision can be made for community use;
- d) necessary alterations and extensions can be undertaken sympathetically to existing buildings in order to allow for community use;
- e) satisfactory arrangements can be made for the needs of security on the site;
- f) any requirements for external floodlighting and an increase in vehicle movements would not adversely affect the residential amenities of the area.

It is noted that Sport England has assessed the need for the proposals using the Active Places tool, which demonstrates there is a shortage of facilities such as those proposed within the District and the County, and that the applicant has indicated a willingness to continue and expand its current links with the community. The School currently operates a two tier pricing structure which would be extended to the new facilities with a preferential letting rate for local clubs and youth groups, and a standard charge for commercial lets. The School is also committed as part of its sustainable investment policy to build in lifecycle cost management to letting charges, school maintenance and equipment budgets.

There are only 3 existing 8 court sports halls in Worcestershire, none of which is in Bromsgrove District. As is discussed above, the proposed development is considered to be in an accessible and sustainable location. Worcestershire County Highways has advised that the level of car parking provided is acceptable. The necessary extensions to the building are considered to be sympathetic. It is considered that satisfactory security arrangements can be set out in a community use agreement secured by condition. It is considered that, with the revised parking and servicing layout, vehicle movements will not significantly affect the residential amenities of the area. A condition is recommended to secure the agreement of a satisfactory lighting scheme prior to the commencement of development.

The proposal is therefore considered to comply with S31(d) and S32, and the requirements of PPG17 as it would provide adequate compensatory provision for the loss of the playing pitch space, and would secure community use of the facilities to be provided.

Highways and access

The final comments of the Worcestershire Highways Officer are awaited.

Impact on residential amenity

Worcestershire Structure Plan Policy RST.1 states that major sports proposals which would cause unacceptable environmental and social impacts on settlements will not normally be permitted. Local Plan Policy S19 states that in areas where residential uses predominate the Council will not allow land uses which would adversely affect residential amenity whether through noise, smell, safety, traffic or health reasons. As is noted above, Local Plan Policy RAT3 also requires that scale, design and car parking arrangements should not have an adverse effect upon the character, appearance and environmental amenities of the area.

Concerns have been expressed by local residents about the affect on residential amenity as a result of 1) loss of light to the rear of properties facing onto Worcester Road; and 2) disturbance/nuisance and loss of privacy to properties in Worcester Road and Peter's Finger as a result of the parking and servicing arrangements, and in particular the coach parking bay, which has now been relocated at the request of officers.

Loss of light, outlook and privacy

The closest residential properties to the proposed development are nos.119-123 Worcester Road, located approximately 34 m to the north west. These properties are screened from the development by a number of mature trees, all of which would be retained as part of the proposals. It is recommended that such screening is secured and improved through the imposition of conditions.

The eaves height of the building on the elevation facing these properties is approximately 8 m, since the building would be sunk by 1.7-3.7 m (owing to changing levels across the site). The building would also have a sedum 'green roof'. Given the distance of habitable windows in the nearest properties from the proposals and the height of the proposed building, it is not considered that any significant level of loss of light or outlook would occur as a result of the proposals. The screening provided by the trees in this boundary should further ensure that loss of privacy and outlook is minimised.

An objection has been received on grounds of loss of light from the occupier of no.133, which is located approximately 59 m away from the proposed new sports hall. For the same reasons given above, it is not considered that this property would suffer any significant loss of light as a result of the proposals.

Parking and servicing

The parking and servicing layout as originally submitted included a coach parking bay adjacent to the boundary of the School with nos.167-171 Worcester Road and Peter's Finger, including a shelter/waiting area immediately adjacent to the fence. The boundaries of these properties are very close to the proposed servicing arrangements, though it is noted that in the case of nos.167 to 171, gardens are separated by a parking/service/garage area understood to belong to those properties. The arrangement in Peter's Finger is unusual, with the front gardens of the properties serving as the only open amenity space (a public house is located immediately to the rear).

At the request of officers, the coach parking element of the proposals has been moved to the opposite side of the proposed access road to ensure that disruption to these properties is minimised. The area occupied by the current access road will be used for parking vehicles. All bar one of the existing trees on this boundary would be retained. It is recommended that conditions are attached to ensure this, and also to secure additional planting. This should ensure that any loss of privacy is minimised. However, it should be noted that the proposal would not create any new opportunities for overlooking, as the boundary arrangements would not be changed.

It is proposed to use 'dark sky' anti-spill light fittings, which should ensure that there is no significant harm to local residents as a result of light spillage. Notwithstanding the information submitted by the applicant, it is considered a condition should be attached to

require that all lighting installed complies with relevant Institute of Lighting Engineers guidance. Accordance with this guidance eliminates the need for a restrictive condition controlling hours of use of lighting.

Occupiers of the affected properties have requested that a 'substantial green buffer zone' remains between their properties and the application site, and that all parking is located to the far side of the new access road. Whilst officers sympathise with the concerns of the local residents, this is considered to be an onerous request, given that 1) there is already servicing in this part of the site, and the parking area would encroach no nearer to their properties; 2) existing screening would be retained and would be significantly improved through a landscaping scheme; and 3) the 'right to a view' of green space is not *per se* a material planning consideration.

The occupiers have also raised the possibility of relocating the parking spaces closest to their properties to the location of the proposed junior football pitch. Officers are of the view that this would not be desirable as it would simply shift the parking to an area close to other residential properties (in Manor Court Road) and would result in further development on protected playing fields. Whilst the views of Sport England on further encroachment onto playing fields has not been sought by the Council, the alternative location put forward by the occupiers is not considered to be consistent with Local Plan Policies S31 and S32, which seek to retain playing fields. This is particularly the case given that the applicant has amended the proposed layout, which is now considered to be acceptable by officers.

The objector has contacted Sport England to obtain an opinion as to whether the retention of the junior football pitch adjacent to the main car parking area shown on the amended plan is essential to the project as a whole or whether, under Section E1 of their policy statement 'A Sporting Future for the Playing Fields of England - Policy on planning applications for development on playing fields', it could justifiably be sacrificed to the overall benefit of a 'state of the art' centre for sporting excellence, as an alternative location for the 19 parking bays which appear immediately adjacent to our properties on the revised plan. The objector has also asked Sport England whether it would be acceptable for the junior football pitch to be relocated elsewhere on the school site or within the proposed development area, if in their view it has to be retained.

In summary, it is not considered that the impact on the affected properties would be materially worse than the existing servicing situation, which already involves an access road in the same location as the proposed parking. Officers are therefore satisfied that, on balance, the impact on these properties would be acceptable.

Noise and disturbance

It is not considered that noise nuisance as a result of the general use of the proposals would be significant enough to become a serious planning consideration. It is noted that the proposed pavilion would be capable of staging functions, which may involve amplified music and/or the service of alcohol. Whilst these activities may be capable of noise nuisance it is considered that, given the likely ad hoc nature of the uses and the separation distance of this building from housing, the Council's licensing and environmental protection powers would be more appropriate means of regulating this

activity. It is therefore not considered necessary to control this issue through the imposition of conditions.

