



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 12TH JULY 2010
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

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

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meetings of the Planning Committee held on 14th June 2010 (attached - Pages 1 - 6), and 28th June 2010 (to follow)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 08/0675-HLP - Retrospective planning application for the erection of lighting on grounds of Meadows First and Park side Middle School - Meadows First School, Stourbridge Road, Bromsgrove, B61 0AH - BAM Construction Ltd. (Pages 7 - 50)
6. 10/0101-MT - Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2 x 3 bed units and 1 x 4 bed unit) with access road, car parking and amenity space - 2, and part of 4 and 6, Hartle Lane, Belbroughton, DY9 9TG - Rowanmoor Trustees Ltd. (Mr. P. Mason / Mrs. C. Mason) (Pages 51 - 70)
7. 10/0326-CE - Proposed demolition of existing dwelling and erection of two detached dwellings - 19 Plymouth Road, Barnt Green, B45 8JF - Mr. R. Lewis (Pages 71 - 82)
8. 10/0334-DK - Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community (Outline) - Burcot Grange Residential Home, Greenhill, Burcot, Bromsgrove, B60 1BJ - Mr. and Mrs. M. Bales (Pages 83 - 96)
9. 10/0337-DK - Demolition of existing outbuildings and extensions and erection of extensions to provide new care beds, care suites and a Dementia unit - Burcot Grange Residential Home, Greenhill, Burcot, Bromsgrove, B60 1BJ - Mr. and Mrs. M. Bales (Pages 97 - 108)
10. 10/0453-SC - Conversion of existing redundant former workshop and stores to a two-bedroomed starter home - Land at Station Drive, Hagley, DY9 0NX - Mr. B. Stockford (Pages 109 - 118)
11. Designation of Hewell Grange Conservation Area (Pages 119 - 154)
12. Appeal Decisions (Pages 155 - 158)
13. 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
14. 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 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>Item No.</u>	<u>Paragraph(s)</u>	
15	2 and 6	"

15. Enforcement Officer's Updates to current Enforcement Cases reported at the meeting (to be circulated prior to the start of the meeting)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

1st July 2010

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 14TH JUNE 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, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, D. L. Pardoe (substituting for Mrs. J. D. Luck), S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observer: Councillor C. B. Taylor

Officers: Ms. R. Bamford, Mrs. S. Sellers, Mr. D. M. Birch, Mr. J. Turner, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

17/10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. J. Deeming, Mrs. J. D. Luck and E. J. Murray.

18/10 DECLARATIONS OF INTEREST

Councillor P. J. Whittaker declared a personal interest in Agenda Item 14 (Enforcement of Planning Control) as he was acquainted with the owner of the site referred to in the report.

19/10 MINUTES

The minutes of the meeting of the Planning Committee held on 17th May 2010 were submitted.

RESOLVED that, subject to the deletion of Councillor Ms. H. J. Jones and the addition of Councillor Miss D. H. Campbell JP in the list of those Members present at the meeting, the minutes be approved as a correct record.

20/10 10/0196-DK - PROPOSED FOUR-BEDROOMED DORMER BUNGALOW - LAND TO THE REAR OF 51 TWATLING ROAD, BARNT GREEN, B45 8HS - MR. R. DANIELS

The Head of Planning and Regeneration Services informed Members of the Government's intention to abolish Regional Spatial Strategies and stated that no weight should be given to the West Midlands Regional Spatial Strategy referred to in the report. Furthermore, she asked the Committee to note the advice contained in the Department for Communities and Local Government letter of 19th January 2010 (Annex 5 of PPS3) in respect of development

density. A correction to the first paragraph under the Residential Amenity heading was reported, together with clarification relating to the height of the rooflights on the southern side of the proposed dormer bungalow towards 49 Twatling Road.

RESOLVED that permission be refused for the reasons set out on page 17 of the report.

21/10 **10/0206-MT - TWO STOREY SIDE AND REAR EXTENSION - 2 THICKNALL RISE, HAGLEY, DY9 0LQ - MR. D. SIKKAM**

The Head of Planning and Regeneration Services informed Members of the Government's intention to abolish Regional Spatial Strategies and stated that no weight should be given to the West Midlands Regional Spatial Strategy referred to in the report.

She also stated that the applicant had instigated appeal proceedings against the non-determination of this application within the statutory time which meant, as a result, the power to make a decision on the application has passed from the Council to the Secretary of State for Communities and Local Government. However, the Committee would still need to make a decision on the application to form part of the Council's case in respect of the appeal.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that the proposal was unacceptable for the following reasons:-

- (i) the dwelling would be over-dominant as a result of the development; and
- (ii) the development would be incongruous and out of character in the streetscene.

RESOLVED that this be reported to the Secretary of State for Communities and Local Government as the stance to be reported in the Council's case in respect of the appeal lodged against the non-determination of this application within the statutory time.

22/10 **10/0301-CE - CONVERSION OF LIGHT INDUSTRIAL UNITS TO 3 NO. TWO-BEDROOM DWELLINGS (PREVIOUSLY GRANTED FOR CONVERSION TO 4 NO. HIKERS HOLIDAY LODGES UNDER PLANNING PERMISSION 08/0127) - THE PIGGERIES, OLD BIRMINGHAM ROAD, MARLBROOK, B60 1HG - MR. C. MASSEY**

The Head of Planning and Regeneration Services informed Members of the Government's intention to abolish Regional Spatial Strategies and stated that no weight should be given to the West Midlands Regional Spatial Strategy referred to in the report.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 35 to 38 of the report.

23/10 **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**

The Head of Planning and Regeneration Services reported the comments of the Environment Agency, the Drainage Engineer and the Public Paths Order Officer.

At the invitation of the Chairman, Mr. F. W. Stanley addressed the Committee and spoke in respect of the application.

RESOLVED that temporary permission, for a period of two years, be granted subject to Condition 1 below and an appropriately-worded informative to be included on the Decision Notice in respect of the provision of disabled spaces, to the effect that these be investigated by way of an alternative process rather than the planning process:-

Condition:

1. The use hereby permitted shall cease on or before the expiry of two years starting from the date of this permission.

24/10 **TREE PRESERVATION ORDER (NO. 5) 2009 - TREES ON LAND AT 324 ALCESTER ROAD, WYTHALL**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 5) which had been made in respect of trees on land at 324 Alcester Road, Wythall.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 5) 2009 be confirmed without modification.

25/10 **REVOCAION OF TREE PRESERVATION ORDERS**

Consideration was given to a report which sought the approval of Members to the revocation of two Tree Preservation Orders, namely:

- (a) Bromsgrove District Council Tree Preservation Order (No. 4) 2008, relating to trees on land at Hewell Grange, Redditch; and
- (b) Bromsgrove District Council Tree Preservation Order (No. 7) 2009, relating to trees on land at the Fountain Inn, Clent.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 4) 2008 and Bromsgrove District Council Tree Preservation Order (No. 7) 2009 be revoked.

26/10 **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 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 paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
27/10	2 and 6
28/10	2 and 6
29/10	2 and 6
30/10	2 and 6
31/10	2 and 6

27/10 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Planning Committee held in private session on 17th May 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

28/10 **ENFORCEMENT OF PLANNING CONTROL - NEWHOUSE FARM, LEA END LANE, HOPWOOD, ALVECHURCH**

Consideration was given to a report which updated Members on a breach of planning control at Newhouse Farm, Lea End Lane, Hopwood, Alvechurch; namely, the unauthorised use of a farm yard for various commercial storage uses. The Committee's views were sought as to whether enforcement action should be taken to remedy the planning issues arising.

RESOLVED:

- (a) that the update report be noted; and
- (b) that the Head of Planning and Regeneration Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control outlined in the report.

29/10 **ENFORCEMENT OF PLANNING CONTROL - COACH AND HORSES PUBLIC HOUSE, WEATHEROAK HILL, ALVECHURCH**

Members gave consideration to a report relating to a breach of planning control at the Coach and Horses Public House, Weatheroak Hill, Alvechurch; namely, the retention of an unauthorised smoking shelter. The Committee's views were sought as to whether enforcement action should be taken to remedy the planning issues arising.

RESOLVED that the Head of Planning and Regeneration Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control outlined in the report.

30/10 **ENFORCEMENT OF PLANNING CONTROL - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, KINGS NORTON**

Consideration was given to a report which updated Members on an ongoing breach of planning control at Glenfield House Nursing Home, Middle Lane, Kings Norton; namely, landscaping issues pursuant to condition no. 4 attached to planning permission B/2009/0509. However, the Committee were informed that, due to the tree planting season, it was not considered expedient to seek to take any action at this stage.

RESOLVED that no action be taken in respect of the breach of planning control at Glenfield House Nursing Home, Middle Lane, Kings Norton, but that the situation be reviewed after the next tree planting season.

31/10 **ENFORCEMENT OFFICER'S UPDATES TO CURRENT ENFORCEMENT CASES REPORTED AT THE MEETING**

The Chairman referred to the Quarterly Enforcement Update which had been circulated to Members of the Committee prior to the commencement of the meeting, which referred to a number of on-going enforcement cases.

RESOLVED that the update report be noted.

The meeting closed at 2.55 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BAM Construction Limited. 'B'(Previously known as HBG)	Retrospective planning application for the erection of lighting on the grounds of Meadows First and Parkside Middle School, Stourbridge Road (as amended by supporting statement, plans and specifications received 14th September 2009) (as amended and augmented by email, report and plan received via email 27th October 2009)	Res	B/2008/0675 09.12.2008

Members resolved to **DEFER** the application (from the meeting of 2nd November 2009) in order that further negotiations between Officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.

RECOMMENDATION: that Planning Permission be **GRANTED**.

Consultations

WH No objections, subject to conditions. 22.09.2008.
EHO Raised issues of clarification with agents by email. 29.09.2008.

As a result of receiving additional information (19.11.2008) and on going discussions with the technical provider of the lighting system the Council's EHO provided additional comments. This required further amendment to address the impact on number 1 Santridge Lane (reduction in wattage to 100w). It has been confirmed that this has been carried out on site. (email 24.11.2008).

However satisfactory drawings to demonstrate this arrangement are still awaited. As a result the last para of page 11 starting 'The submitted drawings....' Should be OMITTED as minor changes to these calculations will occur as a result of this amendment. In addition an amendment is required to the recommendation

Consulted on amended information received 14th Sept 2009

Recommends conditions including hours of use of lights. In addition suggests that following the full installation of the lights the subject of this application that a light pollution statutory nuisance assessment is undertaken with regard to the bulkhead lights and their impact upon the residents in The Flats. Remedies relating to any pollution found will be sought by use of the Statutory nuisance provisions. 12.10.2009.

Reconsulted (with Agents letter of 28th May 2010) on 15th June 2010.

Email response 28.06.2010. Considers agents' comment in letter dated 28.05.2010 is fair, and considers that the original comments still apply.

RA
PROW
Publicity

Examined lights on site. No adverse comment to make. 26.09.2008.

Consulted 12.09.2008. Response awaited.

Site notice displayed 24.09.2008 expires 15.09.2008.

Press Notice displayed 19.09.2008 expires 10.10.2008.

Seventeen letters sent to neighbours, expires 07.10.2008.

Six specific objections received:

- Proposed amendments to existing lights are inadequate to address concerns.
- Request additional time to respond to application.
- Queries as to whether scheme includes CCTV poles.
- Has no concerns with CCTV poles as long as there is no loss of privacy.
- Part of lighting system installed without consent (in January). This caused significant disturbance to residents as lights were left on throughout the night. EHO visited the site to assess the impact. Following complaints the light were turned off but his has been unreliable.
- Intensity of lighting is unacceptable; use of louvers will just reflect light on to school which in turn will reflect back onto dwellings. There are already 8 bulkhead lights on the building which add to light on the boundary. Suggest that the wattage of these lights is reduced.
- Number and intensity of lights in the car park areas is greater than those used in the Council's own car parks.
- Columns are too tall, there are too many lights.
- It will not be acceptable to attach conditions to control lights as applicants have shown their inability to control the lights in the period since they have been erected.
- Suggest shorter columns are used with angled lights. Columns 1 - 4 should be removed and replaced with lower key lights which provide illumination suitable for use of access road by vehicles.
- Questions display of site notice.
- Refers to lights being in use in advance of application being taken to Planning Committee.
- No effort made to shield adjoining dwellings from light pollution.
- Refers to number of lights on other carparks (Asda has 7 doubles, Artrix has 16 singles) and those at edges are shielded.
- Design of scheme not compliant. Will cause glare and light spill into homes. Light emitted is disproportionate to their purpose, given that 1-4 light a service road and this is not related to the community use of the site.
- Waste of energy, no energy saving suggestions.
- Poles are unsightly in day time.
- Light pollution will create an offence under 'Clean Neighbourhood and Environment Act 2005' which will be prejudicial to health.
- Other Schools do not have consent for lights.
- Wider context view hasn't been considered.
- Lights represent an invasion of privacy, both internally and externally.
- Consider lights to be a statutory nuisance and represent light pollution, being prejudicial to health and a nuisance.

- Suggested modifications to lights as a result of fitting louvers will do little to reduce the 20 lux pools of lights under the columns, just 2-3m from the boundary.
- Reference is made to the inefficient and erratic operation of the lights through out the day and night since their installation. This gives no confidence in the applicant's ability to control the system in the future.
- Calls on the Council to ensure that the nuisance residents have experienced is stopped.
- Request Members visit the site at night to assess the impact and that they visit resident's gardens and homes also. Request EHO accompanies visit and that the writer addresses planning Committee when the application is determined.

In addition to these letters residents have sent in a significant number of email communications to the Enforcement Officer, Environmental Health and the Planning Department informing officers of the numerous instances when the lights have been in use outside the agreed hours of operation.

A number of additional emails have been received from residents before the meeting in December 2008. These relate to the addition of the Louvers (installed on Friday 21st November) and added to lights 1 -6 inc. Residents express the view that it is a gross interference with the planning process for Members not to see the lights in their unmodified form, before considering the application.

Two additional letters have also been received (one of which Members have also received) and an email (which refers to '.. many residents in the flats'):

1. That of the PFI schools no other site has residential properties so close. Four of the columns are less than 1m away from the boundary.
2. Consider Council has failed to take action against the developer when they were aware that lights were being installed illegally.
3. Do not consider planning dept should allow lights to be altered in advance of the application coming before Members. Consider that if they do allow this they will be aiding and abetting developers in pursuit of a planning permission.
4. Modification of the lights would change the grounds on which their objections have been made and interfere with Members perceptions of the proposal.
5. Lighting is high intensity and will be on all night.
6. Wall lights, until they turned them off some months ago were coming on and off randomly all night long.
7. Surely low level lighting is what is required.

The report made reference to significant number of objections. It is estimated that these exceed 10 in number.

All neighbours reconsulted on amended information 24.09.2009

Additional Site notice erected 29.09.2009

Additional Press notice displayed 01.10.2009

Three additional letters/emails received with respect to recent changes:

1. Stating that meeting of 28th January was a closed meeting, only 1 resident was invited.
2. It's taken 8 months to produce revised drawings and this only includes changes to install 4 bollards.
3. A total of seven 6m high columns are visible from residential properties and this is no change to the previous scheme. There is no highway near by and this is a poor solution when you consider solutions at car parks like Asda, Morrisons, Market Hall.
4. Refers to SLL code for lighting 2009 and lack of reference to this document in applicant's submission. Refers to full notes on www.ite.org.uk and considers committee should view that information.
5. Considers use of jargon unhelpful. States that documents are guidelines and not contractual. Considers statement is poorly written.
6. Considers reducing the height of the lighting columns is not the solution. Questions what other solutions were considered.
7. Scheme is suitable for a road not a school carpark in a residential area. County should be reducing use of lights.
8. Considers revised scheme is materially the same and the solution deferred in Dec 2008 and Committees concerns have not been addressed.
9. The scheme will create nuisance, the cowls do nothing. It does not support guidelines in BB87 or the Clean neighbourhood and Environmental Act 2005.
10. Lighting should have been considered at outset of development.
11. BDC should have informed developer that lighting should have been part of original application and it is a concern that that application was approved without such a scheme. Suggests PFI schemes were considered in Haste.
12. Refers to previous scheme, impact that had upon residential amenity as well as fact that not all lights were working at time of visits.
13. Pleased to see that the proposed modifications to the scheme, as the service road is not used after 6pm the bollards will provide an acceptable level of illumination and reduce pollution of the adjoining dwelling.
14. However concerned that no other changes have taken place and still consider that excessive light pollution is generated by remaining carpark lights.
15. Considers the proposal for the carpark 'over lights' the area with respect to height, power and design and this is against the advice of the ILE.

16. Replacement of column light with four bollards is a welcome improvement.
17. Scheme however fails to address the other matters raised by Committee, which includes reduction in intensity and height of lighting to carpark as a whole and enforceable curfew.
18. Columns in carpark are designed for urban motorways not an urban area adjacent to residential dwellings.
19. Scheme has been poorly thought out, it needs a complete redesign to provide something that is acceptable to local residents.
20. Curfew is needed of 1800 hours when school is not occupied and 2200 when there is out of hours use.
21. Annoyance at wall mounted lighting, that doesn't require consent causes harm to amenity.
22. Suggest trees may block out lights when grown to a suitable size.
23. Lighting scheme wasn't considered at time when school was proposed in current positions.

Additional email received from resident:

1. Referring to boundary of property being formed by ancient hedge and supplemented by planting, rather than being formed by a solid fence.
2. Service road is only used during the day and therefore it wasn't necessary to install column lights.
3. During winter, when trees lose their leaves, more light will spill on to residential properties, especially from the bulkhead lights.
4. Concern that no modifications to the scheme in respect of height of columns, wattage, number of lanterns etc have been considered. Scheme appears as a rubber stamping requirement. Genuine concerns about impact of car parking light seem to have been ignored.
5. Request for review of bulkhead light to take place as soon as possible.

Collective objection from residents received 10th March 2010:

1. Identifies the key issues for the residents:
 - Reduction in column height of the car park lights (6m are excessive)
 - Reduction in the intensity of car park light from 150w to 75w or less.
 - Removal of curved glass in the road lighting luminaries.
 - A complete re-design, the latest submission has minimal change.
 - A curfew of 6pm when the school buildings are not in use.
 - To provide lanterns that would complement a school designed for the 21st century.