Design and heritage assets

The design of the proposals is considered to be a welcome effort to introduce a sense of coherence to this part of the campus, which has a disparate character and is largely of limited architectural quality. The design details and hard and soft landscaping proposed would significantly improve the appearance of this part of the campus.

It is noted that the Conservation Officer has raised no objections to the proposal and that the impact on the listed buildings on the site is considered to be minimal, owing to the separation distance and buildings in between. In this respect, the proposal is considered to comply with Local Plan Policy S39, which requires that careful attention is paid to any proposal affecting the character of listed buildings or their setting.

Trees and landscaping

Local Plan Policy C17 states that development proposals should retain existing trees wherever possible. New planting should be related in scale, size and species to the existing indigenous planting.

Although the proposal would result in the loss of a number of trees, none are considered to be of high quality, and the replacement planting and landscaping proposed is considered to represent adequate compensation.

Referral to the Secretary of State

It is noted that the Town and Country Planning (Consultation) (England) Direction 2009 directs that, where the Council does not propose to refuse planning permission for certain categories of development, it should consult the Secretary of State. One such category (as listed at paragraph 7) includes development on a playing field which is:

- *is currently used by an educational institution as a playing field; or*
- *has at any time in the five years before the application is received been used by an educational institution as a playing field; and*

the English Sports Council ("Sport England") has been consulted ... and has made representations objecting to the whole or part of the development...

Members are therefore advised that, although the proposal involves the development of a portion of playing field, there is no need to consult the Secretary of State, since Sport England has raised no objection to the proposals.

RECOMMENDATION:

That permission be **GRANTED** subject to the satisfactory opinion of Worcestershire County Highways, the following conditions and any further conditions recommended by the Highways Officer:

- 1) C001 Standard time - three years
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 2514-21, 23-W, 24-E, 25-E, 26-E, 28-B, 32-F, 33-E and 34-D, and 2571-003-S, 004-Q, 005-L and 007E and the recommendations of the Design and Access Statement (A100303B2514) and its appendices and Flood Risk Assessment (ref: 16794/GE/R01).

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 3) C003 Materials to be submitted

Community use

- 4) Prior to the commencement of the hereby approved development, or within 6 months of commencement, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours or use, access by non-school users/non-members, management responsibilities, security arrangements and a mechanism for review. The approved development shall not be used other than in accordance with the approved Scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 (Para. 15, point 4) and Policies S31 and S32 of the Bromsgrove District Local Plan.

Drainage

- 5) The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence. Balancing will be required in accordance with the Environment Agency policy. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 6) The disposal of foul sewage shall be to the public foul sewer located in Worcester Road. If an existing connection is being used, then its condition needs to be proved, otherwise all new works are to be dealt with by the water authority and Worcestershire County Council.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Landscaping and tree protection

- 7) Prior to the commencement of any works on site, full details of a scheme of landscaping and planting shall be provided to the approval of the Local Planning Authority. This scheme shall include the following:
- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
 - b) full details of enhancement works to the boundary of the application site with nos.119-171 Worcester Road and Peter's Finger;
 - c) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

- 8) Prior to occupation of the development hereby permitted, the approved scheme of landscaping and planting shall be completed to the satisfaction of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

- 9) No trees on the boundary of the application site with nos.119-171 Worcester Road and Peter's Finger shall be pruned, felled or uprooted without the specific prior written permission of the Local Planning Authority. Where the Local Planning Authority permits such works, suitable replacements as agreed in writing by the Local Planning Authority shall be planted in the first available planting season.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

- 10) No works in connection with the development hereby approved shall be undertaken other than in accordance with the submitted tree protection drawing 10036/32681.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

Lighting

- 11) All external lighting in the development hereby approved must comply at all times with the Guidance Notes for the Reduction of Obtrusive Light issued by the Institute of Lighting Engineers. The development shall not commence until a satisfactory detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No lighting shall be used in the development other than in accordance with such details as are agreed.

Reason: In order to protect the amenities of the area in accordance with Policy RST.1 of the Worcestershire Structure Plan and Policies DS13, RAT3 and S19 of the Bromsgrove District Local Plan.

Informative

- 1) West Mercia Police advises that it is important that a suitable design of access control is included within the hereby approved proposals to prevent sneak-in thefts.

Notes

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

WMSS	T2, T3, T5, T7, PA1, QE1, QE3, QE9
WCSP	CTC1, CTC 8, SD.4, SD.5, SD.6, SD.7, T.1, T.3, T.4, T.5, RST.1, RST.11
BDLP	DS3, DS13, S19, S31, S32, S39, C17, TR8, TR11, RAT3, RAT8
Others	PPS1, PPS4, PPS5, PPG17, Bromsgrove District Open Space, Sport and Recreation Assessment.

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 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr D Sikkam 'A'	Two storey side and rear extension (as amended by drawings received 15.04.2010) - 2 Thicknall Rise, Hagley	Residential	10/0206-MT 04.05.2010

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

RECOMMENDATION: that permission is **APPROVED**.

Consultations

WH	No objection 12.04.2010
Clent PC	Comments received 19.04.2010: ' <i>The proposals are too large an extension to existing property and out of scale.</i> '
Publicity	2 Neighbour notification letters posted 16.03.2010; expire 06.04.2010

20 letters/emails received; concerns raised over the following:

- The extension would be tantamount to a new dwelling.
- The extension would be over dominant and out of scale with the existing building.
- The extension would be incongruous with the design of the existing dwelling and the other dwellings in the surrounding area.
- The extension would project beyond the building line.
- The extension would obstruct road visibility.
- The boundary fence would harm the character of the area.
- The extension would result in a loss of light and outlook to the adjacent dwelling.
- The windows in the extension would overlook the opposing property.

The site and its surroundings

The application site relates to an existing two storey detached dwelling and integral garage. The site occupies a corner plot at the junction of Thicknall Rise and Newfield Road. The site is located in a Residential Area as defined in the Bromsgrove District Local Plan 2004.

Proposal

This application proposes to demolish the integral garage to the side of the property and erect a two storey extension to the side and rear of the dwelling. The extension would accommodate three additional bedrooms, a bathroom, family room, games room and car garage.

Relevant Policies

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

Relevant Planning History

09/0403 2 Storey Side and Rear Extension - Refused 14.07.2009

Notes

The site is located in a designated Residential Area. As such I consider that the main issues to address are those arising from Policy S10 of the Bromsgrove District Local 2004. This provides that extensions will be considered favourably if they are in accordance with the following principles:

- a. extensions to dwellings should normally be of matching design in materials and detailing and should be built in a style similar to that of the original building which should always remain as the dominant feature of the resulting compound building;
- b. where applications are received which would result in an 'extension' becoming over-dominant and lead to significant changes in the basic character, floor plan and/or cubic content of the original building, other considerations will apply and the proposal will be treated as if it were a completely new dwelling rather than an extension;
- c. where it is proposed to add an extension to a building which has a pitched roof, and the extension will be of a similar height to the original building, then the extension should, in most circumstances, have a similar roof pitch. Flat roof extensions will not normally be permitted;
- d. the proposed extension should not adversely affect the existing amenities of adjoining occupiers.