2. These comments were supported by photographs.
3. Residents feel the revised scheme is 95% the same as the original scheme. But do recognise the use of Bollards as an improvement in zone b.
4. Refers to PFI Contractors change document No 46 and suggestion that if the bollards are removed planning permission would be approved. Suggests this is a presumptuous statement.
5. Suggest that developers said light levels could not be reduced due to creation of shadows and this was referenced in a contract document. Request made under FOIA to WCC but contract has not yet been located.
6. Considers schemes with 100w lights still provided lux in excess of 20 lux on the ground.
7. Questions why 75w scheme was not considered, why 6m high columns were chosen, why the quantity of lights and refers to lack of consistency between schemes.
8. States that information received from WCC under FOIA suggest the whole design is non compliant with contractual specification 213674/03/C20 Aug 2004/73, sections x and xii.
9. Suggests due to the siting of the building that compliance had not been considered at an early stage of the design.
10. Questions siting of pole adjacent to site entrance.
11. Refers to emails requesting resiting of poles and quick responses.
12. To prevent light pollution lanterns normally require flat cut glass, those on site are curved
13. Suggests that lighting schemes normally have uniformity with respect to height and spacing where as this scheme mixes these aspects together.
14. Refers to Design Bulletin which suggests luminance should reflect the location and the risk of vandalism.
15. Considers light pollution has not been minimised. That SPILL drawings of 150w lamps show lux in excess of that required. And that calculation distorts average readings which in turn creates a nuisance to surrounding residential dwellings.
16. Appeals to Council to ensure residents are able to enjoy their homes free of disturbance and nuisance and considers scheme contravenes 'The clean Neighbourhood Environment Act 2005'.
17. Considers form of lighting heads is poor.
18. Suggests a major redesign and consultations process.
19. Refers to Electrical Services Specification Bromsgrove Schools PFI, p34 which says the building perimeter will be illuminated by building mounted bulkhead luminaries. Car park lighting will be provided by means of Column mounted lanterns. Suggests that what BAM have used is a road lighting solution for what should have been a column mounted lantern solution.

Residents reconsulted (with Agents letter of 28th May 2010) on 15th June 2010.

Two comments received:

1. Considers idea of PFI schools being developed in partnership with local community has failed.
2. Further negotiations have failed to resolve the issues; all constructive ideas have been dismissed.
3. FIOA request has revealed that light levels are not contractual but reference is made to Building Bulletin 90.
4. Scheme contributes to light pollution, light should only shine where needed and wanted and no where else.
5. Suggests not reproducing relevant sections of the contract is unhelpful.
6. Questions whether other scheme referred to complies with Health and Safety regulations.
7. Questions details of an email suggesting that would consider changing lighting head if residents withdrew objections.
8. Questions whether CCTV poles have been regularized.
9. Comments upon the changes made to the scheme referring to the fact that some of these have not been implemented on site.
10. Concerns about impact of number of columns on nearby residents.
11. Residents consider light intensity is excessive; they are designed for roads not car parks.
12. Changes to scheme are minimal, the use of bollards was required as the previous scheme was non compliant. Questions impact on 1 Santridge Lane.
13. Considers 10.00 p.m. curfew does work on the whole, but on average once per quarter it fails.
14. Aware that other lantern heads exist, but these have been dismissed. Residents are concerned about visual impact of lanterns.
15. Considers changes have not improved residents position. The changes made were as a result of EHO input. Resident's consultants view is that scheme is overkill.
16. Refers to fact lights installed without consent, time taken to prepare scheme, reference to contractual obligation constantly made, despite lack of reference to this on the contractual documents.
17. If scheme prepared prior to installation would have had opportunity to reduce height of poles.
18. 6m high columns are designed for roads and motorways.
19. Remain of the view that scheme requires re-design, by reducing height and lowering wattage, acknowledges that this would require additional columns but considers this could be incorporated.

The site and its surroundings

The application relates to the recently constructed Meadows First and Parkside Middle School, sited to the south of the Flats and west of Stourbridge Road, Bromsgrove.

The application is submitted by HBG, who are now known as BAM construction Ltd.

As defined by the application drawing the site extends to 2.01 Hectares and includes the carpark and the immediate area around the school and the main play areas.

The School has been constructed against planning application B/2005/1001. This consent did not propose lighting to the car park or access road and as such that planning consent did not grant consent for the lighting columns. Given the size and permanency of the structures I am of the view that they constitute an engineering operation for which Planning Permission is required. The school is not granted any 'Permitted Development' by virtue of the General Permitted Development Order which would remove the need to expressly apply for that Consent. This fact is not disputed by the applicants.

For clarity, the lights mounted on the walls of the School (bulkhead lights) are not considered to represent development and as such do not form part of this submission or its assessment.

Proposal

The application is retrospective and the submitted forms outline that works commenced on site around 1st February 2008. Members will recall that this application has been live for a considerable time and below sets out a time line of the major changes and decisions made:

1. The application was presented to Planning Committee in December 2008 and was subsequently deferred to enable further negotiations to take place between senior officers of the Council, Worcestershire County Council and the developers to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.
2. As a consequence a meeting was held at the end of January 2009 and amended plans were received by the Council on 14th September 2009. Neighbours were reconsulted on those amended details and revised site notices and press notices were displayed. The amendments included a lighting Strategy using three Zones -

Zone A - Bulk head lighting around the school building (Planning Permission is not required for the installation of Bulkhead lights on the building)

Zone B - Service Road to the north of the site which includes 2 x 6m high columns with 150w lights and 4 bollard lights at a height of 1.2m.

Zone C - Carpark 13 x 6m high columns with 150w lights and 5 bollards.

On 27.10.2009 the agent emailed a composite plan which illustrates the numbered columns and the lighting zones which can be linked to the proposed conditions.

They also confirmed that the scheme relates to 150 watt bulbs on all the 6 metre columns. Further email received 02.11.2009 clarifying that lamp bulb in Column 7 is a 100 watt bulb and this is to be retained as such. Suggestion made that condition 01 is amended to clarify.

3. The Application was presented back to Members on 2nd November 2009 with a recommendation for Approval. Members resolved to defer the application again in order that further negotiations between Officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.
4. That meeting took place on 19th November 2009. Residents were requested at the end of that meeting to prepare a collective objection letter. Following delays due to the collection of information using FOIA, that letter was received on 10th March 2010 and is summarised above. The agents' response to that letter is attached as Appendix 1 and concludes by requesting that the Council now determines the application as in their view, they have done everything possible to meet residents concerns. Within the context of the scheme.

For clarity, the application is accompanied by:

1. An updated Supporting Statement (received 14th Sept 2009)
2. Updated Design and Access Statement (received 14th Sept 2009)
3. Amended Access road and carpark lighting SPILL document (received 27.10.2009)
4. Amended Access road and carpark lighting PERF document (received 27.10.2009)
5. Associated plans showing lighting strategy, red line plan, elevations (received 14th Sept 2009)
6. As fitted external lighting layout plan MP/AF/E/208 Rev A (received 14th Sept 2009) and Colour coded Pan as above showing Zones.
7. Lux plot of spill light with louvers fitted to lanterns MP/E/PLANNING/002 Rev 01 (received 14th Sept 2009)
8. Lux plot of whole area with louvers fitted to lanterns MP/E/PLANNING/007 Rev 01 (received 14th Sept 2009)

The Supporting Statement is included as Appendix 2.

Relevant Policies

WMSS QE1, QE3
WCSP CTC.1, RST.3
BDLP DS13, S28, S31, RAT8, RAT12
Others PPS1

Relevant Planning History

The site has an extensive planning history, but of most relevance is:

- B/2005/0485 Construction of First/Middle School with associated sports areas; landscaping, car parking and access alterations at Meadows First & Parkside Middle Schools, Stourbridge Road, Bromsgrove. Grant 16.09.2005
- B/2005/1001 Construction of new First/Middle school with associated sports areas; landscaping; car parking and access alterations (Revised scheme to relocate school and footpath) Grant 11.11.2005.

Notes

Members will recall the previous committee report which considered such issues as why is lighting required along the northern boundary? Why can't it be provided by shorter columns or more spaced out columns? And whether the lights were acceptable in their current form? For background information that previous report from December 2008 is included as Appendix 3.

The main consideration for this application is whether; give the amendments received on 14th September, the proposal will be harmful to the -

1. Visual amenity of the area and
2. The residential amenity of the nearby residents, whilst considering the resolution of Members with respect to discussing the external lighting requirements at the School and exploring alternative lighting solutions for the site.

For clarity Members are reminded that this application site is located in the residential area as defined by the Bromsgrove District Local Plan. Whilst saved Policy S31 of that plan relates to development at Educational Establishments, it refers to development not being permitted which would result in a loss of sports facilities. It states that the Council will consider favourably development required to facilitate the provision of education and training or for purposes ancillary to that.

New and enhanced community facilities are supported by Policy S28, and RAT8, which of course is relevant to the approval of the application for the erection of the school in the first instance and its associated community use agreement. Policy DS13 refers to the need for development to safeguard and improve the quality of life of residents.

Assessment of the impact of the development upon visual amenity

Turning now to the merits of the application and considering the issues of visual amenity. In its revised form, the application now includes five 1.2m high bollards to the KS3 play area at the south of the site and four bollards along the access road to the north of the site. With respect to the first group of bollards these are sited at the bottom of a small flight of steps and below the ground level of the footpath that dissects the site. Given the form, design and location of these bollards they are not considered to be harmful to visual amenity.

The bollards sited along the access road are positioned at 8 - 8.5m centres and sit amongst existing shrub and tree planting sited along the northern boundary of the site. These bollards abut three residential properties in the Flats and are divided from them largely by a 2m high close boarded fence. Installed planting forms the backdrop behind

light 1 where the levels vary. Given the relationship of these bollards to the dwellinghouses, the associated screening and fencing along this boundary, along with the form and design of these bollards, the impact of the development upon the visual amenities of the area is considered acceptable.

Turning now to the 6m high lighting columns in the car park area, I note the form, height and location of the lighting columns, which remains unaltered in relation to the earlier proposal. In the context of the site, its size and the relationship of the columns to nearby residential properties, I don't consider that the design or appearance of the structures is harmful or out of keeping. In relation to the wider context, I note the existing street lights provided on the public highway surrounding the site and their relationship to existing properties and this does not lead me to believe that the design or appearance of the columns is harmful to the more general street scene.

I conclude therefore that with respect to the impact of the development upon visual amenity, that the development is acceptable.

Assessment of the impact of the development upon residential amenity

Members will recall that there are three areas of lighting on the site, the bulkhead lights, the bollard lights and the 6m high car park lights. The bulkhead lights do not form part of this current application and the EHO has already indicated that following the implementation of the current proposal that a separate assessment will be carried out of the impact of those bulkhead lights upon the amenity of residents.

With respect to the bollard lights along the northern boundary, it is important to remember why lighting was required along this access road. The applicant was the preferred Development Partner selected by the County Council to construct, operate and maintain a school on this site for the next 30 years. The site is part of the Building Schools for the Future (BSF) programme, a scheme which includes considerable benefits to the local community as well as to the staff and pupils of the new schools. Community use of the buildings outside core hours is an integral part of this approach and is controlled through the contractual obligations of the developer and the Local Educational Authority, as well as being linked to the planning process via the consultations with Sport England.

The applicant is required, under contractual obligations to provide a development which ensures security and safety of users at all times, which includes users of the facility after school hours as well as the building itself and this is referred to in the supporting statement. It is against this specification and requirement that the scheme has been designed. To omit or reduce lighting along this boundary below that which is proposed would remove the ability of the developers to comply with this requirement.

The Light Spill diagrams for the amended scheme show the impact of the proposed changes. Light spill is confined to the immediate area around the four bollards, rather than the spill joining up to make a single linear area of additional light. The spill is reduced with its extent so that it only strays very marginally beyond the site boundary at which point the level of spill is down to 2 lux, which is well within the pre curfew limits suggested by the ILE, which is 5 lux. There is no direct spill onto the face of any of the three dwellings along this part of the site.

I also note the applicant suggested time restrictions for the use of these lights (on at 7.30 am and off at 6pm, with sensor to turn lights off during daylight hours and no use at weekends). Given this combination of factors along with the comments of the EHO with respect to the revised scheme, I consider that there would be no harm to residential amenity as a result of the proposal and that there is no technical reason to withhold consent.

With respect to the 6m high carpark columns, Members will recall louvers (which do not affect required light levels, but control back spill) were fitted to lights 1 - 6 prior to their site visit. Clearly lights 1- 4 have now been replaced by the bollards and for clarity louvers remain on lights 5 and 6 on site.

The Institute of Lighting Engineers (ILE) guidance note sets out light limitations for exterior lighting installations in a variety of Environmental Zones with zone E2 being relevant for the site. In these instances light trespass onto windows pre curfew is a maximum is 5. The revised scheme provides for a maximum of 2 lux as recorded at 1 Santridge Lane which is well within the ILE limitations. In addition the ILE uses 11pm as a guide time for a curfew, where as the applicants are suggesting a 6pm curfew along the northern boundary and 10pm on the rest of the site.

The applicants have demonstrated that the revised design will comply with the ILE guidance and that as a consequence the amenity of residents along that boundary will not be harmed as a result of the development. In addition the use of suitable conditions will control this matter further.

Consideration of options following meeting between Officers of the Council, the developers and those local residents directly affected by the development to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.

At the above meeting attendees explored whether there were other solutions available for the site, whether the proposal represented 'overlighting', what other options had been explored with reference to changing the height and the number of columns, the role of the conditions and the proposed curfew and the changes made to the scheme to date including the use of bollards, louvers and reduced wattage in lamp 7, why lamps 5 and 6 were not bollards, comparisons with other site, alternative lighting heads, lower columns and greater number of columns.

Following on from this BAM provided a series of emails setting out 4 options that they had considered previously these were:

- 6m columns with 70w luminaries to car park and bollards
- 6m columns with 100w luminaries to car park and 70w to bollards
- 6m columns with 70w luminaries
- 6m columns with 100w luminaries

These were forwarded to residents.

The agents' letter of 28th May 2010 reflects on this meeting. In particular this letter sets out the relevant criteria of the contract (page 2) as well as a summary of the changes

made to the scheme to date. It considers the residents concerns and responds to the comments made on page 3 and 4. However the letter concludes that the scheme is the optimal solution for the site. It meets relevant standards and guidelines. The applicants have done all possible to meet residents concerns and now request that the application is determined by the Council.

Your Officers acknowledge that the scheme is retrospective and has been an ongoing issue at the site for a considerable period of time. However Members are also reminded of the steps taken to improve the scheme which include:

1. Inclusion of bollards in four positions rather than use of 6m high columns,
2. Use of 100w bulb in column 7 and louvers on columns 5, 6 and 7.
3. Comprehensive control of hours of operation through use of curfew type conditions.
4. Detailed discussions with residents on two occasions and demonstration of alternative options and considerations to suggestions for change.

Furthermore Members are reminded of the views of the Council's lighting expert. He considers the proposal, as amended and controlled by condition are acceptable and will not cause harm to residential amenity.

Members are reminded of the need to assess and determine the proposal before them. An alternative solution may exist which is preferable to some parties, but the Council is required to determine the proposal submitted in the light of the development plan policies and other material considerations. And it is the view of your professional Officers that this scheme is an acceptable solution for the site and that it will not harm either residential or visual amenities as a result. It's recommended therefore that Members support the scheme.

Conditions

The lighting system for the site and other PFI schools is controlled centrally at North Bromsgrove High School. Problems have arisen in the past when there has been manual switching of lights taking place by third party users for Health and Safety reasons. The amended supporting statement continues to propose the following lighting strategy :

1. School Building Bulkhead Lights (Zone A) (not subject to planning application 08/0675) - Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. Outside these hours lights are controlled manually by the building manager.
2. Service Road Lights (Zone B) - Lights are timed to come on at 7.30am and go off at 6.00pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. These lights will not be switched on outside these hours unless in an emergency and the circuit is configured so that they do not come on at the weekend.
3. Car Park Lights (Zone C) - Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves

off between these times during daylight hours. The circuit is configured so that they do not come on at the weekend. Outside these hours when the buildings are being used by the community the car park lights will be turned on manually by the building manager and off manually when everyone has safely left the building and car park. As outlined above, community use runs until 9.30pm so the lights are switched off at 10.00pm to allow for safe egress from the site.

The applicants are also investigating failsafe software that will override the system and turn off all lighting at 10pm. This will remove the possibility of human error.

The applicants have also outlined a time scale for implementation of the development that would need to form part of any forthcoming consent, given the retrospective nature of the development. The bollards would take 6 - 8 weeks to order and installation on site would take a week plus several days on site. The applicants therefore request a minimum period of three months to implement the development and the conditions are worded accordingly.

Conclusions

The lighting onsite does not have the benefit of planning permission. It was installed around March 2008 and has been a source of considerable frustration to local residents. Following deferral of the previous scheme a meeting was held with the applicants and other interested parties in order to understand the constraints and consider alternative solutions for lighting at the school

The current scheme is an amended scheme which has removed four 6 m high lighting columns from the northern boundary and replaced them with 1.2m high bollards.

This revised lighting strategy accords with the necessary requirements of the ILE and this approach is supported by the EHO. The applicants have also put forward a lighting strategy with respect to curfew times which accord with the views of the EHO.

The applicants have set out the need for the development in relation to the applicant's appointment as a BSF which includes contractual obligations to provide a development that will ensure the security and safety of users of the school at all times. The BSF build specification indicates that in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in various technical notes.

It is also a contractual requirement of the BSF programme that facilities that are provided as part of new school developments should be made available to the local community outside of core school hours. The Applicant has received a wide range of requests from local groups and organisations that wish to use the school outside school hours and these are being taken up on the site at present.

I conclude, that subject to the use of appropriate conditions relating to time limits for the operation of the lighting and the implementation of the scheme, that the development would accord with the policies of the development plan and would not cause harm to the amenity of residents.

RECOMMENDATION: that Planning Permission be **GRANTED** :

1. Light column number 7 shall be fitted with a Phillips 83309500 back louvre and 100W bulb as detailed in the submitted plans. That Louvre and bulb shall be fitted in its entirety by 12th August 2010 and shall be retained as such for the life of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.
2. The development hereby approved shall be implemented in full and in full accordance with the submitted and approved plans by 12th October 2010 and shall be retained as such for the life of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.
3. Light columns and bollards numbered 1 - 6 inclusive shall only be operational between the hours of 7.30am and 6.00pm, Mondays to Fridays inclusive and shall not be used on weekends or Bank holidays, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
4. Light columns numbered 7- 23 inclusive shall only be operational between the hours of 6.45am and 10.00pm, Mondays to Fridays inclusive and shall not be used on weekends or Bank holidays, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

Notes

1. This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy (WMRSS) June 2004, 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, QE3
WCSP	CTC1, RST3
BDLP	DS13, S28, S31, RAT8, RAT12
Others	PPS1

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

2. HN15

Approved Plans:

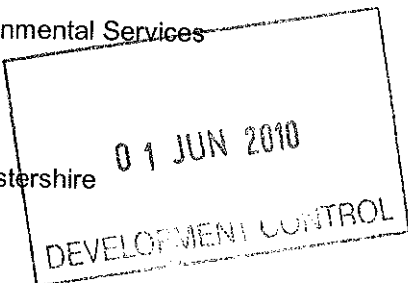
- Redline site plan: HBG Q 2000. As amended by details received 14th September 2009.
- External lighting layout Drawing: MP/AF/E/208/ (A) as amended by details received 14th September 2009.
- Lux plot with Louvres fitted to lanterns drawing no. MP/E/PLANNING/007 Rev 1. As amended by details received 14th September 2009.
- Lux plot of spill light with Louvres fitted to lanterns drawing No.MP/E/PLANNING/002 Rev 1. As amended by details received 14th September 2009.
- Access road and carpark lighting report (PERF) prepared by Phillips Lighting as amended by details received 27.10.2009.
- Access road and carpark lighting report (SPILL) prepared by Phillips Lighting as amended by details received 27.10.2009.
- Column mounted Lighting specification extract from Philips 'Road Lighting' as amended by details received 14th September 2009.
- Bollard specification extract; as amended by details received 14th September 2009.
- Updated Planning Supporting Statement; as amended by details received 14th September 2009.
- Updated Design and Access statement; as amended by details received 14th September 2009

APPENDIX 1

28 May 2010

Delivered by Post

Helena Plant
Planning and Environmental Services
Bromsgrove Council
The Council House
Burcot Lane
Bromsgrove, Worcestershire
B60 1AA



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Dear Helena

PLANNING APPLICATION REF: B/2008/0675
RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF LIGHTING AT MEADOWS
FIRST AND PARKSIDE MIDDLE SCHOOL, STOURBRIDGE ROAD, BROMSGROVE

I write further to our meeting with residents on the 19th November regarding the above application and the subsequent letter from Mr Platt dated 10 March 2010 summarising the neighbours grounds of objection.

Our agreed actions from the meeting were as follows:

1. BAM to provide copies of the lighting reports showing the other options that have been considered for the lighting scheme. These were provided to you by Jim McCormack at BAM on 20 November.
2. The residents to provide confirmation of their collective grounds of objection. This has been received and dated 10 March 2010.
3. BAM to reflect on the meeting and the residents objections and to write setting out BAM's confirmed position; whether any further amendments can be made to the scheme; and a request for determination of the application. This letter forms the basis of that response.

BAM's obligations under its performance contract

It is relevant to restate that BAM's responsibilities to the Local education Authority have been clearly set out in the Planning Statement accompanying the application. The design criteria under which BAM are working were the subject of discussion at the meeting and a referenced in the residents letter. Although it is not possible to reproduce the entirety of this contract we summarise below the relevant criteria:

Clause 3.19	Compliance with all statutory and health and safety legislation.
Clause 3.37 (1.1.3)	All service roads and access roads are constructed to an adoptable standard – including access for high sided vehicles.
Clause 3.37 (1.1.8)	All external areas are provided with adequate standard of lighting in accordance with the minimum statutory requirements and design standards.
Clause 3.41.7 (xi) -	External lighting is to be provided with lamps having an efficacy of at least 65 lumens per circuit watt and fitted with time and photocell controls.
Clause 3.41.7 (xii)-	External lighting must achieve safe environments for people, traffic and the building. Light pollution must be minimised and kept within the limits as required by BS5489 (Zone E2) and nuisance to the adjacent neighbourhood shall be avoided as required by Town Planning legislation and Building Regulations.
BREEAM -	Requires lighting to CIBSE LG6

The scheme that has been applied for meets all of the above criteria, including the BS5489 requirements.

Changes made to the scheme to date

Notwithstanding the original advice of both planning and environmental health officers that the scheme is acceptable in terms of residential and visual amenity, in response to residents concerns BAM have subsequently agreed to the following changes to the scheme:

1. Removal of the 4 most sensitive lighting columns (Columns 1-4) and replacement with 4 bollard lights.
2. Fitting of louvre backs to minimise back spill on columns 5, 6 and 7.
3. The use of a 100w luminaire on Column 7.
4. The imposition of curfew hours of operation to minimise hours of use, including the use of automatic sensors to turn the lights on and off. This means that under normal use the lights will be turned off at 6.30pm, and when the public is using the building the lights will turn off at 10pm. There will be no use at all at weekends.

As noted by your environmental officer at our recent meeting, such changes go above and beyond what is strictly necessary to comply with environmental health issues.

Residents Concerns

At the meeting it was requested that the residents set out an agreed list of outstanding concerns with the application. This has been provided in the form of a letter dated 10 March 2010. The letter confirms that there are 6 key issues and we deal with these in turn.

1. Reduction in column heights (6m considered excessive)

6m column mounted luminaries were chosen for the design because this was considered to be the optimum design solution to meet the Performance Specification. Lower height columns would have resulted in more columns with reduced lamp wattage. Columns of greater height would have resulted in less columns with higher lamp wattage. Bollard lighting would have been impeded by parked cars, and a vast number would have been required to meet the LEA requirements.

2. Reduction in intensity of lights from 150W to 75W or less

In order to meet the Performance Specification such a measure would result in a greater number of columns being required. Lower wattage lamps were considered but the design arrived at is considered the optimal solution, when balanced the correlating issues of number and height of lamps.

3. Removal of the curved glass in the road lighting luminaries

This again could not be done without further alterations to the number/height/wattage of the lamps. The design uniformity would not be achieved if this was done in isolation. As previously stated, the design solution is considered to be the optimum balance of the various options.

4. Complete re-design should be considered. The latest submission has minimal change.

We do not agree that complete redesign is appropriate. The lighting scheme complies with the Performance Specification required by the Education Authority as well as industry design standards provided by the Institute of Lighting Engineers (ILE). It also complies with all relevant statutory and health and safety legislation, including British, European and International Standards. It has also been assessed by your own Environmental Protection Unit who have concluded that the amenity of residents will not be harmed.

The latest changes are not minimal. They involve removal of 4 of the 6m light columns along the most sensitive boundary and replacement with 1.2m bollards. This change, combined with the fitting of louvers to minimise back spill, the imposition of curfew hours and the alteration of the wattage of the lamp closest to 1 Santridge Lane all represent a significant reduction in the impact of the scheme on nearby residents.

5. A curfew of 6pm when the school buildings are not in use

Curfews are acceptable and have already been agreed as a condition of use. Those lights closest to the boundary (Lights 1-6) have an agreed curfew of 6pm. The remaining lights have an agreed curfew of 6.30 pm during normal operational times and 10pm during times of community access. There is an agreed total curfew at weekends and bank holidays. Furthermore all lights are fitted with light sensors so they automatically turn off during daylight hours.

6. Provide lanterns that would complement a school designed for the 21st Century

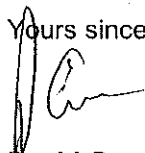
There are numerous furniture types and lamp styles. If this was the only matter of concern BAM would be willing to consider alternative style lamp heads but from the objectors letter this clearly is not their main issue of concern and would not resolve the other objections.

Conclusions and Next Steps

It is considered that the design solution for the lighting is the optimal solution which meets the Education Authorities performance specification. It meets all relevant standards and guidelines and furthermore has been recommended for approval by planning officers. We therefore consider that we have done everything possible to meet residents concerns within the context of the above and request that the application now be determined by the Council.

If you have any queries please do not hesitate to contact me.

Yours sincerely



David Green
Director

Enc.

BAM CONSTRUCTION LTD

PARKSIDE SCHOOL, BROMSGROVE

EXTERNAL LIGHTING REQUIREMENTS

UPDATED SUPPORTING STATEMENT

AMENDED

09 / 06 75

14 SEP 2009
DEVELOPMENT CONTROL

SEPTEMBER 2009

APPENDIX 2

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APPENDICES

Appendix A – Site Plan

Appendix B – Proposed Lighting Strategy

Appendix C – Proposed Lighting Elevations

Appendix D – ILE Lighting Requirements

TA Ref: HBGQ2000

LPA Ref:

Office Address: 9 Colmore Row
Birmingham
B3 2BJ

Telephone 0121 233 0902

Date of Issue: 4th September 2009

APPENDIX 2

2. Application Site

- 2.1 The application site (as shown in **Appendix A**) comprises an area of land that includes the new school building as well as the adjacent service road and car park area. The school playing fields, multi-use games area, tennis courts and nature trail do not form part of the application site.
- 2.2 To the west and south of the application site is the wider school site. To the north of the site is The Flats, a residential street with cul-de-sacs that run perpendicular to the road and towards the application site boundary. As a result of this road arrangement, the dwellings and their back gardens are positioned side on to the northern boundary of the application site. There are also some open views from the application site into the adjacent cul-de-sacs.
- 2.3 To the east of the site is the existing Meadows Primary School and vehicular access to the application site from the corner of Santridge Lane, close to its junction with Stourbridge Road.

APPENDIX 2

3. Background & Proposals

Background

- 3.1 Parkside School is one of five schools in Bromsgrove District that was selected for redevelopment under the Government Department for Education and Skills (DfES) programme 'Building Schools for the Future' (BSF). The BSF programme is the biggest ever school buildings investment programme in Britain. The aim is to rebuild or renew almost every secondary school in England. Around £60m of investment is dedicated to Bromsgrove District in order to raise educational standards and widen the availability of facilities to local communities.
- 3.2 The BSF programme is undertaken by way of the Private Finance Initiative (PFI) whereby a Preferred Development Partner is selected by the Local Education Authority to develop, operate and maintain the school for a period of 30 years following construction.
- 3.3 The applicant was selected by Worcestershire County Council, as the Local Education Authority, to be the Preferred Development Partner for Parkside School. Prior to this, in 2004, the County Council had obtained Planning Permission for a new vehicular access (Ref: B/2004/0311) to the Parkside site to provide a new school there.
- 3.4 Since being appointed, the applicant worked with both Worcestershire County Council and Bromsgrove District Council to formulate acceptable proposals for a new school at the Parkside site.
- 3.5 In October 2005, the District Council granted Full Planning Permission for the *"construction of new First/Middle School with associated sports area; landscaping, car parking and access alterations"* (Ref: B/2005/1001) on the Parkside site.
- 3.6 Since the grant of planning permission for the school, the applicant has commenced implementation of the development, also discharging conditions attached to the Planning Permission where necessary.
- 3.7 As part of the programme of works to develop the school, the applicant has erected external lighting at the site. The applicant has since been made aware that as full details of external lighting were not included in the development scheme that was approved by way of Planning Permission B/2005/1001 and that no conditions relating to external lighting were attached to the Planning Permission, separate permission is therefore required for the lighting that has subsequently been erected.

APPENDIX 2

- 3.8 On 30 May 2008, the applicant met on site with planning officers from the District Council's Planning and Environmental Health departments to agree the best course of action in terms of addressing the planning requirements for external lighting that has been erected at the site. Advice was given by officers that planning permission would be required for the lighting columns and bollards that have been erected, but that the wall mounted lights attached to the school building would not require planning permission as they fall within the definition and associated thresholds of Permitted Development as set out in the Town and Country Planning (General Permitted Development) Order 1995.
- 3.9 Following the meeting, this planning application was submitted to Bromsgrove District Council on the 8th July 2008 and formally registered on the 12th September 2008 as Planning Application B/2008/0675. The application seeks to regularise the planning position in respect of the erected lighting at the site.
- 3.10 Planning Application B/2008/0675 was presented to planning committee on 9th December 2008 with a recommendation to grant planning permission. The committee report stated that the applicant had devised a lighting strategy that, following the fitting of louvres to various lights, accords with the necessary requirements. This approach was supported by the Environmental Health Officer (EHO) at the Council. The report also stated that the applicant had also put forward a lighting strategy with respect to curfew times which accorded with the views of the EHO.
- 3.11 In light of the above, the Case Officer dealing with the application recommended that planning permission be granted subject to a number of conditions/requirements related to curfew times and the installation of louvres to lights positioned in close proximity to the neighbouring residential properties. However, despite the officer's recommendation the planning application was deferred pending revisions to the scheme.
- 3.12 Following discussions with Bromsgrove District Council, Worcestershire County Council and further to consultation with neighbours of the site, the previously submitted proposals have been amended to take into consideration the concerns raised. The updated proposals comprise as follows.

APPENDIX 2

Proposals

3.13 The lighting strategy includes provision to light three key zones within the application site. The zones and selected method of lighting them are proposed as follows:

- The School Building (Zone A) – 37no. Dextra Amec 1 X 28W 2D HF WP bulkhead mounted lights positioned at intermediate points on the building to light immediate surrounds. As noted Planning Permission is not required.
- Service Road (Zone B) – 2no. 6m high column mounted lights Phillips Iridium SG253 150W metal Halide and 4no. Bollards positioned at 23m centres in the verge to the north of the access road.
- Car Park (Zone C) – 13no. - 6m high column mounted lights Phillips Iridium SG253 150W and 5no. Bollards positioned at intermediate points within the landscaped areas to light the car park.

3.14 Attached at **Appendix B** is a plan showing the location of the lighting strategy for the site.

3.15 Attached at **Appendix C** are elevations for the proposed lighting types within the identified zones.

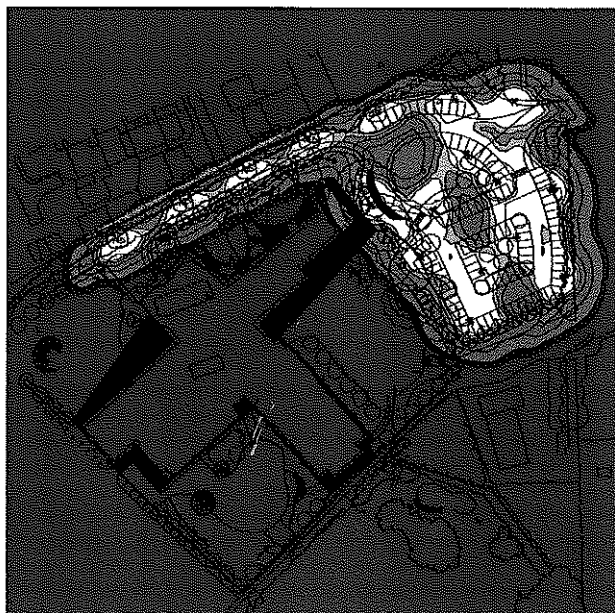
Effect of Latest Amendments

3.16 In order to demonstrate what effect the proposed changes to the scheme have on the amenity of the local residents, we have included extracts from the Philips lighting reports to demonstrate the reduction of light spill onto the neighbouring properties.

3.17 Figure 1 overleaf shows the level of light spill occurring as a result of the original proposals that were recommended for approval at planning committee in December 2008.

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Figure 1: Light spill of scheme presented to planning committee December 2008.



3.18 Figure 2 below shows the level of light spill that is expected following the replacement of 4 lighting columns with the proposed bollard lighting. Notwithstanding the view that the original scheme was accepted by the Council's EHO, Figure 2 clearly demonstrates the significant further reduction in light spill that will occur following installation of the bollard lighting.

Figure 2: Light spill of proposed scheme following the replacement of service road column lighting with bollard lighting.



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4. Responsibilities of the Preferred Development Partner

- 4.1 As noted in Section 3 of this report, the applicant was selected by the Local Education Authority as the Preferred Development Partner to construct, operate and maintain a new school at the Parkside site for the next 30 years.
- 4.2 The principles of the BSF programme outline that the new schools that are developed as part of the programme have a considerable benefit to offer not just school staff and pupils but also the wider local community. Therefore, in order to maximise the use of new schools, facilities that are provided as part of the development should be made available to the local community – and specifically local clubs and organisations – outside of core school hours.
- 4.3 The requirement to ensure future community use is transferred to the Preferred Development Partner through their contractual obligations with the Local Education Authority. In addition to the applicant's contractual obligations, the requirement to ensure community use in non-schooling hours was also made a requirement by both the District Council and Sport England in their consideration of the planning application for the new school. Planning Permission B/2005/1001 was approved on the basis that the new development would provide improved facilities for community use. Indeed, specific facilities were identified within the development as being for dual (i.e. school and community) use. These included the small hall, assembly hall, dance studio, outdoor amphitheatre and grass pitches. The school classrooms are also intended to be made available for community use.
- 4.4 Since being appointed as Preferred Development Partner, the applicant has been working with the school board, local groups and organisations, the District Council, the County Council, Sport England and other important stakeholders to ensure that local groups and organisations will be able to use the new school facilities. During consideration of Planning Application B/2005/1001, it was envisaged that local groups and organisations would be able to use the school up till 9.30pm on all days. Following the meeting with the District Council on 16 October 2008, the applicant e-mailed the District Council to confirm which community groups would be using the school over the coming weeks; groups included a wide range of interests including local martial arts club, a 5-a-side football booking, the Parent Teachers Association, a school maths club and a local fitness club.
- 4.5 The applicant's contractual obligations as Preferred Development Partner also included a requirement to provide a development that ensures the security and safety of users of the school at all times, this includes staff, pupils and users of the facility after school hours. There is also a requirement to ensure the security of the

APPENDIX 2

building itself. The BSF build specification indicates that in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in the Secure By Design for Schools, CIBSE guide, BB87 and BB90 as well as the relevant BREEAM criteria which draws upon specific reference to CIBSE LG6 and the ILE Guidance for external lighting.

- 4.6 Significantly, the CIBSE LG6 guidance lighting level (Educational Precincts) has been utilised for perimeter zone as required. Table 1 from the ILE guidance note is attached at **Appendix D**.
- 4.7 In order to fulfil the contractual requirement of a safe and secure building that meets the required lighting standards, lighting is timed to go on and off at the hours of the day when people are using the building.
- 4.8 Following the meetings of the 30 May 2008 and 16 October 2008 between the applicant and the District Council, the lighting timers at the site have been set as follows:
- School Building Bulkhead Lights (Zone A) (not subject to planning application 08/0675) – Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. Outside these hours lights are controlled manually by the building manager.
 - Service Road Lights (Zone B) – Lights are timed to come on at 7.30am and go off at 6.00pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. These lights will not be switched on outside these hours unless in an emergency and the circuit is configured so that they do not come on at the weekend.
 - Car Park Lights (Zone C) – Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. The circuit is configured so that they do not come on at the weekend. Outside these hours when the buildings are being used by the community the car park lights will be turned on manually by the building manager and off manually when everyone has safely left the building and car park. As outlined above, community use runs until 9.30pm so the lights are switched off at 10.00pm to allow for safe egress from the site.
 - In order to fulfil their contractual responsibilities and for the District Council to benefit from a new school that can be used by the local community outside of

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core school hours, it is essential that the hours of lighting, as outlined above, are maintained. This has already been explained to the District Council in an e-mail from the Applicant dated 17 October 2008.