It is considered that these criteria can be grouped together under two main headings; 'Design' and 'Residential Amenity'. I will consider each of these matters under separate headings below.

Further to the issues related to Policy S10, it is important to consider the impact of the extension on the character of the street scene and the visual amenity of the area. I also note the concerns raised by local residents over the proposal. I will address each of these matters under separate headings below.

Members will note that a planning application for a two storey side and rear extension was refused at this site in July 2009 (09/0403). That application was refused as it was considered that the extensions would be over dominant, out of scale and incongruous with the existing dwelling, thus causing harm to the character and appearance of both the

dwelling and the street scene. This application is essentially a resubmission of that scheme. The application proposals are however of a reduced scale and massing, and a fundamentally different design.

Members should also note that this application is in amended form. The design of the scheme has been revised following officer concerns over its impact on the street scene.

Design

The extension would be set down and set back from the main dwelling and I am of the view that it appears as the subordinate part of the resulting compound building. The pitched roofs and gable walls of the extension would match those on the main dwelling. Although dormer windows are not a feature of the main dwelling, I am of the view that these would reflect the gable wall at the front of the building. On the above basis I am of the view that the extension would respect the design and detailing of the main dwelling.

Although the extension would appear to use the same materials as the main dwelling, I would have concerns over the ratio of render to brickwork as this appears to be incongruous with the main dwelling. This need not however be an issue at this stage as material details can be addressed through the imposition of a condition on any planning permission granted.

It is noted that the proposal would involve a large extension to the property but I do not consider that it would be tantamount to a new dwelling. The extension would be subordinate in design and there would clearly be a physical and functional relationship with the main dwelling. I do not therefore have any concerns in this respect. Members should also note that there are examples of extensions of a similar scale to the proposal at 9 Orchard Close and 9 Woodchester Close. Large extensions are not therefore unprecedented in this area.

Impact on Street Scene

Given the site's corner location it is considered that the proposed extension would fall within two street scene contexts (Thicknall Rise and Newfield Road). It is considered that both street scenes are defined by similar characteristics. They both contain detached dwellings of a simple pitched roof form. The majority of the dwellings have gable walls within their front elevation and there are a number of examples of dormer windows. The design and detailing of the dwelling would reflect these characteristics and I am of the view that the extension would assimilate well within both street scenes.

It is acknowledged that corner plots can be more sensitive to new development given their prominence in the street scene. It is however considered that the proposed extension is set a sufficient enough distance away from the site boundary to not appear as an obtrusive or dominant feature of the street scene. Members should note that the grass verge between the site boundary and the highway serves to further reduce the prominence of the extension, and retain a sense of openness.

Residential Amenity

The proposed extension would involve a number of new windows in its rear elevation. These would not however overlook the windows or private garden in the adjacent dwelling, no .53 Newfield Road. I do not therefore consider that any loss of privacy would result.

Third party representations

I note the concerns raised by local residents over the proposed development. These can be summarised as follows:

- The extension would be tantamount to a new dwelling.
- The extension would be over dominant and out of scale with the existing building.
- The extension would be incongruous with the design of the existing dwelling and the other dwellings in the surrounding area.
- The extension would project beyond the building line.
- The extension would obstruct road visibility.
- The boundary fence would harm the character of the area.
- The extension would result in a loss of light and outlook to the adjacent dwelling.
- The windows in the extension would overlook the opposing property.

I will consider each of these points in the order they are presented above.

It is considered that the first three of these concerns have been duly considered in the 'Design' and 'Impact on Street Scene' section of this report. I will not therefore reiterate these considerations here.

It is noted that the extension would project beyond the building line set by the dwellings along Newfield Road. I do not however consider that any visual harm would result due to the distance between the extension and these properties.

I note residents' concerns over the extension obstructing road visibility but I am also mindful of the lack of objection from the County Council's Highways Engineer on this matter. Having regard to this specialist advice I consider this not to be an issue.

Members should note that the 1 metre high fence shown on the submitted site plan is an existing feature of the site. Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows the applicant to erect a fence adjacent to the highway up to a height of 1 metre above ground level without the need for planning permission. The fence shown on the submitted Site Plan would therefore constitute permitted development and it does not form part of this application.

The concerns raised in relation to the extension causing a loss of light and outlook to the adjacent dwelling (number 53 Newfield Road) are found to be unjustified. The proposed extension would be set some distance away from the nearest dwelling no. 53 Newfield Road. This distance is considered to be too great for any loss of light or outlook to result.

I note that the occupier of no. 68 Newfield Road raises concerns over the new windows in the side of the extension overlooking their property. These windows would however be located around 40 metres away from this property. The Council's Residential Design Guide (SPG1) advises that a 21 metre distance should be provided between such windows. Having regard to this guidance, I do not consider that any loss of privacy would result.

Conclusion

It is considered that the extension would be of an acceptable design and no harm to the character of the street scene would result. The extension would cause no harm to the amenity of the occupiers of the nearby dwellings. The concerns raised by local residents are noted but I do consider there to be any valid issues that would justify the refusal of the application. Taking these points into consideration I am of the view that the proposal is in accordance with the relevant policies of the adopted Development Plan and I recommend that planning permission is approved.

RECOMMENDATION: that permission is **APPROVED**.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Notwithstanding the approved elevation drawings contained on Drawing Number MC/206/01 (received 15.04.2010), details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

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Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
LE Gallais Company 'B'	Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas (Extension of time for B/2007/0265) - Plot 10, Acanthus Road, Redditch, B98 9EX	Emp	10/0212-DK 08.06.2010

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Beoley PC	Consulted: 17.03.2010. Response received: 15.04.2010. No objection in view of the fact that Bromsgrove District Council approved the original application.
WH	Consulted on: 17.03.2010. Response received: 12.04.2010. No objection to the grant of permission subject to the same conditions be applied as per the previous application.
ENG	Consulted 17.03.2010. Response received: 25.03.2010. No objection.
EHO	Consulted 17.03.2010. Response received: 17.03.2010. No objection. The business carried out on site will be required to comply with food and/or health and safety legislation.
EDO	Consulted 13.04.2010. No response to date.
Worcestershire Wildlife Trust	Consulted 17.03.2010. Response received 19.04.2010. No objection. The applicant needs to be advised of the updated requirements of PPS9 and their duties under the NERC Act 2006.
LP	Consulted 17.03.2010. No response to date.
Tree Officer	Consulted 17.03.2010. No response to date.
Publicity	Press Notice published 25.03.2010, expires 15.04.2010.

Site Notice posted 07.04.2010, expires 28.04.2010.