- 4.9 In addition to the above, BAM Construction Ltd are currently investigating the possibility of including a failsafe software solution which will override the system and turn off all the lighting at 10:00pm even when it has been manually switched on to cater for evening useage. This will ensure that the lighting is turned off and remove the possibility for human error which can occasionally result in the lighting being left on throughout the night.

Timescale for Implementation

- 4.10 If the proposals are approved by the Council, BAM Construction Ltd would seek to introduce the changes to the scheme as soon as possible. The lead in time for ordering and delivery of the bollards is approximately 6 to 8 weeks and thereafter the installers would require a week to mobilise and several days on site to complete the works. We therefore request a minimum period of 3 months following the issue of the decision notice to implement the alterations to the installed scheme.

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5. Planning Policy Framework

- 5.1 The site is located within the area under the administrative control of Bromsgrove District Council. The following Development Plan documents are of relevance:
- Regional Spatial Strategy for the West Midlands (RSS11) (June 2004)
 - Adopted Worcestershire Structure Plan (June 2001)
 - Adopted Bromsgrove District Local Plan (January 2004)
- 5.2 Bromsgrove District Council are in the process of working towards adoption of a Local Development Framework (LDF) for the district. The Draft Core Strategy was prepared and was consulted on between October 2008 and February 2009. The Core Strategy DPD Submission Report is expected towards the end of the year. The adopted Local Development Scheme for the District indicates that the Council are aiming to formally adopt LDF documents by July 2010. For the meantime, the adopted Local Plan provides the most relevant locally focused policy guidance.
- 5.3 The application site falls within an identified residential area in the adopted local Plan; proposals for development on sites in this area are required to ensure that the amenity of existing residential properties is sufficiently protected.
- 5.4 The adopted Local Plan also includes requirements relating to the development of educational facilities in the district. Policy S31 relates to development at educational establishments. The policy outlines that the District Council will consider favourably development required to facilitate the provision of education and training or for purposes ancillary to such provision.

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6. Summary – Key Issues for Consideration

6.1 In summarising the information outlined above and drawing out key issues that should be raised for consideration in the determination of the planning application, the following is noted:

- Parkside School was identified under the Government's BSF programme as a site where a new school should be developed.
- Worcestershire County Council, as Local Education Authority began the process to redevelop the site by obtaining Planning Permission for a new vehicular access (Reference: B/2004/0311).
- The applicant was selected by the Local Education Authority as the Preferred Development Partner to construct, operate and maintain a new school at the Parkside site for the next 30 years.
- In October 2005, following detailed liaison with the applicant and the Local Education Authority, the District Council granted Full Planning Permission for the "construction of new First/Middle School with associated sports area; landscaping, car parking and access alterations" (Planning Permission B/2005/1001) at the Parkside site.
- In approving planning permission for the new school, it was made a requirement of the applicant that the school would be available for community use outside of core school hours.
- It is also a contractual requirement of the BSF programme that facilities that are provided as part of new school developments should be made available to the local outside of core school hours.
- The applicant has received a wide range of requests from local groups and organisations that wish to use the school outside school hours.
- The applicant's appointment includes contractual obligations to provide a development that will ensure the security and safety of users of the school at all times. The BSF build specification indicates that in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in various technical notes. The applicant has devised a lighting strategy that accords with the necessary requirements.
- Due to reasons of timing during the initial planning application, a full lighting scheme was not included as part of the scheme that was permitted under

APPENDIX 2

Planning Permission B/2005/1001. In addition there was no condition attached to the permission requiring the submission of a lighting scheme. This planning application therefore seeks to regularise the planning position in respect of the erected lighting at the site. Attached at **Appendix B** is a site plan showing the lighting scheme for the Parkside site.

- The lighting strategy includes provision to light three key zones within the application site. Lighting is timed to go on and off at certain hours of the day in each of the zones.
- In order to fulfil their contractual responsibilities and for the District Council to benefit from a new school that can be used by the local community outside of core school hours, it is essential that the hours of lighting, as outlined above, are maintained.
- The District Council has the ability to control, by way of an appropriately worded planning condition, the times that the lights in the three zones are turned on and off.
- It should be noted that the Government, the County Council and the District Council (by way of adopted Local Plan Policy S31) supports the provision of a new school at the Parkside School. In order to provide a school that meets the relevant standards of safety and security, satisfactory lighting is required.
- As demonstrated in Section 3 of this report, the revised proposals offer a significant further reduction in light spill over the neighbouring properties along The Flats to the north of the site. This is considered to be a significant improvement in comparison to the proposals that were already recommended for approval in December 2008 and will ensure that the resident's residential amenity is appropriately protected.

6.2 On the basis of the points outlined above, we respectfully request that planning permission be granted.

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APPENDIX 3

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
HBG Construction 'B'	Retrospective planning application for the erection of lighting on the grounds of Meadows First and Parkside Middle School, Stourbridge Road (As amended by drawing received 24.09.2008. As amended by lighting spill to access road details received 29.09.2008. As augmented and amended by Supporting Statement received 12.11.2008. As augmented by Details of Bollards received 13.11.2008.)	Res	B/2008/0675 09.12.2008

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

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

Consultations

WH No objections, subject to conditions. 22.09.2008.
EHO Raised issues of clarification with agents by email. 29.09.2008.
RA Examined lights on site. No adverse comment to make. 26.09.2008.
PROW Consulted 12.09.2008. Response awaited.
Publicity Site notice displayed 24.09.2008; expires 15.09.2008.
Press Notice published.

Seventeen letters sent to neighbours, expired 07.10.2008.

Six specific objections received:

- Proposed amendments to existing lights are inadequate to address concerns.
- Request additional time to respond to application.
- Queries as to whether scheme includes CCTV poles.
- Has no concerns with CCTV poles as long as there is no loss of privacy.
- Part of lighting system installed without consent (in January). This caused significant disturbance to residents as lights were left on throughout the night. EHO visited the site to assess the impact. Following complaints, the lights were turned off but this has been unreliable.
- Intensity of lighting is unacceptable; use of louvers will just reflect light on to school which, in turn, will reflect back onto dwellings. There are already 8 bulkhead lights on the building which add to light on the boundary. Suggest that the wattage of these lights is reduced.
- Number and intensity of lights in the car park areas is greater than those used in the Council's own car parks.
- Columns are too tall, there are too many lights.

- It will not be acceptable to attach conditions to control lights as applicants have shown their inability to control the lights in the period since they have been erected.
- Suggest shorter columns are used with angled lights. Columns 1 - 4 should be removed and replaced with lower key lights which provide illumination suitable for use of access road by vehicles.
- Questions display of site notice.
- Refers to lights being in use in advance of application being taken to Planning Committee.
- No effort made to shield adjoining dwellings from light pollution.
- Refers to number of lights on other car parks (Asda has 7 doubles, Artrix has 16 singles) and those at edges are shielded.
- Design of scheme not compliant. Will cause glare and light spill into homes. Light emitted is disproportionate to their purpose, given that 1 - 4 light a service road and this is not related to the community use of the site.
- Waste of energy; no energy saving suggestions.
- Poles are unsightly in day time.
- Light pollution will create an offence under 'Clean Neighbourhood and Environment Act 2005' which will be prejudicial to health.
- Other schools do not have consent for lights.
- Wider context view has not been considered.
- Lights represent an invasion of privacy, both internally and externally.
- Consider lights to be a statutory nuisance and represent light pollution, being prejudicial to health and a nuisance.
- Suggested modifications to lights as a result of fitting louvers will do little to reduce the 20 lux pools of lights under the columns, just 2 - 3 meters from the boundary.
- Reference is made to the inefficient and erratic operation of the lights throughout the day and night since their installation. This gives no confidence in the applicant's ability to control the system in the future.
- Calls on the Council to ensure that the nuisance residents have experienced is stopped.
- Request Members visit the site at night to assess the impact and that they visit resident's gardens and homes also. Request EHO accompanies visit and that the writer addresses Planning Committee when the application is determined.

In addition to these letters, residents have sent in a significant number of email communications to the Enforcement Officer, Environmental Health and the Planning Department informing officers of the numerous instances when the lights have been in use outside the agreed hours of operation.

The site and its surroundings

The application relates to the newly constructed Meadows First and Parkside Middle School, sited to the south of The Flats and west of Stourbridge Road, Bromsgrove.

The application is submitted by HBG Construction, who are now known as BAM Construction Ltd.

As defined by the application drawing, the site extends to 2.01 hectares and includes the car park and the immediate area around the school and the main play areas.

Proposal

The application is retrospective with the form describing that works commenced on 1st February 2008. The application relates to the erection of a total of 23 lighting columns. These lights are arranged in three main groups.

1. Numbers 1 - 7 are sited along the northern boundary and adjacent to existing residential properties.
2. Numbers 8 - 17 serve the main car park area.
3. Numbers 18 - 23 serve the play area for KS3.

There are two types of lights the majority are 6m high aluminium poles with lamp heads whilst number 19 - 23 are low level bollards.

The application is accompanied by a light spill plan (amended 24.09.2008), a light spill report (amended 29.09.2008) and a design and access statement. This statement sets out that the lights have been installed so as to ensure safe access and egress to the school and around the school, including the community use, and that these are lit to an appropriate standard.

A supporting statement has also been received (12.11.2008) which sets out that there is a lighting strategy comprising three zones:

- The School Building (Zone A) - 37 no. bulkhead mounted lights positioned at intermediate points on the building to light immediate surroundings. As noted, planning permission is not required for these lights.
- Service Road (Zone B) - 6 no. 6 metre high column mounted lights positioned at 23 metre centres in the verge to the north of the access road (that is, lights 1 - 7).
- Car Park (Zone C) - 13 no. 6 metre high column mounted lights and 5 no. bollards positioned at intermediate points within the landscaped areas to light the car park.

A full copy of this document is included in **Appendix 1**.

The School has been constructed against planning application B/2005/1001. This consent did not propose lighting to the car park or access road and, as such, that planning consent did not grant consent for the lighting columns. Given the size and permanency of the structures, I am of the view that they constitute an engineering operation for which planning permission is required. The school is not granted any 'Permitted Development' by virtue of the General Permitted Development Order which

would remove the need to expressly apply for that Consent. This fact is not disputed by the applicants.

For clarity, the lights mounted on the walls of the School (bulkhead lights) are not considered to represent development and, as such, do not form part of this submission or its assessment.

Relevant Policies

WMSS QE1, QE3
WCSP CTC.1, RST.3
BDLP DS13, S28, S31, RAT8, RAT12
Others PPS1

Relevant Planning History

The site has an extensive planning history, but of most relevance are:

- B/2005/1001 Construction of new First / Middle school with associated sports areas; landscaping; car parking and access alterations (revised scheme to relocate school and footpath). Granted 11.11.2005.
- B/2005/0485 Construction of First / Middle School with associated sports areas; landscaping, car parking and access alterations at Meadows First and Parkside Middle Schools, Stourbridge Road, Bromsgrove. Granted 16.09.2005

Notes

I consider that, given the policies listed above, this application raises two issues:

1. The impact of the development on the visual amenity of the area and
2. The impact of the development on the residential amenity of the nearby residents.

This application is located in the residential area as defined by the Bromsgrove District Local Plan. Whilst saved policy S31 of that plan relates to development at Educational Establishments, it refers to development not being permitted which would result in a loss of sports facilities. It states that the Council will consider favourably development required to facilitate the provision of education and training or for purposes ancillary to that.

New and enhanced community facilities are supported by policies S28 and RAT8 which, of course, are relevant to the approval of the application for the erection of the school in the first instance, and its associated community use agreement. Policy DS13 refers to the need for development to safeguard and improve the quality of life of residents.

Why is lighting required along the northern boundary?

The site is part of the Private Funding Initiative (PFI) programme; a scheme which includes considerable benefits to the local community as well as to the staff and pupils of

the new schools. Community use of the buildings outside core hours is an integral part of this approach and is controlled through the contractual obligations of the developer and the Local Educational Authority, as well as being linked to the planning process via the consultations with Sport England.

Another part of that contractual obligation is ensuring the safety and security of users of the school at all times as well as the building itself. The supporting statement states:

- '4.5 ... The PFI build specification indicates that in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in the Secure By Design for Schools, CIBSE guide, BB87 and BB90 as well as the relevant BREEAM criteria which draws upon specific reference to CIBSE LG6 and the ILE Guidance for external lighting.
- 4.6 Significantly, the CIBSE LG6 guidance lighting level (Educational Precincts) has been utilised for perimeter zone as required.'

It is against this specification and requirement that the scheme has been designed. To omit or reduce lighting along this boundary below that which is proposed would remove the ability of the developers to comply with this requirement.

Why the lighting cannot be provided by shorter columns and or more spaced out columns?

This would mean the developers would be failing to comply with the standards set out in the Secure By Design for Schools, CIBSE guide, BB87 and BB90, as well as the relevant BREEAM criteria which draws upon specific reference to CIBSE LG6 and the ILE Guidance for external lighting. As a consequence, they would be failing to comply with their contractual obligations and, therefore, the community benefits associated with the school would not be able to take place. This would have serious consequences for the PFI programme.

Are the lights acceptable in their current form?

As installed on site, none of the lights have louvers fitted. An email from Interserve (the lighting provider at the site) on 16.10.2008 sets out that whilst the current situation provides no sky glow and no upward light ratio, that vertical luminance on the houses along the northern boundary was an average of 4.19 lux (15.18 Lux maximum) observed at 1.6 metres in height above ground. In the context of the site (Zoned as E2: Low District Brightness area; that is, rural, small villages or relatively dark Urban areas) it is the view of the EHO that these lights cause harm to the amenity of residents.

The submitted drawing which shows the lux plot of light spill (Revision 03, amended 24.09.2008) sets out the position when louvers are fitted to columns 1 - 4 inclusive (louvers do not affect required light levels, but control back spill). This provides for no sky glow and no upward light ratio and a reduction in vertical luminance on the houses along the northern boundary to an average of 0.7 lux (3.08 Lux maximum) observed at 1.6 metres in height above ground. Source intensity and pre and post curfew cd/m² are also provided at the request by the EHO.

The Institute of Lighting Engineers (ILE) guidance note sets out light limitations for exterior lighting installations in a variety of Environmental Zones. The fitting of louvers to these lights will reduce light trespass onto windows pre-curfew to 3 lux (maximum is 5), and source intensity pre-curfew to 0.258k cd (maximum is 7.5 k cd). In addition, the ILE uses 11.00 p.m. as a guide time for a curfew, whereas the applicants are suggesting a 6.00 p.m. curfew along the northern boundary and 10.00 p.m. on the rest of the site.

The applicants have demonstrated therefore that after the fitting of louvers to columns 1 - 4, the design will comply with the ILE guidance and that, as a consequence, the amenity of residents along that boundary will not be harmed as a result of the development. Clearly, the addition of the louvers to the lights on site will need to be controlled by a suitable and time bound condition.

I note the form, height and location of the lighting columns. In the context of the site, its size and the relationship of the columns to nearby residential properties, I do not consider that the design or appearance of the structures is harmful or out of keeping. In relation to the wider context, I note the existing street lights provided on the public highway surrounding the site and their relationship to existing properties and this does not lead me to believe that the design or appearance of the columns is harmful to the more general street scene.

How can the hours be controlled given previous problems?

The lighting system for the site and other PFI schools is controlled centrally at North Bromsgrove High School. Problems have arisen in the recent months when there has been manual switching of lights taking place by third party users for Health and Safety reasons. The supporting statement proposes the following lighting strategy:

1. School Building Bulkhead Lights (Zone A) (not subject to planning application B/2008/0675) - Lights are timed to come on at 6.45 a.m. and go off at 6.30 p.m., and further controlled by a light sensor so the lights automatically turn themselves off between these times during daylight hours. Outside these hours, lights are controlled manually by the building manager during community lets. These lighting times will need constant review during the winter months as, without these lights, the CCTV system does not operate effectively. However, Members are reminded that these lights are not part of the current planning application.
2. Service Road Lights (Zone B) - Lights are timed to come on at 7.30 a.m. and go off at 6.00 p.m., and further controlled by a light sensor so the lights automatically turn themselves off between these times during daylight hours. These lights will not be switched on outside these hours unless in an emergency and the circuit is configured so that they do not come on at the weekend.
3. Car Park Lights (Zone C) - Lights are timed to come on at 6.45 a.m. and go off at 6.30 p.m., and further controlled by a light sensor so the lights automatically turn themselves off between these times during daylight hours. The circuit is configured so that they do not come on at the weekend. Outside these hours when the buildings are being used by the community, the car park lights will be turned on manually by the building manager and off manually when everyone has safely left the building and car park. As outlined above, community use runs until

9.30 p.m. so the lights are switched off at 10.00 p.m. to allow for safe egress from the site.

The applicants have been asked to set out how they will comply with these time restrictions. They state that: *"The timings would be controlled through a specialist piece of control equipment that controls all of the mechanical and electrical services in the new school from boilers to toilet ventilation. Once the perimeters are set up and input into the computer, they can only be changed by revising that input data or by manually overriding the control equipment on site. The problems we have encountered and which we are being criticised for is that we have tried to reduce the amount of time the lights are on by operating them manually. This leads to human error when the caretaker forgets to turn them off. If a realistic curfew is imposed, then this risk can be taken away and the whole system becomes fully automatic.*

"Whilst there have been some instances when the lights have been left on in error (human error), these have been few and far between. The lights to the access road are never on after 6.30 p.m. and these are the lights that impact the residents who have complained.

"It might be of interest but Worcestershire County Council have access to the control equipment at County Hall and can monitor the whole thing remotely, although they cannot change any of the settings."

Conclusions

The lighting onsite does not have the benefit of planning permission and, in its current form, is unacceptable with respect to its impact upon the amenity of residents living along the northern boundary of the site.

The Applicant has devised a lighting strategy that, following the fitting of louvers to various lights, accords with the necessary requirements. This approach is supported by the EHO. The applicants have also put forward a lighting strategy with respect to curfew times which accord with the views of the EHO. Whilst it is the applicant's responsibility to ensure compliance with those conditions, in the context of recent problems, a method statement as to how this can be achieved on site has been requested and Members will be updated at the meeting.

The applicants have set out the need for the development in relation to the applicant's appointment as a PFI which includes contractual obligations to provide a development that will ensure the security and safety of users of the school at all times. The PFI build specification indicates that, in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in various technical notes.

It is also a contractual requirement of the PFI programme that facilities provided as part of new school developments should be made available to the local community outside of core school hours. The Applicant has received a wide range of requests from local groups and organisations that wish to use the school outside school hours and these are being taken up on the site at present.

I conclude that, subject to the use of appropriate conditions relating to the addition of the louvers and time limits relating to the operation of the lighting, the development would accord with the policies of the development plan and would not cause harm to the amenity of residents.

RECOMMENDATION: that planning permission be **GRANTED**:

1. Light columns numbered 1 - 6 inclusive (as indicated on drawing MP/E/208 Rev 04 received 11.06.2008) shall be fitted with Phillips 83309500 back Louvre for a ZGS253 fitting. Those Louvers shall be fitted in their entirety by 12.01.2009 and shall be retained as such for the life of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not cause harm to the amenity of residents, in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

2. Light columns numbered 1 - 6 inclusive (as indicated on drawing MP/E/208 Rev 04 received 11.06.2008) shall only be operational between the hours of 7.30 a.m. and 6.00 p.m., Mondays to Fridays inclusive, and shall not be used on weekends or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not cause harm to the amenity of residents, in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

3. Light columns numbered 7 - 23 inclusive (as indicated on drawing MP/E/208 Rev 04 received 11.06.2008) shall only be operational between the hours of 6.45 a.m. and 10.00 p.m., Mondays to Fridays inclusive and shall not be used on weekends or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not cause harm to the amenity of residents, in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

Notes

1. This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy (WMRSS) June 2004, 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, QE3
WCSP	CTC.1, RST.3
BDLP	DS13, S28, S31, RAT8, RAT12
Others	PPS1

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

2. HN15

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees Ltd. (Mr. P. Mason and Mrs. C. Mason 'A')	Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2 x 3 bed units and 1 x 4 bed unit) with access road, car parking and amenity space (as amended by information received 05.03.2010 and 10.06.2010 and drawings received 17.03.2010, 24.06.2010 and 25.06.2010) - 2 and part of 4 and 6 Hartle Lane, Belbroughton	Green Belt Village Envelope	10/0101-MT 05.04.2010

RECOMMENDATION: that permission is **APPROVED** subject to the receipt of satisfactory comments from Natural England in relation to bats.

Consultations

WH Comments received 23.03.2010: No objection.

CO Comments in relation to amended plans received 22.06.2010:

Thank you for consulting me on the amended plans for the rear elevation received on 7th June. The changes to the window details have improved the rhythm of the openings and overcome my previous concerns regarding the treatment of this elevation, although I am still concerned about the proposed alterations to the front elevation. If this application is to be approved I would recommend a planning condition be applied for window details at 1:20, and the texture and colour of the render to be agreed in writing before work commences.

Belbroughton PC Consulted 08.06.2010: No comments received to date

NE Consulted 10.06.2010: No comments received to date

Publicity No additional publicity is required.

Additional representation received 29.03.2010: Concerns raised over loss of privacy, increased traffic and parking and access issues.

This representation was received after the meeting of the Planning Committee on 29.03.2010.

Relevant Policies

WCSP SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1

BDLP DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1

Others PPS1, PPS3, PPS5, PPS9, PPG13, SPG1, SPG11, Belbroughton Village Design Statement

Notes

Members resolved to defer this application at the meeting of the Planning Committee on 29th March 2010 in order for a further bat survey to be conducted, and for the design of the rear elevation of the scheme to be revised.

This report will relate only to those items. I will also consider the additional third party representation received after the meeting on 29.03.2010. A copy of the Case Officer's original report to Committee, providing a full assessment of the proposal, is provided at Appendix A.

Bats

Members will note that Natural England raised an objection to the application as it contained insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

The original bat survey (conducted November 2009) indicated that a number of the buildings on the site have the potential for supporting bats. Direct evidence was found in the single storey building located to the southern end of the site (to be demolished as part of the proposed development).

This survey could not however confirm the presence of the species as it was conducted outside of the bat roosting season (April to September). As such, it could not demonstrate whether or not the development would have an adverse effect on a legally protected species.

Further surveys of the site were conducted on 11th and 25th May 2010 (inside of bat roosting season). The results of these surveys indicate that, although the buildings on the site do offer some potential for roosting bats, there was no direct evidence at the time of visit. The proposal does not therefore have any further implications with regard to bats.

The survey recommends that at least 4 bat boxes are installed on the site to provide appropriate mitigation for the loss of the potential roosting habitat. I would therefore recommend that a condition is placed on any planning permission granted to secure this.

Natural England has been consulted on the additional surveys but no comments have been received to date. I will update members on this matter prior to their meeting.

Design

Members will note the concerns raised by the Parish Council in relation to the original scheme. The detailing of the rear elevation of the building has been revised. This elevation now involves, on the ground floor, 5 sets of 2 narrow vertical windows each set within a recessed rendered panel. Each set would be aligned with a roof light. I am of the view that the new windows would add interest to what is currently a very bland elevation.

The Council's Conservation Officer has been consulted on the revised scheme. She is of the view that the changes to the window details have improved the rhythm of the openings and overcome her previous concerns regarding the treatment of this elevation.

Third party representation

I note the concern raised over the proposal causing a loss of privacy to a nearby property. This refers to the windows in the side elevation of Unit 9. Four new windows would be inserted into this elevation; three at ground floor level and one roof light. The new windows would be located within 2 metres of the site boundary with the adjoining domestic gardens and I am of the view that they have the potential to overlook these properties.

The ground floor windows do not concern me at present as the existing trees and boundary treatment would obstruct any views. I am however mindful that this boundary treatment could be removed at any time thus I recommend that a condition is placed on any planning permission granted to secure obscure glazing within these windows. This would be a reasonable request as the windows either serve a bathroom, or are secondary to larger main windows.

As indicated on the submitted Section Drawing, the proposed roof light would be at a high level and I do not consider that any views could be gained of the adjoining private gardens.

I note the concerns raised over traffic, parking and access but I am also mindful of the lack of objection to the scheme from the Highways Authority. I do not therefore have any concerns in relation to these matters.

Conclusion

Members will note the Case Officer's acceptance of the proposal in Green Belt, highways and residential amenity terms. Members will also note that the applicant has completed a Section 106 agreement with the Council in respect of contributions towards play space and education provisions.

The revised detailing of the rear elevation is considered to make an improvement to the setting of the Conservation Area and I do not have any concerns in this respect.

The submitted bat surveys would indicate that there is no evidence of bats on the site and the development would not have a direct impact on this species. Mitigation measures are recommended to compensate for the indirect impact resulting from the loss of a potential roosting habitat. Nonetheless, without the comments of Natural England a full conclusion cannot be made on this matter. I therefore recommend that any planning permission granted is contingent on the receipt of satisfactory comments from Natural England in relation to bats.

RECOMMENDATION: that permission is **APPROVED** subject to the receipt of satisfactory comments from Natural England in relation to bats.

Conditions:

1. C001 (time limit for implementation)
2. C003 (materials)
3. Prior to the commencement of the development hereby approved, detailed drawings of the proposed new and replacement windows on the rear elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) at a scale of 1:20 shall be submitted to an approved in writing by the local planning authority.
4. C010 (landscaping scheme)
5. The new ground floor windows in the west side elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) shall be fitted with obscure glazing and fixed shut. The said windows shall remain as such in perpetuity unless otherwise agreed in writing by the local planning authority.
6. Prior to the commencement of the development hereby approved, the existing buildings shown hatched on the approved Demolition Plan (Drawing Number 1443.09 received 25.06.2010) shall be demolished and all resulting materials removed from the site.
7. Prior to the first occupation of the dwellings hereby approved the existing air conditioning units in the west side elevation of the building shall be removed and all resulting materials removed from the site.
8. C022 (removal of permitted development rights for all householder developments and means of enclosure (fences, gates and walls)).
9. C007 (disposal of storm and foul water)
10. The development shall be carried out in accordance with the recommendations set out at Section 4 of the approved Protected Species Survey conducted by Worcestershire Wildlife Consultancy (received 10.06.2010) unless otherwise agreed in writing with the local planning authority. Details of the bat boxes, including their proposed location on the site, shall be submitted to and approved in writing by the local planning authority before any work on the site commences. The approved bat boxes shall be installed before any of the dwellings hereby approved are first occupied.
11. HC5 (Visibility Splays)
12. HC14 (Driveway Gradient)
13. HC25 (Access Turning & Parking)

14. HC36A (Cycle Parking - 2 bedroom units)
15. HC36B (Cycle Parking - 3 and 4 bedroom units)
16. HC51 (Parking for Site Operatives).
17. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
18. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
19. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
20. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
21. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
22. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
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.
3. To protect the setting of the Conservation Area in accordance with Policy CTC.20 of the Worcestershire County Structure Plan 2001, Policy S35A of the Worcestershire County Structure Plan 2001 and the advice contained in PPS5: Planning for the Historic Environment.
4. 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.
- 5 & 7 To protect the amenity of the nearby residential properties in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).
6. To protect the openness of the Green Belt in accordance with policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2 and C27 of the Bromsgrove District Local Plan 2004 and the advice contained in PPG2: Green Belts.
8. To protect the openness of the Green Belt, the amenity of the nearby residential properties and the visual amenity of the area in accordance with policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004, the guidance contained within the Council's Residential Design Guide (SPG1) and the advice contained in PPG2: Green Belts.
9. To ensure that adequate drainage systems are provided in accordance with Policy CTC.8 of the Worcestershire County Structure Plan 2001, Policy ES1 of the Bromsgrove District Local Plan 2004 and the advice contained within PPS25: Development and Flood Risk.
10. To compensate for the loss of a potential bat roosting habitat in accordance with PPS9: Biodiversity and Geological Conservation.

10/0101-MT - Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2 x 3 bed units and 1 x 4 bed unit) with access road, car parking and amenity space - 2, and part of 4 and 6, Hartle Lane, Belbroughton, DY9 9TG - Rowanmoor Trustees Ltd. (Mr. P. Mason / Mrs. C. Mason)

11-16 To comply with the Council's Parking Standards and in the interests of highway safety in accordance with Policy T.1 of the Worcestershire County Structure Plan 2001, Policy TR11 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.

17-23 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ES7 of the Bromsgrove District Local Plan 2004 and the advice contained in PPS23: Planning & Pollution Control.

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Appendix A

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees Ltd. (Mr. P. Mason / Mrs. C. Mason) 'A'	Conversion of industrial buildings to residential use (9 units comprising 6 x 2-bed units, 2 x 3-bed units and 1 x 4-bed unit) with access road, car parking and amenity space (as augmented by information received 05.03.2010 and amended by drawings received 10.03.2010) - 2 and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG	GB Village Envelope	10/0101-MT 05.04.2010

RECOMMENDATION: that permission is **REFUSED**.

Consultations

WH

Initial comments received 12.03.2010:

The proposed visibility splays onto Hartle Lane cross 3rd party land. Several splays have been shown, but none are acceptable. I would expect a splay of 2.4 metres x 43 metres to be provided.

Inside the site, pre-application discussions agreed a reduced service strip around part of the turning head, but this has been extended. The parking spaces to the rear of 4 Hartle Lane do not demonstrate appropriate levels of visibility (2.4 metres x 25 metres).

Every access should have a 2 metres x 45 degree splay from the side of the driveway.

The turning head appears far too small. A 14.5 metre carriageway is required, and this is to be tracked. The refuse vehicle shown does not appear to be an appropriate size.

Further comments awaited.

Belbroughton
PC

Comments received 03.03.2010:

The Parish Council has no objections in principle to the change of use of this site in the centre of Belbroughton, currently used as a jewellery factory, to residential use. However, the Council considers that the current application is very disappointing in that it fails to enhance the appearance of the site; in particular, the Council is concerned about the north elevation which provides a boundary for the village green. The plans envisage leaving this wall untouched which will preserve a factory wall in the centre of the village on the edge of the conservation area.

The Council would like to see a much more attractive design for this boundary, perhaps including additional windows, and the introduction of sympathetic, well-detailed dormer windows in place of the roof lights proposed in order to improve the view from the village green. The current large diameter rainwater gutters and downpipes should also be replaced with materials more domestic in scale. If the planning authority is minded to approve this application the Parish Council would also like to see:

- Removal of permitted development rights from the new dwellings in the interest of safeguarding the openness of the Green Belt.

- A condition to ensure that parking spaces and, in particular, garages cannot be used for any other purpose.

The Council welcomes the reference in the Design and Access statement to a section 106 contribution from the developers to local facilities and would like to be fully involved in any discussions about this.

In conclusion, the site in question is right in the middle of the village of Belbroughton and adjacent to the village green and conservation area. Its development will have a major impact on the appearance of the village for many years to come. The Council would be very concerned to see approval of the present plans which do nothing to improve or enhance the appearance of this site and which preserve an unattractive industrial feature.

EHO
Contaminated
Land Officer
Strategic
Planning

No objection 04.03.2010.

No objection 24.02.2010.

Comments received 15.02.2010:

This site is located within the village of Belbroughton which is situated within designated Green Belt and therefore policy DS2 of the Bromsgrove District Council Local Plan, policy D.39 of the Worcestershire County Structure Plan and PPG2 all apply.

A change of use can be acceptable within the Green Belt where the change in use causes no additional harm to the openness of the Green Belt. For a change of use to residential policy D.16 of the Structure Plan is particularly relevant.

The proposal is for windfall housing development; therefore PPS1, PPS3, policy S3 of the adopted Bromsgrove District Local Plan (adopted January 2004) and SPG1 apply.

Guidance contained in SPG10 has now been superseded by policies contained PPS3, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Planning Inspectorate in response to the phase 2 revision of the RSS. This revised guidance currently means SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Due to the number of units SPG11 should be applied to this proposal. The development generates a requirement for 753m² of play space. Due to the nature of the site it is clear that this cannot be provided on-site. A commuted sum of £168,672 will therefore be required to deliver off-site play space.

PPS3 emphasises the importance of delivering mixed and balanced communities that contain affordable housing. PPS3 states that "For

smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality." The PPS allows local authorities the opportunity to set out appropriate targets and thresholds for affordable housing.

The Panel Report into the Phase 2 Revision of the West Midlands RSS sets a regional affordable housing target of 35% and goes on to state district level targets should be between 25% and 40% unless there are exceptional circumstances.

There is a high level of affordable housing need in Bromsgrove that has been identified in both the Strategic Housing Market Assessment and a district level Housing Market Assessment (HMA). Financial viability work carried out as part of the HMA identified that 40% was a viable affordable housing target that would maximise delivery. The data in these studies has been used to inform both the emerging Core Strategy and draft Affordable Housing SPD. Whilst these documents are not adopted they do carry some weight within the planning system. The proposal for 9 units exceeds the thresholds for affordable housing in both the Core Strategy and the SPD and therefore it seems reasonable to request 40% affordable housing from this scheme. In the current economic climate this figure could be negotiated to ensure viability is retained.

Additional comments in relation to affordable housing verbally received 01.03.2010:

The proposal is below the threshold for affordable housing of 15 units (Belbroughton has a population of less than 3,000) set out in the BDLP and PPS3. Although the proposal exceeds the thresholds for affordable housing in both the Core Strategy and the SPD, very little weight can be given to these documents at this stage. As such, affordable housing provision will not be required as part of the development.

Additional comments in relation to play space contributions received 05.03.2010:

The PPG17 study identifies that there is sufficient provision of children's play facilities within the Furlongs Ward and in addition there are facilities within walking distance of the site. On this basis it would seem reasonable to seek only contributions towards maintenance through increased usage of local facilities and the applicants reduced contribution (£42,168) could go towards this. It is difficult to argue with their financial appraisal and it is critical that viability is maintained.

Consulted 11.02.2010: no comments received to date.

Tree Officer

Worcestershire Comments received 15.02.2010:

County Council

Schools

Information and

Planning

Section

If development goes ahead in this area, there will be a need for a contribution towards local education facilities.

The schools affected will be Belbroughton CE Primary and Haybridge High. The required contributions will be £5,345 per 2- or 3-bed dwelling and £8,018 per 4-bed dwelling.

ENG

Consulted 21.12.2009: no comments received to date.

Building Control

Consulted 21.12.2009: no comments received to date.

CO

Comments received 11.03.2010:

I have no objection to the conversion of this historic building to residential use in principle, however the extensions and external alterations proposed would not preserve the character of the building, which has some historic merit.

Policy S36 of the current local plan states that:

"where development is proposed in or adjacent to a Conservation Area ... A high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area."

The proposed plans for the rear elevation facing the Talbot PH car park and the High Street, and directly addressing the Conservation Area boundary, includes the infilling of several openings which would have a detrimental impact on the appearance of the building, and the wider conservation area as a result. There may be some security / surveillance issue with the ground floor units, to justify why this has been designed in such a way but the first floor openings should and could remain as is as a minimum.

The front elevation admittedly cannot be seen from within the Conservation Area boundary, however the large bulky extensions and standardised house type detailing proposed lacks any contextual relationship with the surrounding village, and is not of sufficient design quality for what is a sensitive area. The amended plans removed the unsightly high brick walls and close boarded fences originally proposed, which would at least create an active frontage to the development; however the proposed elevation still resembles a modern major house builder type development, rather than a conversion of a historic building in a sensitive area.

NE

Comments received 15.03.2010:

We note the findings of the consultant's report highlighting uncertainty regarding the use of some of the buildings on the application site by bats. The rural location increases the scope for bats existing in the

locality, evidenced by historic records for the general area. The Council must bear in mind that until the recommended emergence survey data has been gathered and interpreted suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded (see over regarding 'impact assessment', 'mitigation strategy and 'delivery mechanisms'). However the opportunity to carry out suitable, additional survey work is only a few weeks away.

As a result, based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

WWT Consulted 21.12.2009: no comments received to date.
WMC Comments received 19.02.2010: no objections.
Publicity 8 Neighbour notification letters posted 15.02.2009; expired 08.03.2010;
4 additional letters posted 24.02.2010; expired 17.03.2010.

Site Notice Posted 05.03.2010; expired 26.03.2010.
Press Notice published 11.03.2010; expires 01.04.2010.

1 letter received: no objection raised but queries over details on the plans.

The site and its surroundings

The application site relates to an existing B2 industrial premises at the western end of Hartle Lane close to its junction with High Street. The site contains a mixture of old and new buildings including a traditional building of domestic origins with a modern purpose built extension, and a traditional detached single storey building with modern extensions. The site also includes an ancillary car park and service area.