I response received 28.04.2010 as follows:

Heller Machine Tools Limited will need assurances from the developers that the development of the site will not have the potential to increase the flood risk to the surrounding land.

The site and its surroundings

The application site is currently undeveloped and extends to 2.68 hectares located to the north side of Acanthus Road opposite the junction with Hedera Road. The site is located in a designated employment zone.

Proposal

The proposal is for an extension of time for permission B/2005/0265 for the erection of of two No. B1/B2/B8 units with ancillary car parking and servicing areas.

Relevant Planning History

- B2005/0265 Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas Granted 26.04.2007.
- B/2001/0781 Engineering operations comprising earthworks. Granted 03.09.2001.
- B/1991/0223 Development of site as Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping. Refused. Appeal allowed.

Relevant Policies

- WMSS QE1, QE2, QE3.
- WCSP SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1
- BDLP DS13, C4, C17, E4, E9, TR11, ES4, ES7.
- Others PPS1, PPS4, PPG14, PPS23, PPG24, SPG3.

Notes

The development consists of the erection of two units for employment purposes. Unit 1 contains 7,990m² of floorspace in a building finished with a mix of horizontal and vertical profiled cladding. The unit will be served by 113 No. car parking spaces and 12 No. lorry spaces. Unit 2 has a floorspace of 2,067m² and has a similar design and appearance to Unit 1.

Members should note that the application under consideration is purely for an extension of time of an existing planning permission (B/2005/0265). The merit of the proposal, its acceptability in terms of the provisions of the development plans and material considerations have been examined in this application which was considered by Planning Committee on 23rd April 2007.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009 was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such applications so I will refer to the Department for Communities and Local Government (DCLG) publication: Greater Flexibility for Planning Permissions: Guidance. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. In the event of conditions having been discharged on the original consent, these will not be reapplied.

Assessment

The site is situated in land designated for employment purposes within the BDLP and the principle of employment related development has been established through the granting of outline application B/1991/0223. The main development plan policies considered with the application were policies E9, DS13 and TR11 of the BDLP as well as policy T1 of the WCSP. I consider that these policies would still apply to the proposal and it would accord.

National Planning Policy Guidance has been updated with the introduction of PPS4 which supports a coordinated approach to employment development. Policy EC10 of PPS4 states, all planning applications for economic development (which includes development within the B Use Classes as stated in paragraph 4) should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

It should be noted that this application seeks to extend the time of the permission and is not a renewal of an expired consent. As such, it would not be appropriate to impose additional conditions in respect of the limitation of carbon emissions. In terms of the choice of means of transport, I note that a condition requiring the provision of a Travel Plan (Condition C37) was attached to the original consent and this would meet the requirements of PPS4 in this respect.

In terms of biodiversity issues, I note the comments from WWT. In terms of the original application, I note that the provisions of PPS9 and Circular 06/05 (Biodiversity and Geological Conservation) were considered.

I do not consider that granting an extension of time for the implementation of the permission would have any greater impact on the natural environment and biodiversity resources on the site than the current implementation of the extant permission. I note the comments received on the application in terms of flooding. However, these comments relate to drainage issues and the Drainage Engineer has raised no objections.

Members should note that the site remains undeveloped at the present time and since there is no significant change in the planning policies which apply to the site, permission should be granted for an extension of time. The original consent was for three years (granted 26th April 2007) and I refer to the DCLG Guidance which allows the Local Planning Authority discretion in making decisions on applications to extend time on permissions. Therefore, a three year extension is reasonable.

I note that conditions 3, 4, 18, 20, 21, 22, 23 and 36 attached to the original permission B/2007/0265 have been discharged and will not be placed on the new permission.

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

1. C1 (3 years)

2. No mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.
3. The soft landscape concept detailed on drawing BCPlanning.dwg 02 Rev C from Barry Chinn Associates shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
4. C9
5. C11
6. C12
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. C21
15. Prior to the commencement of development hereby permitted, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall relate directly to the ecological mitigation measures as set out in the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme document (January 2007). The method statement shall clarify how the management of the site will be tailored to benefit the species present and how it will provide benefit in addition to any legally required mitigation
16. The management of retained trees during the construction period shall be carried out in accordance with the approved arboricultural method statement dated 26th March 2007. The recommendations contained in Section 5 and 6 of this document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority
17. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with the tree protection scheme/root protection areas or other areas excluded from construction related activity
18. Prior to the commencement of development hereby permitted, a scheme for the routing and positioning of construction traffic, machinery and plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out as approved with no deviation, unless otherwise agreed in writing by the Local Planning Authority
19. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
 - (b) refinement of the conceptual model, and

(c) the development of a Method Statement detailing the remediation requirements.

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

20. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
21. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement
22. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report
23. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
 - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development
 - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive
 - (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures
 - (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.
24. Prior to the commencement of works hereby permitted, full details (to include elevational drawings) of the gate house shall be submitted to and approved in writing by the Local Planning Authority
25. Prior to the commencement of development, a directional signage scheme for the management of traffic utilising the site shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall be implemented prior to the occupation of the buildings and maintained as such thereafter.
26. H13
27. H21
28. H27
29. The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the Local Planning Authority a

travel plan that promotes sustainable forms of access to the site. This plan will thereafter be implemented and updated in agreement with Worcestershire County Council's Travel Plan Co-ordinator.

Notes

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

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

This consent does not permit the erection of any additional form of advertisement on the site.

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

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

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

The applicant's 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 issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

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

WMSS	QE1, QE2, QE3
WCSP	SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1
BDLP	DS13, C4,C17, E4, E9, TR11, ES4, ES7
Others	PPS1, PPS4, PPG14, PPS23, PPG24, SPG3

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 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Heller Machine Tools Ltd. 'A'	Erection of B2 building with ancillary car parking and servicing areas at land adjacent to Heller Machine Tools (Extension of time for B/2005/0351) - Acanthus Road, Redditch, B98 9EX	Emp	10/0213-DK 08.06.2010

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Beoley PC	Consulted: 15.03.2010. Response received: 15.04.2010. No objection as this was previously approved by District Council.
WH	Consulted on: 15.03.2010. Response received: 12.04.2010. No objection subject to the same conditions being applied as per the previous application.
ENG	Consulted 15.03.2010. Response received: 25.03.2010. No objection.
EHO	Consulted 15.03.2010. Response received: 16.03.2010. No objection. The business carried out on site will be required to comply with food safety legislation.
EDO	Consulted 15.03.2010. Response received: 07.04.2010. No objection. Heller Machine Tools are a major exporter and has a very enlightened policy on apprenticeships which is rare in contemporary industry. The company is actually expanding despite the present economic climate.
WCC Public Rights of Way LP	Response received: 18.03.2010. No objection. Consulted 15.03.2010. Response received: 25.03.2010. No objection but the revised guidance in Draft Planning Policy Statements must be taken into account.
Tree Officer Publicity	Consulted 15.03.2010. No response to date. Press Notice published 25.03.2010, expires 15.04.2010. Site Notice posted 30.03.2010, expires 20.04.2010. No responses received to date.