The site is adjoined by residential development to its western and south eastern boundaries, grazing land to its southern boundary and a pub car park and village green to its northern boundary.

The site is located in the Green Belt. The majority of the site, with the exception of the more modern buildings to the west of the site, is located within the Village Envelope. The site is adjacent to but not within the Belbroughton Conservation Area.

Proposal

The application proposes to refurbish and extend the buildings to the north and west of the site to allow for their conversion to 9 dwellings. The scheme would involve a mix of house types including 6 no. 2-bedroom houses, 2 no. 3-bedroom houses and 1 no. 4-bedroom house. All of the dwellings will be general market homes. The remainder of the buildings on the site will be demolished to make way for the vehicular access drive, private gardens and communal amenity space.

Relevant Policies

WMSS	QE1, QE2, QE3, QE5, QE7, CF4
WCSP	SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1
BDLP	DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1
Others	PPS1, PPS3, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement, Circular 06/05

Relevant Planning History

None relevant

Notes

I consider that this case presents a number of issues. Firstly, it is necessary to consider if the proposal would be an appropriate form of development in the Green Belt and, if not, are there any very special circumstances that would outweigh the proposal's harm to the Green Belt. Secondly, it is important to consider issues relating to design including the impact of the development on the street scene along Hartle Lane and the impact on the development on the setting of the adjacent Conservation Area. Thirdly, it is necessary to assess the layout of the proposal including the provision of amenity space and the relationship with nearby dwellings. Fourthly, the proposal would involve the demolition of buildings thus it is important to establish if any protected species are present. Finally, it is important to consider the views of consultees and other interested third parties and the implications these might have for the granting of planning permission. I will deal with each of these matters under separate headings below.

The Green Belt

The proposal involves the conversion of an existing building thus it will fall to be considered under policy C27 of the BDLP. This is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

With regard to the first two criteria, the proposed development involves a number of extensions and alterations. New gables would be added to the front and side elevations of the building and a garage building would be erected to the south of the site. These additions would create an additional floor area of approximately 43m².

When considering the impact of these additions on the openness and visual amenities of the Green Belt it is important to note the context of the site. The majority of the building is located within the Village Envelope of Belbroughton but the newer part of the building to the west of the site falls outside of its boundaries. There are gardens and an open field located immediately to the south of the site but beyond these lies the recently constructed 'Glebe Fields' development. As such I am of the view that the proposal is located in an enclosed context in which the proposed extensions would not have a material effect on the openness or visual amenity of the Green Belt.

Moreover it is important to note that a number of structures are to be demolished including the large building to the south of the site, lean to extensions to the front and rear elevations and a section of the modern part of the building to the north west of the site. The floor area of these structures is 378m². Thus, considering the scale of the buildings to be demolished I am satisfied that the proposal would not have a materially greater impact than the present use on the openness of the Green Belt.

With regard to criterion (c), a structural survey of the building has been carried out by a qualified Structural Engineer. The report from the survey has been submitted with the application. This confirms that the building is sufficiently stable to be retained and converted to the use proposed. I do not therefore have any concerns in relation to this part of policy C27.

With regard to criterion (d), it is generally considered that the form, bulk and design of the development would be similar to that of the existing building. The only aesthetic changes to the building would result from the gable wall extensions and entrance porches.

The surrounding area is of a very mixed character. There are older, more traditional buildings located to the south east boundary of the site (no.'s 4 - 10 Hartle Lane) and along High Street near its junction with Hartle Lane. The street scene along the opposite side of Hartle Lane is comprised of a mixture of old and more modern buildings. There is also modern development located along The Glebe and Woodhouse Orchard. It is noted that gable walls and canopy porches are a common feature throughout the surrounding area. On this basis I am of the view that the form, bulk and general design of the building is in keeping with its surroundings.

Taking the above points into consideration I am of the view that the proposal is in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

If however Members decide to take the opposite view and consider the proposal to be inappropriate in the Green Belt then it is considered that the context of the site and the demolition of the existing buildings would outweigh any resulting harm.

Design / Impact on Street Scene

I am generally of view that the proposal would be of an acceptable design and I do not have any concerns on this issue. At present the front elevation of the building is not visible from Hartle Lane due to the existing single storey building. This building would however be demolished as part of the scheme and as such a large part of the front

elevation would be exposed to the street scene. I am not however of the view that the proposal would materially detract from the character of the street scene due to its non offending, unobtrusive design. Furthermore it is considered that the removal of the incongruent existing building would enhance the visual amenity of the area.

It is also necessary to consider the aesthetics of the proposal internal to the site. As previously stated I am of the view that the design and detailing of the proposal would be satisfactory. I also consider that an attractive visual setting would be provided through the natural boundary treatments and open amenity areas around the site. Overall I do not have any concerns from an aesthetic or visual amenity perspective.

I note the concerns of the Conservation Officer in relation to the front elevation. I also note however that there are other examples of more modern development stemming off this part of Hartle Lane and I do not consider the proposal to be uncharacteristic of the area.

Impact on setting of Conservation Area

The rear elevation of the building is clearly visible from within the Conservation Area. Policy S36 of the BDLP provides that, where development is proposed in or adjacent to a Conservation Area, a high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area.

The application proposes to infill a number of the existing windows to the older part of the building and insert new windows and roof lights to the newer part of the building. Otherwise the appearance of this elevation would remain the same.

The Conservation Officer's comments in relation to this elevation raise concerns over the infilling of the existing openings to the older building. It is considered that the loss of these openings would have a detrimental impact on the appearance of the building. To address these concerns amended plans showing the retention of the existing windows have been requested. I will update Members at the meeting of the Committee on this issue.

Layout / amenity

It is not considered that the layout of the development would result in any adverse impact on the amenity of the nearby occupiers or the future occupiers of the development itself. The west side elevation of the development would contain a number of ground floor windows and a roof light that would face the rear gardens to the residential properties along Church Road. These are not however considered to result in any overlooking due to the retaining wall and large trees running along the site boundary, and the high level of the roof light at 2.15 metres above ground level.

The fenestration of the development would be carefully laid out so as to not cause any overlooking between the individual units of the scheme. Although it is noted that the gables in the front of the development would project beyond some of the new windows in adjoining units, given the south facing orientation of the building I do not consider that any unacceptable loss of light would result.

With regard to private amenity space for the individual dwellings, with the exception of unit 9 all of the units would provide areas below the guidelines set out in SPG1. As a general guide SPG1 advises that dwellings with 6 habitable rooms should provide 70m² of private amenity space. Small house types such as one bedroom apartments and flats should provide a minimum garden area of 42m². The area provided varies from between 14m² and 39m² for the 2 bedroom units (providing 5 habitable rooms), 37m² and 43m² for the 3 bedroom units (providing 6 habitable rooms) and to 72m² for the 4 bedroom unit. The average provision would be 33m².

Appeal decisions on this subject (Hertsmere Borough Council 18.07.1995, Torfaen Borough Council 06.04.1994, St Helens Borough Council 06.07.1993) indicate that below standard private amenity space in residential development should only be a basis for refusal if it would result in harm to interests of acknowledged importance; i.e. residential amenity. As noted above, it is not considered that the layout of the scheme would result in any unacceptable loss of light or privacy and I do not consider that the living conditions of the future occupiers of the properties would be cramped or substandard. I do not therefore consider that any concerns over amenity space provision could be substantiated into a reason for refusing the application.

Ecology

An ecological assessment of the buildings on the site has been conducted by a qualified ecologist. The results of the assessment indicate that buildings B, C and E (the older white painted buildings to the east of the site) all have some potential for supporting bats, with direct evidence located within building E (the older, single storey white painted building to be demolished).

Due to these findings the report recommends that dedicated bat emergence surveys are undertaken at the appropriate time of year (late April to September) prior to any works taking place.

Natural England has been consulted on the results of this survey. The comments received indicate that, until the recommended emergence survey data has been gathered and interpreted, suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded. It is therefore recommended that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

This advice is consistent with national government planning policy and administrative guidance on the subject.

PPS9 advises that 'Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'

The advice on Species Surveys contained in the companion guide to PPS9 (Planning for Biodiversity and Geological Conservation: A Guide to Good Practice) advises that '*Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a*

planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.'

Government Circular 06/2005 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system) states that '*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat... It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

Having regard to the comments of Natural England, the policy advice contained in PPS9 and the administrative guidance set out in Circular 06/2005, it is not considered that the Council can make an accurate determination of the application from the information provided.

Third party representations

Members will note the comments of the Highways Engineer. Amended plans have been requested to address these concerns and I recommend that any planning permission granted is contingent on this.

I note the concerns raised by the Parish Council in relation to the rear elevation of the development. Although I would agree that better efforts could be made to improve the appearance of this elevation, I do not consider that this would warrant the refusal of the application. There would not be any material or adverse harm to the appearance of the older building (subject to the reinstatement of windows discussed above) and I am of the view that the new windows would break up and add interest to what is otherwise a blank unattractive elevation. I note however the unsymmetrical arrangement of these windows and I have requested that amended plans are submitted to show alignment between the ground floor windows and first floor roof lights. Subject to the requested amendments being made to the scheme I would not have any material concerns over the appearance of this elevation.

Members will note the required contributions towards education and play space facilities. The Council has received a draft Section 106 agreement to secure the requested sums. I recommend that any planning permission granted is subject to the satisfactory completion of the agreement. For the record, a reduced contribution of £42,168 towards off site play space provisions has been agreed with the Council's Strategic Planning section on the basis of there being sufficient existing provision of children's play facilities within reasonable walking distance of the site.

Conclusion

The proposal is found to be in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

The proposed development is considered to be of an acceptable design and it is not considered that any adverse impact of the character of the street scene would result. Subject to the receipt of amended plans showing the retention and reorientation of the fenestration in the proposed rear elevation I do not have any concerns in relation to the setting of the Conservation Area.

It is not considered that the proposal would harm the amenity of adjoining occupiers and I am satisfied that a suitable level of amenity would be provided to the future occupiers of the development.

Subject to the receipt of amended plans to the satisfaction of the Highways Authority I do not have any concerns over the parking and access provisions of the scheme. I note the concerns of the Parish Council but I do not consider that these could be substantiated into a reason for refusing the application.

Without appropriate mitigation, the development does not meet the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests. As such I consider the scheme to be contrary to policy QE7 of the West Midlands Spatial Strategy and policy CTC.12 of the Worcestershire County Structure Plan. These policies both refer to nature conservation and biodiversity and the presence of statutorily protected species in the development control process. The policies reinforce the philosophy of both PPS9 and Circular 06/05.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The submitted ecological survey recommends that bat emergent surveys are undertaken. These additional surveys have not been carried out. As such I am of the view that the applicant has not adequately demonstrated that the scheme would not cause undue harm to protected species and their habitats.

As such, it is not considered that all of the relevant material considerations can be addressed in the determination of this application. I am therefore minded to recommend that the application is refused on the grounds of insufficient information.

RECOMMENDATION: that permission is **REFUSED**.

No information has been provided to show that the development would not cause undue harm to protected species and their habitats contrary to policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan and the provisions of PPS9 and Circular 06/05.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Lewis 'A'	Proposed demolition of existing dwelling and erection of two detached dwellings (as augmented by Ecological Assessment received 24.05.2010, Phase 1 Habitat Survey and Protected Species Survey Assessment received 21.06.2010 and Arboricultural Report received 02.06.2010 and amended by plans received 02.06.2010, 06.06.2010 and 07.06.2010)	RES	10/0326-CE 22.06.2010

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

RECOMMENDATION: that permission be **APPROVED**.

Consultations

WH Strategic Planning (Policy)	<p>Consulted - view received 17.05.2010. No objection.</p> <p>Consulted - view received 17.05.2010.</p> <ul style="list-style-type: none"> ▪ The proposal is for windfall housing development. ▪ PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted... " ▪ The issue of scale, density and infill development in SPG1 are of particular relevance in this application. Para 5.5 states that "To be acceptable, infill development must be well designed and of a suitable scale so that it can be easily assimilated whilst avoiding problems with adjoining properties." ▪ The views of the Highways Engineer will be of relevance in relation to surrounding highway capacity and sustainability issues. ▪ If SPG11 is strictly applied an open space contribution should be sought. Further comments included below.
Tree Officer	Consulted - view received 28.06.2010. No objection subject to conditions.
Conservation Officer	Consulted - view received 10.05.2010. No objection. The existing building has no architectural merit and its replacement with a higher quality building is welcomed. The scale of the two replacement dwellings is large and Plot 1 seems to take its design from a neo-classical copy further along Plymouth Road rather than the historic arts and crafts style housing opposite. A design which takes its cues from the properties immediately surrounding the site would be more successful. However, the setting of the adjacent Conservation Area, would not be compromised by this development.
EHM (Contaminated Land)	Consulted - view received 10.05.2010. It is considered that a proposed end-use of residential housing is a sensitive end use and would be particularly vulnerable to the presence of any contamination. No objection subject to conditions requiring the applicant to undertake and

	submit a preliminary risk assessment, site investigation, risk assessment and remediation scheme.
EHM (Pollution Control)	Consulted - view received 04.05.2010. Note suggested regarding the burning of materials on site during demolition / construction.
ENG	Consulted - views received 05.05.2010 and 27.05.2010. No objection subject to a condition requiring the submission of a scheme for the disposal of storm water. Due to the relief of the land, there will be problems in solving the retention of surface water within the site. Guidance provided on how this may be achieved including the use of porous hardstanding and extensive attenuated soakaway systems which can be discharged into a former ditch. No flood risk assessment required. Disposal of foul sewage shall be to the mains located within Plymouth Road via a new private pump
Severn Trent Water	Consulted - view received 15/05/2010. No objection subject to a condition relating to the disposal of surface water and foul sewage.
West Mercia Police	Consulted - view received 08.06.2010. No objection.
WWT	Consulted 25.05.2010: no response received to date (expired 15.06.2010).
Lickey and Blackwell PC	Consulted - view received 27.05.2010. The Parish Council has concerns about this application, especially when considered with other recent and current applications. The density of dwellings in the area is increasing and is in danger of changing the character of the area. Consideration should be given to the Strategic Housing Land Availability Assessment which states that in some of the smaller settlements, such as Barnt Green, which are characterised by large properties with large gardens, densities of 30 dwellings per hectare would cause significant harm to the character and appearance of the area.
Publicity	3 letters sent 29.04.2010 (expired 21.05.2010). 1 site notice posted 14.05.201 (expired 04.06.2010). 1 press notice published 06.05.2010 (expired 27.05.2010). 11 responses received raising the following issues: <ul style="list-style-type: none">▪ Harm to and loss of trees. Potential harm to the boundary hedge with number 19A which is essential for privacy and screening.▪ The application site forms part of a low density residential area which is characterised by semi rural mature woodland that blends visually into the surrounding countryside and provides a unique setting for the adjacent Lickey Hills. The site is located on a elevated slopes and appears conspicuous when viewed from the conservation area, Green Belt and 4 Wood End Drive.▪ Introduction of an incongruous feature within an otherwise open area of the site, harm to special character and woodland setting of Barnt Green, pressure to increase housing density in this locality, and unrelated to street scene and traditional pattern of development.▪ There are no infill developments in the immediate area of the application site.▪ Tandem development does not respect the character of the area and such development has been resisted over the years.

- Form and distribution of buildings and driveway would be an alien and conspicuous feature. This will be contrary to the objectives of conservation policy and will undermine the principles of Green Belt policy.
- Existing development in area is more spacious.
- Design of the buildings will result in an intrusive insertion of a grandiose nature with the large but generally understated design of existing houses
- Following the amendment to PPS3 and the letter from Eric Pickles (indicating the Government's intention to abolish RSSs) the application site must now be considered as a Greenfield site and therefore would be considered less favourably.
- Increase in traffic.
- Loss of residential amenity including loss of privacy and openness, harm to outlook and overbearing development.
- Noise, disturbance and pollution from proposed driveway.
- Impact of the development on protected and other species and destruction of natural amenity. The adjoining occupiers at numbers 17 and 19A have reported the presence of great crested newts, badgers, bats, grass snakes, water voles, butterflies, moths, birds, deer, foxes, dragon flies and damsel flies in their gardens and the potential presence of dormice. No wildlife survey has been submitted to address these protected species and this is a serious omission. It is requested that time be given to allow the adjoining occupiers to undertake a protected species survey.
- Proposal will exacerbate existing long-term problems with sewage services and drainage. In 1999, surface water draining from the application site demolished the common boundary wall with 4 Wood End Drive and 23 Leylandii. Further problems were encountered when the wall was rebuilt. Concern is raised that the proposed driveway will act as a channel directing further water towards 4 Wood End Drive. Any pumping station may generate additional noise.
- Driveway may introduce additional threats to security.
- Reference is made to a restrictive covenant on the land.

The site and its surroundings

This application relates to a large detached bungalow, dating from the 1970s, located on the south side of Plymouth Road, opposite the entrance to Ashley Court. The property occupies a generous plot measuring some 90 metres in depth. The site level falls away from the road with the dwelling being set some 3 metres below the front boundary. To the east, the boundary with number 17 is marked by a mixture of mature shrubs and trees. To the west, the boundary with number 19A is marked by a conifer hedge. The front boundary is relatively open and is marked by a line of trees. The site is located in a recognised residential area but adjoins the Green Belt along part of its southern boundary. The northern boundary of Barnt Green Conservation Area lies approximately 10 metres to the south of the site.

Proposal

This application proposes the demolition of the existing bungalow and the construction of two new houses. Plot 1 will occupy the position of the existing dwelling. It will be three storeys in height with the second floor provided in the roof space. Plot 2 will be set 62 metres back into the plot and will be two storeys in height. A new private driveway will be created running from the existing vehicular cross over down to the second dwelling.

Relevant Policies

WMSS	CF2, CF3, CF6, QE3, QE5, QE6, T2, T7
WCSP	SD.1, SD.2, SD.4, SD.5, CTC.1, CTC.2, CTC.5, CTC.8, CTC.12, CTC.20, T.1, T.3, T.4
BDLP	DS4, DS13, S3, S4, S7, S8, S35A, S36, C4, C10A, C17, TR8, TR11, ES6, ES7
Others	PPS1, PPG2, PPS3, PPS5, PPS9, PPG13, PPS23, PPS25, SPG1, SPG11, Lickey and Blackwell VDS

Relevant Planning History

09/0331	Additional storey extension, alterations and detached garage. Approved 23.06.2009.
B/2004/0028	Additional storey extension and alterations. Approved 16.03.2004.