The site and its surroundings

The application site is currently undeveloped and extends to 1.12 hectares located to the north of the existing operating Heller Machine Tools site. It is located to the corner of Acanthus Road and Ravensbank Drive. The site is located in a designated employment zone.

Proposal

The proposal is for an extension of time for permission B/2005/0351 for the erection of B2 building with ancillary car parking and servicing areas.

Relevant Planning History

- B2005/0351 Erection of B2 building with ancillary car parking and servicing areas. Granted 24.08.2005.
- B/2001/0781 Engineering operations comprising earthworks. Granted 03.09.2001.
- B/1991/0223 Development of site as Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping. Refused. Appeal allowed.

Relevant Policies

- WMSS QE1, QE2, QE3
- WCSP SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1
- BDLP DS13, C4,C17, E4, E9, TR11, ES4, ES7
- Others PPS1, PPS4, PPG14, PPS23, PPG24, SPG3

Notes

Members should note that the application under consideration is purely for an extension of time of an existing planning permission (B/2005/0351). The merit of the proposal, its acceptability in terms of the provisions of the development plans and material considerations have been examined in this application which was considered by Planning Committee on 15th August 2005.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009 was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such applications so I will refer to the Department for Communities and Local Government (DCLG) publication: Greater Flexibility for Planning Permissions: Guidance. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. I note that paragraph 13 makes it clear that additional information other than that on the application form is usually not required except for applications where an EIA was required and may need updating.

Assessment

The site is situated in land designated for Employment purposes within the BDLP and the principle of employment related development has been established through the granting of outline application B/1991/0223. The main development plan policies considered with the application were policies E9, DS13 and TR11 of the BDLP as well as policy T1 of the WCSP. I consider that these policies would still apply to the proposal and it would accord.

National Planning Policy Guidance has been updated with the introduction of PPS4 which supports a coordinated approach to employment development. Policy EC10 of PPS4 states, all planning applications for economic development (which includes development

within the B Use Classes as stated in paragraph 4 should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to a limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

In respect of the updated national guidance, the comments from the Economic Development Officer in support of the application should be noted and the potential for employment creation. It should be noted that this application seeks to extend the time of the application and is not a renewal of an expired consent. As such, it would not be appropriate to impose additional conditions in respect of the limitation of carbon emissions. Similarly, limited weight can be attached to the Draft PPS: Planning for a Low Carbon Future in a Changing Climate. I do not consider that granting an extension of time for the implementation of the permission would have any greater impact on the natural environment and biodiversity resources on the site than the current implementation of the extant permission.

Members should note that the site remains undeveloped at the present time and since there is no significant change in the planning policies which apply to the site, permission should be granted for an extension of time. Although the applicant has requested the longest possible extension, I am mindful that the original consent was for 5 years and I refer to the DCLG Guidance which allows the Local Planning Authority discretion in making decisions on applications to extend time on permissions. Therefore, a two year consent is reasonable. Since none of the conditions have been discharged, the same conditions on the original permission will be applied.

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

1. C1 (2 years)
2. C3
3. No mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.
4. C10
5. C11
6. C12
7. C13
8. C14
9. C15

10. C16
11. C17
12. C18
13. C19
14. C21
15. The car parking area and associated manoeuvring areas shown on the approved plan shall be kept free from obstruction and shall be kept free for the parking and turning of vehicles and no other purpose.
16. HC25

Notes

The applicant is referred to the legal agreement relevant to the site entered into as part of planning permission reference B/1994/0898. The applicant should satisfy themselves that works proposed do not contravene the terms of this agreement prior to any works being carried out. The applicant is advised to contact the Council's Head of Legal Services with regard to this matter.

The LPA suggests that the landscape screening to the northern boundary shall consist of at least a 6m wide belt for the entirety of this boundary.

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

WMSS	QE1, QE2, QE3
WCSP	SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1
BDLP	DS13, C4,C17, E4, E9, TR11, ES4, ES7
Others	PPS1, PPS4, PPG14, PPS23, PPG24, SPG3

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 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr B. Collett 'A'	Proposed lorry turning / manoeuvring area - Bransons Furniture Showroom, Alcester Road, Beoley, B98 9DS	GB	10/0284-CE 26.05.2010

Councillor Mrs. J.D. Luck has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that authority to determine the application be delegated to the Head of Planning and Regeneration following the expiry of the publicity exercise.

MINDED TO REFUSE

Consultations

WH	Consulted 08.04.2010 (expired 22.04.2010). No response received to date.
Drainage Engineer	Consulted - view received 12.04.2010. The levels of the turning area are in conflict with the adjacent lower lying properties. Plans are required to illustrate that an existing piped outfall is functional and can be extended to take additional run off generated by the turning area. The hardstanding will need to be of a porous construction linked to the piped ditch. Specific details are essential. No flood risk assessment is necessary.
WCC (Minerals and Waste)	Consulted 08.04.2010 (expired 29.04.2010). No response received to date.
West Mercia Police	Consulted - view received 29.04.2010. No issues with the application. Further comments requested 29.04.2010 in relation to highway safety. Comments awaited.
Beoley Parish Council	Consulted 08.04.2010 (expired 29.04.2010). No response received to date.
Publicity	3 letters sent 08.04.2010 (expired 29.04.2010). 1 letter sent 27.04.2010 (expires 18.05.2010). 1 site notice posted 20.04.2010 (expired 11.05.2010). 1 press notice published 15.04.2010 (expired 06.05.2010). No response received to date.

The site and its surroundings

This application relates to a parcel of land to the west side of Alcester Road (A435), just south of the junction with Beoley Lane. The site forms part of a wider site consisting of a furniture showroom with associated car parking, petrol station with shop, car sales and car repair premises. The application site is located to the rear of the furniture showroom. To the rear it adjoins a grassed area, which is believed to be within the ownership of the applicant, and to the north it adjoins the rear garden of 1 Beoley Lane, a semi-detached dwelling. The wider site, 1 and 2 Beoley Lane, the adjoining grassed area and a parcel of land to the west are surrounded by roads (A435, Beoley Lane and the B4101). The furniture showroom is single storey in height and has recently been extended as

approved under application 08/0753. The application site is located in a recognised area of Green Belt.

Proposal

This application seeks consent for the provision of hardstanding over the application site. The area has already been covered with hardcore but is yet to be formally surfaced. The area measures approximately 27 by 16 metres. The site is currently screened from the remainder of the wider site by a closeboarded fence and gates which the submitted plans indicate will be removed. It is also proposed to install a post and rail fence together with hedge planting along the boundary with the adjoining grassed area. The hardstanding will be used for the turning and manoeuvring of lorries delivering goods to the adjoining showroom.

As mentioned above, the Furniture Showroom was extended under application 08/0753. It is noted that the submitted block plan illustrates the extension to be 6 metres greater in length than it exists on site and was approved. Corrected plans have been requested.