Notes

As Members will be aware, an amendment to PPS3: Housing, issued on the 9th June 2010, removed garden land from the definition of Brownfield land. However, it is important to note that the revision made to PPS3 does not indicate that development of garden land is no longer acceptable. Policy S7 of the Bromsgrove District Local Plan 2004 states that new dwellings outside of the Green Belt will be considered favourably where they meet a number of criteria. The amendment to PPS3 does not alter or supersede the Council's support of development in residential areas and as such the proposed development is acceptable in principle. The main issues in the consideration of this application are therefore layout, design and density, the Green Belt and conservation area, residential amenity, trees, ecological issues and drainage.

Layout, density and design

Policy S7 requires residential development to be of a density, form and layout appropriate for the area whilst policy S8 resists the sub-division of plots where such development would be detrimental to the character, traditional pattern or amenity of the location. Policy BG4 recognises this area of Bant Green as having a special character which must be maintained. The supporting paragraph to this policy explains that dwellings in this area have a density of 1 to 4 dwellings per acre. I have noted the comments raised by local residents in relation to this matter.

During the latter half of the twentieth century, Plymouth Road was extensively redeveloped. Plots were subdivided along their frontages, cul-de-sacs created or private driveways formed to access backland plots. Although neither number 17 or 19A has

been sub-divided, I would note that 2 doors to the west, the former plot of 21 Plymouth Road is now 3 houses in depth and 3 doors to the east, Wood End House has been sub-divided into flats and 5 houses built within its former curtilage. I acknowledge that there are no existing examples of tandem development (one house placed directly behind the other and sharing the same access) within Plymouth Road. However, along a road where there is such a diverse range of development patterns, including the use of existing shared access points (for example at number 21), I am of the opinion that tandem development will not appear out of keeping with the character or pattern of development in the area. It is also important to note that, although previous national planning policy guidance (PPG3) resisted tandem development, this is not the case under the current guidance (PPS3). The density of the proposed development would be 2.5 dwelling per acre and the proposed plots sizes are comparable with others in the area.

There is an eclectic range of housing types and designs along Plymouth Road. These range from the remaining architect-designed dwellings, to the simpler houses of the 1960s and 1970s, though to the larger dwellings built in more recent years. I disagree with the view put forward in response to the publicity exercise that houses along Plymouth Road are generally of an understated design. In particular, I would draw Members attention to the neo-classical design of numbers 21 and 21b. As noted by the Conservation Officer, the design of proposed Plot 1 appears to take reference from the design of these two existing houses. Given the mix of architecture which exists along Plymouth Road, I see no reason why a new dwelling needs to specifically relate to its immediate neighbours. The large size of Plot 1 is comparable to that of other recent development (for example 10) and I would note that its overall impact will be significantly reduced by the fact that it is set 3 metres below the level of the pavement. As such, I do not consider that Plot 1 will appear incongruous in the street scene. It would also note that Plot 1 is 8m smaller in width and just 0.7m greater in height than the size of the dwelling approved under 09/0331. The proposed detached garage is similar to that approved under 09/0331 except that it has been pushed closer to the boundary with number 17. Plot 2 has been kept to a much simpler design than Plot 1. Given the range of house types in the locality, I am satisfied that Plot 2 will not appear out of keeping.

Green Belt and Conservation Area

PPG2 requires the visual amenities of the Green Belt to be protected from development which may be conspicuous from the Green Belt. Policy S35A of the BDLP requires development adjacent to conservation areas to be sympathetic to the character of buildings in terms of form, scale and design. From the conservation area and Green Belt, the proposed development will primarily be seen in the context of 4 Wood End Drive, a large property open to the adjoining field, and also the backland development to the rear of number 21. Whilst I appreciate that both proposed plots will occupy elevated positions, I am satisfied that, in the context of other nearby built development, the proposal will not be harmful to the visual amenities of the Green Belt or the setting of the conservation area. The Conservation Officer has raised no objection to the scheme.

Residential amenity

SPG1: Residential Design Guide sets out guidelines which seek to protect the amenities of adjoining occupiers. Number 19A has a number of windows and balconies directly facing the new dwelling to Plot 1 and these are likely to experience loss of morning

sunlight as a result of the development. However, I note that the windows are secondary openings and I do not consider that the level of light lost will be significantly greater than that which would have been blocked under the extant consent for the second floor. Taking into consideration the difference in levels between the application site and adjoining properties, together with the existing boundary screening, I am satisfied that the proposal will otherwise be in compliance with SPG1 in relation to the level of light received by adjoining properties. SPG1 suggests that, in order to achieve a degree of privacy, two storey houses should be set a minimum 21 metres apart and three storey houses, 27.5 metres apart (paragraph 8.2). Windows of development overlooking existing private spaces should be set back 5 metres per storey from common boundaries (paragraph 8.5). Where a significant change in levels exists, greater distances are required. In most cases, the proposed development complies with this guidance and where it does not, obscure glazing can be used to prevent overlooking. The one exception to this is the separation distance between the two plots, where there is shortfall of 7.5m. However, future occupants of the development will be aware of the situation upon occupation and soft landscaping can be introduced to limit the level of overlooking. I consider the separation distances and boundary treatments are sufficient to prevent the development appearing overbearing when viewed from the windows and gardens of the adjoining houses. I acknowledge that the neighbouring occupiers will be aware of the vehicles using the proposed driveway but I do not consider that this will be harmful to their residential amenities.

Trees

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. Whilst none of the trees to the application site are protected, those within the boundaries of number 17, including a number adjacent to the common boundary, are the subject of a Tree Preservation Order. The proposed development involves the removal of a couple of small trees and some Leylandii. These trees are of minimal value. The trees and hedgerow which are to be retained can be adequately protected through conditions. The Tree Officer has raised no objection to the scheme.

Ecological issues

PPS9: Biodiversity and Geological Conservation 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.

I have noted the concerns raised by adjoining occupiers regarding the impact of the development on protected and unprotected species in the area. The applicant has submitted an Ecological Assessment focussing on bats and a Phase 1 Habitat Survey and Protected Species Survey which together cover the existing house and wider plot. The documents report that there was no positive evidence of bats and that there are no immediate and obvious implications for great crested newts, badgers, water voles, dormice or other wildlife as a result of the development. It is considered highly likely that

birds will use some of the vegetation for nesting and as such precautions are recommended to ensure that no nesting wild birds are disturbed during clearance works. Further precautionary and enhancement measures are recommended. I have noted the request for time to be given to allow adjoining occupiers to undertake a survey on their own land. However, I am satisfied that the Council is in possession of sufficient information in order to discharge its biodiversity duty under Section 40 of the Natural Environment & Rural Communities Act 2006. The recommendations made in the report cover the unlikely possibility that protected species will be found during works. I have suggested a condition below to ensure the development is carried out in accordance with these recommendations.

Drainage

Due to the nature of the soil in this part of Barnt Green and the local topography, surface water drainage is an issue in this locality. The applicant has submitted 3 possible schemes for the disposal of storm water. The Council's Drainage Engineer has verbally indicated that these would be acceptable subject to the submission of information to demonstrate their appropriateness. Local residents have also raised concern about the disposal of foul sewage. Severn Trent Water has raised no objection the scheme and I am satisfied that sufficient capacity exists to accommodate an additional dwelling.

Other matters

Worcestershire Highways has raised no objection to the proposed development and I am satisfied that the proposed access arrangements and parking provision are acceptable. The risk of contamination on the land can be addressed through the conditions recommended by Environmental Health Manager.

The application site measures over 0.2 hectares and therefore, under SPG11: Outdoor Play Space in the District of Bromsgrove, falls within the threshold for the provision of on-site play space or a contribution for off-site facilities. The sum required under SPG11 is £32,704. Circular 05/2005 requires requests for planning contributions to be fairly and reasonably related in scale and kind to the proposed development. The Council's Strategic Planning Officer has acknowledged that a net increase of one dwelling will have only a very limited impact on local play space facilities. In addition, the main purpose for the 0.2 hectare threshold in SPG11 is to prevent applicants reducing densities to avoid payments. Barnt Green is characterised by large properties on good sized plots and therefore higher densities on the site are unlikely to be possible. In my opinion, a request for £32,704 cannot be justified in this instance.

It is acknowledged that the proposed driveway will open up the most of the length of the application site. West Mercia Police has raised no objection to the layout of the scheme and I note that the driveway will benefit from natural surveillance from both proposed houses.

Conclusion

Having considered the material considerations of this application, including the views of local residents, I find the proposed development acceptable subject to the following conditions.

RECOMMENDATION: that permission be **APPROVED**.

2. C03 - materials to be submitted.
3. Prior to the occupation of Plot 1, the en suite window to the west facing elevation of this dwelling shall be fitted with obscure glass and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the occupation of Plot 2, the lounge, Bed 1, en suite and bathroom windows to the east facing elevation of this dwelling shall be fitted with obscure glass and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no extensions shall be added which extend beyond any part of the rear elevation of Plot 1 without the prior written consent of the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no windows shall be added to the east facing roof slope or east facing elevation of the lounge, Bed 1, en suite to Bed 1 and bathroom of Plot 2 and no extensions of more than one storey shall be added to front elevation of Plot 2 without the prior written consent of the Local Planning Authority.
7. The existing bungalow outlined by a dashed line on Drawing Number: 10.06.09 Revision B and annotated 'Outline of existing dwelling to be taken down' shall be demolished and all the resultant materials removed from the site (apart from materials to be used in the construction of the proposed development) before development in pursuance of this permission is commenced.
8. The development hereby approved shall be carried out in accordance with the recommendations set out in part 4 Conclusions and Recommendations of the Phase 1 Habitat Survey and Protected Species Survey by Worcestershire Wildlife Consultancy dated June 2010. This includes the provision of bat boxes and bird bricks / boxes.
9. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, protective fencing shall be erected around the Root Protection Areas of the trees shown retained on the approved plans and trees on adjoining land. The fencing shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. It shall be constructed as illustrated by Figure 2, and at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 and shall be maintained as approved by the Local Planning Authority until all development, subject of this permission, has been completed.
10. No works of any kind shall be permitted within or through the Root Protection Areas of trees on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.

11. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, an Arboricultural Method Statement or similar detailed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall then be carried out in accordance with the approved statement or schedule.
12. No trees or hedges on the application site, other than those shown to be removed on the approved plans, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped or felled without the specific written permission of the Local Planning Authority.
13. C10 - landscaping
14. Unless otherwise agreed in writing by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
 - a. A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
 - b. Where necessary, a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - c. Where necessary, a detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - d. Where necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - e. Where necessary, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
 - f. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and

approved in writing by the Local Planning Authority prior to the occupation of any buildings.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.
16. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. Prior to the occupation of the approved development, the access, parking and turning arrangements shown on Drawing Number: 10.06.09 Revision B shall be provided on site.

Reasons

- 3 & 4. To protect the privacy of adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan 2004.
5. To protect the privacy of occupants of Plot 2 in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
6. To protect the privacy of adjoining occupiers and the special character of the area in accordance with policies DS13, S7 and BG4 of the Bromsgrove District Local Plan 2004.
7. In order to secure a well-planned development in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan 2004.
8. 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.
- 9-12. In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies S7, C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
- 14 & 15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.
16. To ensure that the development is provided with a satisfactory means of drainage as well to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

17. In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001

Notes

1. The scheme of landscaping required under condition 13 shall include no less than 2 trees positioned adjacent to the rear boundary of Plot 1. These trees shall be of a suitable species and height and positioned to provide effective screening to Plot 2 from the windows to Plot 1. Details of the species, age, height and position of the trees shall be provided as part of the scheme.
2. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul sewer.
3. If the preliminary risk assessment required under condition 14a indicates that land contamination does not exist at the application site, it may not be necessary for the documents required under conditions 14b to 14f to be submitted.
4. The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.
5. The applicant is advised that any materials resulting from the demolition of the existing building(s) and clearance of the site, should be disposed of in an appropriate manner and should not be burnt on site.

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. M. Bales 'A'	Provision of 13 Close Care Suites and 16 Assisted Living Units to form a Continuing Care Retirement Community - Burcot Grange Residential Home, Greenhill, Burcot, Bromsgrove, B60 1BJ	Green Belt	10/0334-DK 25.08.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

Lickey and Blackwell PC

Consulted 21.04.2010. Response received: 13.05.2010.

Lickey and Blackwell Parish Council have serious concerns about this application. Though we are aware that provision for the elderly is needed, and that Burcot Grange has a high reputation in this area, there are problems specific to this site. The proposed development is in the Green Belt, and though it would not very obvious, visibility is not the only reason for protecting Green Belt. Moreover it is a very large development. We also have concerns about the problems that will arise as regards vehicular access. Greenhill is a narrow, steep road with limited visibility and in several places it is too narrow for two vehicles to pass. There will be extra traffic generated by the development. During the construction period this would be particularly hazardous.

Additional Comments received: 08.06.2010

These are more detailed objections on behalf of Barnt Green Parish Council to the proposed development at Burcot Grange (Ref: 10/0334).

PPG2 states that there is a presumption against development in the Green Belt. The proposed development at Burcot Grange does not fall within any of the categories listed appropriate in PPG2.

PPG2 states that development deemed inappropriate can only take place if very special circumstances can be demonstrated. Circumstances have to be very special indeed if they are to surmount the very strong presumption against development in the green belt. No such circumstances have been demonstrated.

The Local Plan indicates that Burcot, embedded within the Green Belt, has a village envelope around it that only permits very limited development. Permitted development is limited to infill 'located between existing development, which [is] capable of accommodating no more than two dwellings, in a form which maintains the line and form of the existing buildings' (Bromsgrove District Local Plan, policy DS5). It specifically excludes backland development which is proposed in this application. 'Development extending the settlement into the countryside will not be acceptable' (BDLP DS5).

According to the survey commissioned by the applicant, there are 168 trees on the site. The proposal is to remove 55 of these trees. This is an unacceptable loss to the Green Belt.

The application does not allow for the full amount of car parking that would be necessary for occupants of the 29 new units and their visitors. To provide the required parking provision it would be necessary to convert an unacceptable proportion of the site to hard surface.

WH

Consulted 21.04.2010. Response received: 11.06.2010.

Recommends that the permission be deferred for the following reasons:-

The applicant has not demonstrated car parking provision which is proportional to the scale of the proposed development. C2 units require car parking at 1 space per member of staff and then 1 space per 3 units for sheltered accommodation (assisted living units) and 1 space per 4 units for nursing homes (assisted living units).

The applicant has indicated a supplemental 34 car parking spaces over that which presently exists. However, based on an additional 40 staff and bedrooms, the ratio above requires an additional 48 spaces. Therefore the applicant should provide revised details indicating 48 supplemental car parking spaces.

ENG

Consulted 21.04.2010. Response received: 13.05.2010. No objection subject to conditions.

Strategic

Consulted 21.04.2010. Response received: 09.06.2010.

Planning Officer

The above site is located within the Green Belt and therefore PPG2 and policy DS2 of the adopted Bromsgrove District Local Plan are therefore relevant. The application proposes demolition and a substantial new extension within the green belt. According to PPG2 and DS2, there is a general presumption against inappropriate development in the Green Belt and only new buildings that preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt are appropriate unless very special circumstances can be demonstrated. In the Planning Statement the applicant argues that very special circumstances exist for the proposal [points (i) - (vi)]. These relate to the need for increased specialized accommodation for the elderly, absence of alternative sites, the established site at Burcot Grange, the mix of tenure to be provided and release of underutilized housing

Many of the points raised in the Planning Statement have some validity in themselves but do not argue convincingly why such care must be provided exclusively in this particular location, for example:

- The Housing Market Assessment (Housing Vision 2008) identified that Bromsgrove will have a projected growth of 7300 households by 2026. In line with national trends Bromsgrove has an ageing population and the majority of this growth is predicted to be in middle aged (975) and pensioner households (4,800). There is also a requirement for an additional 1575 households for those aged over

85. Therefore the need for accommodation is not in dispute, the main issue is however its location within the green belt.

- The applicant states at 2.40 that "The planning application register reveals that the committed housing site at Perryfields is an application submitted by West Mercia Housing Group and Bromsgrove District Housing for 100% affordable housing. There is no evidence to suggest that this site would be available for a private sector promoted CCRC". However the wider Perryfields ADR occupies some 76 hectares and the aforementioned planning application only covers a fraction of this area. There is no evidence to suggest that any location in the rest of the ADR has been considered. In accordance with PPS1 and DS13 of the BDLP this ADR is located in a sustainable position adjacent to the Town Centre.
- the Planning Statement states that the "proposal does not seek to establish a CCRC in an otherwise undeveloped part of the Green belt. Rather the development is confined to the established curtilage of Burcot Grange established care environment since 1937". It appears from the plans submitted and from aerial photographs that the proposal would in fact be located in an otherwise undeveloped part of the Green Belt. The reference to the definition of Previously Developed Land in PPS3 is misplaced and is in any case likely to become irrelevant under the present Governments stated aims of stopping "garden grabbing". Furthermore, what is not explained is why the successful principles of running a care home could not be applied to an alternative and more sustainable location.
- The mix of tenure and broadening of facilities for the wider community does not amount to a very special circumstance. There is no convincing argument why there is a need for development to be exclusively in this location. Furthermore, there would be no guarantee that existing dwellings in the local community would be freed up.
- The need for increased specialized accommodation for the elderly is not in dispute; it is the location within the Green Belt. The applicant states that "the encroachment of the development into the countryside is of a very limited scale in its impact because the development would be entirely within the established domestic curtilage of Burcot Grange and is well enclosed by enclosing vegetation". However vegetation is neither necessarily a permanent feature nor a constant one, as cover typically varies throughout the year. A significant number of trees would be lost.

Strategic Housing Manager	Consulted 21.04.2010. Response received 16.06.2010. No objection.
WCC Adult and Community Services	Consulted 21.04.2010. No response to date.
West Mercia Police	Consulted 21.04.2010. Response received 30.04.2010. No objection.

Natural England Consulted 21.04.2010. Response received 17.05.2010.

Notwithstanding our response to 10/0337, Natural England objects to this proposed development. We recommend that the Local Planning Authority refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species.

The application does not provide any ecological surveys or indications of either the ecological impacts likely to arise from the development or the mitigation/compensation for these impacts. We note the presence of mature vegetation and a pond on the site. These features are known to provide foraging and commuting habitat for bats, with brown long-eared, Myotis and pipistrelle roosts identified through application 10/0337, running in tandem on this site. These features may of course have other ecological interests.

In order to assess the potential implications on protected species, this and any subsequent planning application should include the following information:

- Description of the proposal
- Survey for protected species
- Impact assessment
- Mitigation strategy
- Delivery mechanisms
- Details of enhancement

The applicant has provided a Great Crested Newt Survey Ref: RT - MME-107107, Received 03.06.2010.