Relevant Policies

WMSS RR1, PA14, QE1, QE6
WCSP SD.2, CTC.1, D.38, D.39, T.1
BDLP DS1, DS2, DS13, C4, E4, E9, TR11, ES2
Others PPS1, PPG2, PPG4, PPS7, PPG13

Relevant Planning History

09/0150	Proposed turning/manoeuvring area for delivery lorry (As amended by plans received 20.08.09). Refused 15.10.2009
08/0753	Resubmission of B/2008/0058, increase in height of proposed extension. Approved 03.10.2008.
B/2008/0058	Increase in height of previously approved extension. Refused 20.03.2008.
INV/2007/0980	Provision of extended turning / delivery area to adjoining showroom. Withdrawn 29.09.2008.
B/2005/0101	Proposed showroom extension. Approved 07.04.2005.
B17699	Conversion and extension of existing car showroom to restaurant. Approved 10.04.1989.
B15738	Change of use to "Little Chef" type restaurant (as amended by plans received 09.12.87). Approved 18.01.1988.
B802	Parking for cars for sale and car park. Refused 24.02.1975.
BR/749/72	Car showroom and preparation shop. Approved 22.08.1972.
BR/14/1972	Erection of car sales showroom. Refused 25.01.1972.

Notes

This application is a resubmission of application 09/0150 which, was refused on the following grounds:

The formation of the hardstanding is inappropriate development in the Green Belt and conflicts with the purposes of including land within it. The proposal introduces an urbanized form of development that has an adverse impact upon the visual amenities of the Green Belt. The proposal is therefore contrary to Policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions Planning Policy Guidance 2: Green Belts. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm caused.

No amendments have been made to the approved scheme but further supporting information has been provided.

As addressed under 09/0150, the main issue with this application is whether the hardstanding is an appropriate form of development in the Green Belt and if not whether any very special circumstances exist to outweigh the harm caused. Consideration must also be given to highway safety, the visual impact of the hardstanding, drainage issues and the amenities of the adjoining occupiers. In relation to highway safety, the A435 is no longer a trunk road and Worcestershire Highways are now the relevant highways authority.

The submitted Design and Access Statement explains that as a result of an error, the plans submitted in connection with the original application for the extension did not show sufficient space to turn a lorry and that since the approval of the extension, the vehicles used to deliver stock are now 12 metre articulated lorries.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan 2004 is in general accordance with PPG2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. Policy D.39 of the Worcestershire County Structure Plan 2001 reinforces the presumption against inappropriate development. No provision is made within Policy DS2 for the provision of hardstanding in association with a commercial use. Paragraph 3.12 of PPG2 states that the carrying out of operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land within Green Belt include (among other criteria) to assist in the safeguarding of the countryside from encroachment.

The history and previous land uses regarding the application site are unclear. Ordnance Survey Plans show the site forming part of a piece of land labelled "Longday Nursery". The nursery is no longer in operation and its associated buildings have been removed. The actual application site would appear to have at one point contained a small building, but again this has been removed. Aerial photographs show the site, together with the land to the west, as an area of grass occupied only by trees and hedgerow. Enclosed by roads, it may be considered that the site is of limited value in terms of landscape or the land use objectives of the Green Belt specified under paragraph 1.6 of PPG2. However, PPG2 makes it clear that the extent to which land fulfils these objectives or the quality of the landscape are not relevant to its continued protection. When compared to the open undeveloped area of grass shown on the aerial photographs, I am of the opinion that the hardstanding has enlarged the developed envelope of land at Bransons Cross. As a form

of encroachment on the countryside, the proposal conflicts with the purposes of including land within the Green Belt.

Although the application form specifically states that the hardstanding will be used for the manoeuvring and turning of lorries, the submitted Design and Access Statement describes the proposal as "an increase in the existing parking area". I am of the view that, if planning permission was given for the hardstanding, there is a strong possibility that the land would be used for both of these purposes. There are three reasons behind this view. Firstly, I understand that the applicant owns the adjoining car sales business. As a result of the constructed extension, the size of the secure compound used in connection with car sales has been significantly reduced. Secondly the area of hardstanding far exceeds what is reasonably necessary to provide a turning area for a lorry. (This is demonstrated by the lorry tracking positions illustrated on the submitted plan.) Although this matter has been raised with the applicant, no justification has been provided for the size of the hardstanding. Thirdly, I understand that the site, or part of the site, has already been used, at times, to store vehicles in connection with the car sales. The use of the site for the parking of cars would be damaging to both the visual amenities and openness of the Green Belt.

Policy 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt. The Design and Access Statement puts forward an argument that the application site is not visible from outside the surrounding properties and will therefore have no visual impact to the detriment of the Green Belt. However, the submitted plan shows the existing fence to be removed, thereby opening the site up to the existing car park. I am of the view that the hardstanding would have an urbanising impact and would therefore be of harm to the visual amenities of the Green Belt. The introduction of a new hedge along the west boundary of the site would, in my opinion, help to reduce the visual impact. However, it would not prevent views from public vantage points and, as such, does not overcome the level of harm completely. (If the fence was retained, there would be insufficient space for a lorry to turn.)

Based on the above consideration, it is concluded that the proposed hardstanding constitutes inappropriate development in the Green Belt, conflicts with the purposes of including land within it and is harmful to its visual amenities. I note that inappropriate nature of the development is acknowledged in the Design and Access Statement. Inappropriate development is, by definition, harmful to the Green Belt.

It now follows for me to consider whether any very special circumstances exist which clearly outweigh the harm by reason of inappropriateness and the other harm identified above. PPG2 states that it is for the applicant to demonstrate that permission should be granted. The Design and Access Statement puts forward the following arguments:

1. It should be good practice that planning permissions are granted that can actually be built and meet the requirements of legislation, in this case highways. The use of the existing showroom has always been bulky goods and the delivery of such items would involve delivery lorries visiting the site. The uses to the wider site (second hand car sales with usually 50 cars on display, local shop, petrol station, car valeting and car workshop) are all in separate ownership. With the number of existing businesses and vehicular movements, there is not dedicated space for a

large lorry to turn on the site. Lorries are currently having to reverse out onto the A435 which is clearly not a satisfactory to enter a national speed limit road. Photographs are provided illustrating the size of delivery lorries and the difficulties faced in manoeuvring on site.

2. The extended showroom will create a number of part time jobs. In current times it would seem advisable for a local planning authority to facilitate the proposal and the creation of jobs, to severe the economic downturn.

Worcestershire Highways raised no objections to the planning approvals concerning the extension (B/2005/0101 and 08/0753). Neither were conditions suggested requiring additional turning areas to be provided. As such, no concern was raised that the proposal would jeopardize highway safety. In relation to application 09/0150, I was informally advised by the Highways Engineer that a lorry, having pulled up along the side of the approved extension, would be able to turn in the car park at the front of the building and then leave the site in a forward gear. For this reason no objection was raised to the extension. Using tracking positions provided by Worcestershire Highways, I also consider that it would be possible for a lorry to pull up along side the car sales building and reverse down the side of the showroom. The photographs provided illustrating a lorry attempting to turn in front of the car sales building show the lorries movement restricted by parked cars. At the time of your Officer's site visit, the existing parking provision for the furniture showroom and car sales site was not full. This was also the case during to previous visits in August 2008 and March 2009. It is my opinion that a reorganisation of the existing parking arrangement, particularly in relation to sales cars and improved management of where visitors can park could ensure there was space within the existing site to allow a lorry to turn. As such, I consider that the applicant is able to resolve the highway safety issues without the need proposed hardstanding.

As illustrated by the planning history of the site, the applicant has been aware of the circumstances surrounding this application prior to the construction of the approved extension. However, the applicant has proceeded to construct the extension, reducing the extent of maneuvering space and increasing the amount of stock, without first resolving the matter. If the issue of a turning area is of the significance suggested, it must be questioned why the applicant has developed the site in this order. West Mercia Police and Worcestershire Highways have been consulted on the matter of highway safety.

In the second argument the applicant appears to be suggesting that the turning area is required to facilitate the implementation of the approved extension. This is clearly not the case. Policy PA14 of the West Midlands Spatial Strategy encourages the development of existing business in rural areas but requires this to be undertaken in a way which conserves and enhances environmental assets and respects local character and distinctiveness. In failing to protect the Green Belt, I am of the opinion that this policy does not provide any support for the development. I therefore consider the second argument to be of limited weight.

For the reasons set out above, I do not consider that the arguments put forward by the applicant amount to very special circumstance. No other circumstances have been identified that would outweigh the harm caused.

Drainage issues

In relation to a previous application (INV/2007/0980), a neighbouring occupier raised concern that their rear garden was continually waterlogged as a result of the hardstanding. The Drainage Engineer has suggested a condition requiring the submission of details to illustrate how drainage facilities will be provided. If planning permission was to be granted, a further condition could be imposed requiring details of the type of surface to be agreed to ensure that it was of a porous nature.

Residential amenity

The rear windows to 1 Beoley Lane directly face the application site. I acknowledge that the hardstanding, particularly if it is used to park cars, will affect the outlook from these windows. Once in use, both 1 and 2 Beoley Lane may experience some level of disturbance as a result of vehicular movements. However, the rear garden to 1 Beoley Lane is some 23m in length and I therefore consider that any level of impact to the amenities of the occupiers of 1 and 2 Beoley Lane would not be significant.

Conclusion

The proposed turning / manoeuvring area has been found to constitute inappropriate development in the Green Belt, conflict with the purposes of including land within the Green Belt and be harmful to its visual amenities. I do not consider that the arguments put forward by the applicant amount to very special circumstances that outweigh the level of harm caused by inappropriateness, encroachment and harm to the visual amenities and openness of the Green Belt. The proposal is therefore contrary to Policy DS2 of the BDLP, Policies D.38 and D.39 of the WCSP and the provisions PPG2.

RECOMMENDATION: that authority to determine the application be delegated to the Head of Planning and Regeneration following the expiry of the publicity period on 18.05.2010.

Agenda Item 15

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Council 'A'	Change of use from Market Hall to car park - Market Hall, St John Street, Bromsgrove	TCZ	10/0317-MT 04.06.2010

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application upon the expiry of the consultation period on 21.05.2010.

MINDED to APPROVE a temporary planning permission for a period of two years subject to the receipt of satisfactory comments from the Environment Agency.

Consultations

WH Consulted on 16.04.2010; no comments received to date.

Comments in relation to previous application (10/0120) received 08.03.2010 recommend that permission is refused for the following reasons:

The application will encourage additional car movements into the town centre. The development cannot promote sustainable means of access as there is no ability for the application to encourage walking, cycling or bus access over car access. There is a real danger of encouraging car trips into the town centre which will create congestion and in educating motorists as once they regularly access the town via car reversing that trend is very difficult regardless of how attractive the alternative means are.

It is considered that the principle of a development that encourages car activity and does not encourage sustainable development is unacceptable and should be refused.

WCC Consulted 16.04.2010; no comments received to date.

Public Rights of Way Comments in relation to previous application received 24.02.2010:

The development affects a public right of way as recorded on the Definitive Map. The public right of way is Bromsgrove Footpath 584 (BM-584).

I am concerned that the application mentions security fencing around the site. The Department of Environment Circular 2/93 states that no development should be allowed to obstruct a public right of way either during or after development. We must therefore object to this application although we may be able to withdraw the objection if the applicant can supply an indication of how the public right of way is to be accommodated.

Ramblers Consulted 16.04.2010; no comments received to date.

CA Comments received 16.04.2010: No objection

Drainage Engineer Comments received 29.04.2010: There is no history of flooding at the site and the site is protected upstream by culverts and weirs. The EAs requirement for a FRA is not considered to be necessary.
EA Consulted 30.04.2010: No comments received to date.

Comments received in relation to previous application (26.03.2010) are as follows:

'In the absence of a Flood Risk Assessment (FRA), we OBJECT to the proposed development for the following reasons:

Flood Risk

The site lies within Flood Zone 3 based on our 'indicative' Flood Zone Map, which is defined by Planning Policy Statement (PPS) 25 'Development and Flood Risk' as having a 'high probability' of flooding. Paragraph E9 of PPS25 requires applicants to submit a FRA when development is proposed in such locations. In Section 13 of the planning application form the applicant acknowledges that the site is in the floodplain on our Flood Map, however no FRA has been submitted with the planning application.

Flood Risk Assessment (FRA):

We acknowledge that the demolition of the market hall building is likely to improve flooding in terms of flood flows and flood storage and that access to the watercourse will also be improved for any improvement or maintenance works.

However, in the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas, as set out in paragraphs 10 and E9 of PPS25.

The applicant should submit a FRA, which should be relative to the scale and nature of the development proposed. The FRA should consider the extent and depths of flooding to the site, including the consideration of climate change (Annex B of PPS25). In this case, the FRA should concentrate on the risk of flooding to car park users and their vehicles. Guidance on car parks in the floodplain can be found in Paragraphs 6.13 and 6.14 of the PPS25 Practice Guide (December 2009) including information on depths of flooding and types of car parking i.e. short stay, long stay etc. The application does not currently state whether the parking is for long or short stay. Consideration should also be given to evacuation plans (for the consideration of your Council and the Emergency Services) and to flood warning notices. It should be noted that there is no flood warning service available on this watercourse.

In the absence of a Flood Risk Assessment, the application is currently considered contrary to PPS25 and may be refused on this basis.

If your Council is minded to approve the application we would request that you inform us of this with your reasons why so that we can make further comments.

Upon receipt of further information, as requested above, we will be in a position to review our stance on the proposed development.

Publicity Site Notice Posted 23.04.2010 expires 14.05.2010.

Press Notice published 22.04.2010 expires 13.05.2010.

No comments received.

The site and its surroundings

The application site was previously occupied by the Market Hall building. This has now been demolished leaving behind an area of hardstanding. The site is bounded by St John Street and Market Place to its northern and eastern boundaries, a public car park to its western boundary and Spadesbourne Brook to its southern boundary. The site is within the Town Centre Zone and the junction of Market Place and St John Street is defined in the BDLP as a Primary Shopping Street. The site is adjacent to, but not within, the Town Centre Conservation Area. There is a public right of way running along the south eastern boundary of the site.

Proposal

This application proposes to change the use of the site to a public pay and display car park. This will effectively be an extension of the adjacent car park increasing the number of spaces from 138 to 210 (an additional 72 spaces would be provided including 4 disabled spaces). The car park would be accessed from the existing entrances on St John Street and Hanover Street.

This application is a resubmission of withdrawn application ref. 10/0120. Members will note that the Environment Agency raised an objection to that application due to it containing insufficient information to demonstrate the flood risks resulting from the proposed development. The application was therefore withdrawn in order for such information to be gathered.

Relevant Policies

WCSP SD.9, CTC.1, CTC.8

BDLP DS13, ES1, ES2, BROM 11, BROM 12, BROM 13

Others PPS1, PPS4, PPS5, PPG13, PPS25

Relevant Planning History

10/0109 Demolition of Market Hall - Prior Approval of demolition not required

10/0120 Change of use from Market Hall to car park - Withdrawn

Notes

I consider that there are a number of issues to address in the determination of this application. Firstly, it is important to establish the principle of the development. Would the proposed car park be appropriate in this location? Secondly, I note the concerns of the Highways Engineer in relation to the previous application. Further comments have not been received in relation to this application but, as the proposal has not been altered in any way, I consider these views to still be valid. I will therefore consider the transport implications of the scheme below. Thirdly, it is necessary to consider the impact of the development on the setting of the adjacent Conservation Area. Fourthly, I note the comments of the Public Paths Officer in relation to the previous application and these will be duly considered below. Finally, it is important to consider the flood risks resulting from the proposed development. I will deal with each of these matters under separate headings below.

The principle of the development

Policy BROM13 of the BDLP provides that within the Primary Shopping Area of the town centre the District Council will normally allow proposals for retail development at ground floor level, and retail, office or residential use at upper floor level. The explanatory text to this policy states that '*The District Council wishes to maintain the primary shopping area as the key location for retail and associated uses. Other uses will not normally be permitted at ground floor level.*'

The proposal would not involve retail development nor is it considered to involve an associated use. I am of the view that the proposal would be ancillary to the main retail function of the Town Centre but I do not consider such a use to be appropriate in a Primary Shopping Area but rather in a secondary shopping or edge of centre location. As such I consider the proposal to be unacceptable in principle.

It is however understood that the long term plan is to use the site for retail development and the proposed car park is only intended to be a short term solution due to a lack of developer interest and the current economic situation. I appreciate the applicant's situation and I consider that this proposal would bring the site back into effective use until a long term solution is found.

I am nonetheless mindful of the provisions of Policy BROM13 and I consider that, if the Council are minded to approve planning permission for the proposal, this should be done on a temporary basis so to limit the use to the short term. I consider that this approach would not irreversibly dilute the retail function of the Town Centre and prejudice the Council's commitment to regeneration.

Highways

Members will note that the Highways Engineer recommended that the previous application is refused planning permission as it would undermine the objectives of sustainable transport. No comments have been received in relation to this application but, as the proposal is unchanged, I will have regard to the previous comments.

I am mindful of the governments planning policy advice for transport contained in PPG13. This advises local planning authorities to promote sustainable transport choices and reduce reliance on the car for work and other journeys. Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.

It is considered that increasing the parking provision of the town centre would act as a disincentive for people to travel to the Town Centre by more sustainable means such as public transport, cycling and walking. The proposed development would therefore contravene the government's objectives for sustainable transport advocated in PPG13. It is however important to note that the use of the site as a car park is only intended to be a short term solution. Thus, if and insofar as the proposal does encourage car travel into the town centre, this would only be for a short period of time. The concept of sustainable development (and thus sustainable transport) refers to long term objectives and protecting the environment for future generations. I do not consider that any harm resulting from this proposal (i.e. through vehicle emissions) would be material enough to substantiate an argument against the proposal in sustainability or strategic terms.

I am also mindful of a recent appeal decision against Leicester City Council for a similar proposal (Appeal ref. APP/W2465/C/09/2104664). Here the Inspector allowed an appeal against an enforcement notice for the unauthorised change of use of a city centre site to a surface car park. The appellant sought permission for a temporary period of two years. The Inspector found the principle of the car park to undermine national, regional and local planning policies and guidance seeking to promote sustainable transport choices but considered that, amongst other reasons, the temporary nature of the use would materially reduce any resulting harm. The appeal was allowed and a temporary two year planning permission was granted.

On the above basis I would give significant weight to the fact that the proposal is only intended as a short term venture and I would strongly recommend that any planning permission granted is only done so on a temporary basis.

Impact on setting of Conservation Area

It is considered that the proposal would have no adverse impact on the character and appearance of the adjoining Conservation Area. The Council's Conservation Officer has been consulted on the proposal and no objection has been raised.

The Public Right of Way

I acknowledge the comments of Worcestershire County Council in relation to the nearby public right of way. It should however be noted that the concerns raised relate to the security fencing that would be erected around the site whilst the approved demolition took place. The proposed use of the site as a car park would not obstruct the public right of way.

Flood Risk

The site is located adjacent to Spadesbourne Brook and within Flood Zone 3 as defined by the Environment Agency (EA). Members will note the objection of the EA in relation to

the previous withdrawn application and the requirement for the applicant to submit a Flood Risk Assessment (FRA).

The views of the Council's Drainage Engineer have been sought on this matter and the requirement for a FRA is not considered to be necessary. It is understood that there is no history of flooding at the site and the site is protected upstream by culverts and weirs.

Further advice has been sought from the EA in light of these comments. Their response is awaited.

Conclusion

Although the provision of additional car parking is not considered to be an appropriate land use in a Primary Shopping Area I do not consider that this short term proposal would irreversibly dilute the retail function of the Town Centre. The proposal would not promote sustainable transport but it is not considered that any strategic harm would result from the use of the site as a car park in the short term. Taking these points into consideration I would strongly recommend that any planning permission granted is only done so on a temporary basis.

There is clearly an outstanding issue to be addressed with regard to flooding. My recommended decision on this application is therefore contingent on the receipt of satisfactory comments from the EA. Members will note that the consultation period with the EA does not expire until after the meeting of the Planning Committee. I would therefore recommend that delegated powers be granted to the Head of Planning and Regeneration to determine the application upon the expiry of the consultation period.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application upon the expiry of the consultation period on 21.05.2010

MINDED to APPROVE a temporary planning permission for a period of two years subject to the receipt of satisfactory comments from the Environment Agency.

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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