Additional comments were received from NE in respect of this 22.06.2010: No objection.

In respect of bats, the objection received 17.05.2010 (outlined above) stands.

Worcestershire Wildlife Trust Consulted 21.04.2010. Response received 16.06.2010.

We note that the site is well removed from the local SWSs and that the grounds are largely landscaped. We therefore consider that the main issue here concerns bats. Accordingly we wish to lend our support to the comments made by Natural England and we are happy to defer to their opinion on these applications.

Tree Officer Consulted 21.04.2010. Response received 28.06.2010 as follows:

Object to the proposal as it currently stands. The Tree Protection Plan (AA TPP 02) omits substantial trees to the front of the site. There are areas of additional parking proposed to the front which will have an impact on trees present at this position not identified on the plan.

The mature beech trees on the eastern boundary scheduled for removal are an important screen. These are healthy trees and their removal is unjustified.

Additional Comments to follow.

EDO

Consulted 21.04.2010. No response to date.

EHM

Consulted 21.04.2010. Response received 21.04.2010.

(Commercial)

The premises and business will be required to comply with Health and Safety legislation which is enforced by this Council. The premises will be subject to routine inspection to assess compliance.

EHM

Consulted 08.06.2010. Response received 10.06.2010.

(Contaminated Land)

No objection to the proposed development subject to conditions including the carrying out of a preliminary risk assessment, scheme for detailed site investigation and appropriate remediation measures.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)].

Publicity

Site notice posted on 07.06.2010. (expires: 28.06.2010)

Press Notice posted 29.04.2010 (expires on: 20.05.2010).

3 comments received (26.05.2010) as follows:

- Support the application, Burcot Grange provides really good respite care.
- There is a lack of suitable care facilities in the District and excessive demand on the existing facilities. It is important for the elderly that they do not have to move away and lose out on friends and social contacts. The provision of a transitional facility from independent living and private sector provision is supported.
- The property is in the Green Belt, so that there is a strong presumption against development. The original house is a fine example of the architecture of the late Victorian Arts and Crafts Movement, and perhaps ought to be listed, if it is not already.
- This application involves two elements, which may be described as area B and C (using the references on page 7 of the Design and Access Statement). As garden land, technically Area C is brownfield land, but the use of that term for gardens is a misnomer. Village envelopes have been drawn so that a house and modest garden are within the village envelope (or outside the Green Belt), but a large rear garden is subject to full Green Belt protection. A sort of informal village envelope might be considered to exist along Greenhill. However, Area C certainly lies beyond it. Accordingly we object to the development of area C. Since the application must be granted or refused and cannot be granted in part, it is necessary for us to object to the whole application.

The site and its surroundings

The application site comprises a large nursing home on the north side of Greenhill which was built in 1890 in Tudor Revival style with many surviving external and internal features. It was designed by Jethro Cousins for Henry Osler as a private house before becoming a hospital in 1937 and finally a care home in 1992. There are later extensions on the east and north east sides. The original building is set in a very attractive timbered setting with substantial mature cedars, chestnuts and oaks in addition to a range of ornamental shrubs. There is a circular access to the front and the attractive façade of the buildings is partly concealed by the trees to the front. There are fields adjoining the property to the east and west and residential properties on Green Hill to the front. There is a large curtilage to the front and rear with the land substantially falling away to the rear of the property. It is the rear of the property which is the subject of this outline application and the gardens are currently used as a recreational facility for residents. The site currently has accommodation for 40 residents. There are 31 bedrooms and 5 x 1 bed close care suites currently on the site. There are also additional communal facilities including a library, IT room and shop.

Proposal

This is an outline planning application for the erection of 13 Close Care Suites and 16 Assisted Living Units to the rear of Burcot Grange. The proposed siting and configuration of the development is outlined within the Design and Access Statement (pages 7-11) and on the proposed Site Layout (Received 25th May 2010). It comprises 3 sites (A, B and C). Members should note that site A, comprising an extension of the existing facility is the subject of a full planning application (B/2010/0337). Sites B and C are located to the rear (north west) of the existing facility and comprise 4 detached blocks (referred to as D, E, F and G). The total floorspace added within these blocks is 2635m². Block D will contain the 13 Close Care Suites and will be located immediately to the rear of the existing facility. Blocks E, F and G will contain the 16 Assisted Living Units and are proposed on the grounds further to the rear NW from the existing care home. The Close Care Suites will each contain a sitting room, bedrooms and a kitchenette while the Assisted Living Units will contain a similar layout with larger dimensions. A total of 34 additional parking spaces are proposed to serve the development.

The application originally reserved all matters for future consideration apart from access and layout. Since the development is located in the Green Belt and the scale of the impact of the proposal upon openness must be determined, it was considered that the scale of the proposal could not remain a reserved matter. Therefore on 04th May 2010, the Council served the requisite notice under Article 3 of the Town and Country Planning (General Permitted Procedure) Order 1995 matters relating to scale and appearance are now to be determined at this stage. These details were received on 25th May 2010 and show the layout and scale of the proposal, albeit in the absence of detailed floorplans.

The application is accompanied by a Planning Statement, Design and Access Statement, Travel Plan, Landscape Supporting Statement, Arboricultural Assessment, Flood Risk Assessment and Management Plan. These are all available for Members to view on the planning file and on Public Access.

Relevant Planning History

- B/1995/0616 Two Storey Extension to provide 8 bedrooms and associated amenities
Granted 09.10.1995
- B/1999/1067 Insertion of dormer windows into rest room roof. Granted 20.12.1999.

Relevant Policies

- WMSS RE3, PA1, PA14
- WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1
- BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, C17, TR11, TR8
- Others PPS1, PPG2, PPS6, PPS7, PPG13

Notes:

The main issues in the determination of this application are the following:

- (i) Whether the proposal represents inappropriate development in the Green Belt;
- (ii) If inappropriate, whether there are any very special circumstances to justify the proposal;
- (iii) the potential impact of the proposal in terms of Highway Safety and parking;
- (iv) the effect of the proposal on residential and on the wider public amenity
- (v) the impact on trees and ecology

(i) Green Belt

The site is located within established Green Belt and therefore Planning Policy Guidance Note 2 (PPG2), policies D.28 and D.39 of the Worcestershire County Structure Plan (WCSP) (1996 - 2011) and Policy DS2 of the adopted Bromsgrove District Local Plan (BDLP) 2004 apply to the development.

Policies D.28 and D.39 of the WCSP and DS2 of the BDLP conform with the advice of PPG2 in defining the types of development which are acceptable in Green Belt locations. The proposal under consideration is clearly not essential for agriculture, outdoor sport or recreation nor does it involve the conversion of existing buildings to alternative uses or their replacement such that Green Belt openness would be retained. Policy D28 specifically states that new buildings for business purposes in the Green Belt will only be allowed in those settlements identified in the BDLP as being acceptable for infilling. The application site at Greenhill does not fall within any such settlement.

It is evident that the proposal is inappropriate and the extent of the harm caused must be considered. PPG2 states that the most important attribute of Green Belts are their openness (paragraph 1.4) and it is clear that the proposal would have a significant impact on the openness of the site and would thereby conflict with the fundamental aims of Green Belt policy. The proposal would have a total floorspace of 2600 square metres, which is more than twice the size of the existing facility. The proposal would essentially add four additional blocks at the rear of the building which would be clearly visible from Greenhill. The provision of these units would have a significant urbanizing effect on the character and visual amenity of the site which would attenuate the harm caused through loss of openness.

The Planning Statement refers to the enclosed nature of the site. However, it is evident that a development of this scale would inevitably result in a loss of openness and urbanization arising from the greater demand for parking and servicing. There are substantial differences in the screening capacity of trees between the summer and winter seasons and trees and boundary treatments may not be permanent features of the landscape. Limited visibility would not, in any event amount to a very special circumstance to justify the proposal. The site is clearly located outside any established settlement boundary and conflicts with policy DS5 and will amount to sporadic development in the Green Belt. Members should note the views of Lickey and Blackwell Parish Council on these points and note the objection raised on this matter.

Since the proposal constitutes inappropriate development in the Green Belt, it must be considered whether the harm by reason of inappropriateness and any other harm is clearly outweighed by circumstances which amount to very special circumstances to justify the proposal.

(ii) Very Special Circumstances

The requirement for a case for very special circumstances to be provided by the applicant is stated within paragraph 3.4 of PPG2.

"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".

Members should note the 'very special circumstances' amount to an entirely special and unique occurrence which could not result in a precedent being set for the proposal or analogous proposals elsewhere in the Green Belt. Whilst there is no specific prescription of the circumstances in the context of PPG2 which amount to very special circumstances, Members should seriously consider whether or not the circumstances of this proposal are entirely unique or special.

The advantages of the proposal must be weighed against the significant harm caused to openness, the most important attribute of Green Belts. The applicant's agent has submitted a case for very special circumstances which are included in the Planning Statement presented with the application; the full details of which may be viewed on the planning file or on Public Access. Please note that the case presented for very special circumstances also covers the full application B/2010/0337 for an extension of the existing facility. The case can be summarized as follows:

1. The need for increased specialized accommodation for the elderly,
2. The absence of alternative sites in the urban area to meet the need,
3. The benefits of the established care home at Burcot Grange,
4. The provision of accommodation providing a mix of tenure,
5. Impact upon the existing housing market.

(1) The need for increased specialized accommodation for the elderly

The issue of need has been thoroughly investigated by the applicant and the report details ministerial letters and statements and the Continuing Care Retirement Communities model is strongly advocated. The provision of assisted living alongside the availability of more advanced care to provide for residents of declining health underlies this model. This avoids the need for patients to have to move. The model improves security for residents, enhances access to services, such as transport and leisure. The dementia care facility provides for specialist care and there are a growing number of people with dementia. There has been an increase in demand for respite care for dementia sufferers. The twin bedded accommodation enables couples, where one partner suffers with dementia, to stay together.

The applicant also refers to the Bromsgrove Sustainable Community Strategy 2010-2013 and the Bromsgrove District Level Housing Market Assessment (HMA). The applicant considers that the proposals at Burcot Grange will contribute to meeting the objectives of the Community Strategy insofar as they relate to older persons. The HMA points to a substantial increase in the population of older residents with a need to provide 4,800 additional 2 bedroom dwellings and 1575 housing units with care provided for older people to 2026. The applicant considers that the increase in the population of persons aged 65-84 and 85+ requires an 'urgent spatial planning response'. I concur with the views of the applicant that there is a growing older population in the District and the provision of adequate serviced housing is an important corporate priority. However, the applicant has completely failed to mention in this 'very special circumstance' why the additional housing accommodation should be provided in the Green Belt, specifically at Burcot Grange. In terms of the 'spatial' requirement referred to, actually providing the housing for the elderly would be meeting just one spatial requirement. There are substantive other requirements in respect of this type of housing such as the proximity to shops and services such as public transport for persons who may be unable to drive. The proximity of family members of the elderly person is also a critical spatial consideration and it militates against facilities in isolated locations such as the proposal. In the case of a vast majority of older residents of the District, the provision of sheltered housing and additional advanced care facilities would be best provided within and adjoining existing urban areas.

The reference to 'An Older Peoples Strategy for Worcestershire - Independent Living for Older People' does highlight a need for specialist accommodation but stresses the point that most older persons would seek to remain in their own homes, rather than the traditional choices of domiciliary or residential and nursing home care (p26). The report recommends preventative services, telecare, day opportunities as well as specialist domiciliary care. It should be noted that the desire to remain living in ones own home when elderly, will have a significant effect on the future demand for care facilities and this effect has not been quantified.

The HMA specifically referred to Bromsgrove but the trend of an ageing population is a national one. Therefore, the contention of the Applicant that there is a 'local need' for substantial additional housing for older persons in Bromsgrove and that other Districts and regions will not be in the same position defies rational argument. These circumstances are not unique and could easily be replicated in poorly serviced locations throughout the West Midlands Green Belt to the detriment of openness and visual

amenity. Therefore, the need identified by the applicant does not amount to a very special circumstance to justify the development at the location proposed.

It is accepted that there are no specific policies or allocated sites within the BDLP for the provision of specialist housing and care facilities for the elderly. In this context, the Local Planning Authority must rely on the existed adopted policies in relation to such new development, notably policies D.39 of the WCSP and DS2 of the BDLP where there is a clear and strong presumption against development in the Green Belt. The reference to the emerging Core Strategy (specifically Core Policy 12, in respect of addressing local housing need) only considers a single policy and the collective spatial impact of all policies will be to focus housing development on strategically serviced urban areas within the District. Members should note the views of Strategic Planning in respect of the need for additional accommodation for the elderly and the preferred location for such facilities.

In respect of the specific need for the extension of the facility, paragraph 1.6 of the Planning Statement states that 'facilities such as the laundry, dining facilities and other accommodation are now inadequate in terms of their size and that there is a shortage of twin bedded rooms for couples. These are *'inadequate to provide the quality of services sought by the proprietors'*. Members should note that there is no independent report, for example, from the Care Quality Commission which could state unequivocally that the facilities are inadequate and require extensions and updating. As stated above, the development represents the vision of the applicants, rather than necessarily addressing independently verified deficiencies.

(2) The absence of alternative sites in the urban area to meet the need,

In assessing whether there are alternative sites available within the District, the applicant considers that an urban location is not as suitable for the proposed development as the residents will lose out on an attractive outlook to the pleasant environment. I consider that this is within the realms of appropriate urban design and I do not consider that it is a very special circumstance to justify inappropriate development in the Green Belt. There has been no evidence presented to support the assertion that the equivalent care home in Bromsgrove would result in elderly persons losing contact with the rural parts of the District. This is an argument to which no weight can be attached as outlined in point (i) above. In terms of the reference to the Strategic Housing Land Availability Assessment, (paragraphs 2.39 - 2.42), it is asserted that the site at Perryfields (Planning Ref: B2008/0758) is committed to affordable housing and there will be no availability of land for the purposes of a care home. Members should note the views of Strategic Planning on this issue: *'the wider Perryfields ADR occupies some 76 hectares and the aforementioned planning application only covers a fraction of this area. There is no evidence to suggest that any location in the rest of the ADR has been considered'*. It is evident that the applicant has selected sites identified in the SHLAA which have recently been the subject of planning applications (such as The Avenue, Rubery and the former Alvechurch 1st and Middle Schools) to assert that there are no alternative locations for the proposal.

(3) The benefits of the established care home at Burcot Grange

It is stated in paragraph 2.44 of the Planning Statement that the proposed development would be taking place on previously developed land in respect of Annex B of PPS3. Two important points are relevant here. Firstly, Burcot Grange is located well outside the village envelope identified for Burcot on the Proposals Map (in the context of policy DS5) and therefore the site could not be considered a brownfield site in any way. Members should take note of the recent announcement by the government in respect of the consideration of domestic gardens as previously developed land in the context of PPS3. Gardens would not now benefit from brownfield designation, even if the site was not in the Green Belt. The site is clearly not in an accessible location compared with Bromsgrove or other urban areas of the District and it is clear that the development would perform poorly on sustainability criteria.

(4) The provision of accommodation providing a mix of tenure

It is stated that the tenure arrangements will provide flexibility for prospective purchasers and occupiers and will be restricted to persons over 55 and their partners. These provisions are of benefit to future occupiers in providing choice but there are planning concerns evident. The 13 Close Care Suites and 16 Assisted Living Units could potentially be sold as well as rented. In the case of some of the future occupiers in this context, there may be little binding them to the wider facility and as independent living units. This reduces the argument that they need to be located in the Green Belt. The provision of a range of tenure types does not amount to a very special circumstance.

(5) Impact upon the existing housing market

It is stated that the development will assist in releasing underutilized housing stock in the District and will thereby improve the maintenance of the existing stock. There are no details or evidence submitted to substantiate this claim. I do not necessarily consider that this is a spatial planning benefit partly as a result of the enormous uncertainty and the fact that relying on individual choice to deliver housing does not represent forward spatial planning of any kind.

Having considered all of the matters raised, I do not consider that very special circumstances exist in this case to outweigh the harm caused to the openness of the Green Belt.

(iii) Highway Impact

Members should note the views of Worcestershire Highways. Policy TR11 of the BDLP states that all new development needs to make provision for the safe access and egress from the site as well as adequate parking. There is a requirement for an additional 48 spaces to serve the development. Whilst the parking issue is mentioned in the Design and Access Statement, the provision is clearly insufficient to meet the requirements of the development. These requirements have been passed on to the applicants Agent for a response and Members will be updated on this matter.

(iv) Character and Residential Amenity

Burcot Grange is currently has a distinctive Tudor style with complex window detailing and decorative timber work. The provision of 4 additional blocks of development at the side will obviously impact on the character of the existing building and upon the wider amenity of the area. I appreciate that the design proposed would be sympathetic to the character of the existing building. However, the scale of the development and its position would have a significant urbanizing impact on the site and surroundings compared with the present situation. Whilst, there are differences in levels on the site, which offsets some of the impact, the development would result in a site with a greater urban character, unexpected in the Green Belt. In terms of residential amenity, the property to the east is more than 70m from the proposal; the residences to the front are more than 100m away and that to the west is approximately 80m from the curtilage boundary. In the case of this latter property, the boundary is open in this direction (south) and whilst some additional landscaping is proposed on this boundary, the scale of the proposal is such that there would be an impact on the amenity of the property.

(v) Tree and Ecological Issues

The application has been accompanied by a Landscape Supporting Statement, an Arboricultural Method Statement and an Initial Bat Survey. Whilst there are a large number of trees on the site of varying amenity value, the arboricultural method statement states that there will be a loss of 43 individual trees and one group and another two groups will be partially removed. The remainder of the 168 trees on the site will be retained and managed in accordance with BS5837 (2005) (Trees in relation to Construction). There is a significant loss of beech trees to the east side of the site. The Landscape Supporting Statement takes the view that the impact on the visual amenity of the Green Belt will be slight but this overlooks the critical issue of openness discussed above. Furthermore, the landscape setting around Burcot Grange will change enormously on a seasonal basis and the trees and hedges may not be permanent features of the landscape. Members should the views of the Tree Officer in relation to the application. In particular, the loss of healthy beech trees to the east side is a concern reducing the screening capacity of the site. There are trees in the front of the property which will be affected by the parking provision. Members should note the views of Worcestershire Highways that additional parking is required and it is difficult that to see where this will be provided without further impact on the trees on the site.

Members should note the views of Natural England who recommend refusal. In the case of bats, a European Protected Species, the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitat Directive in the exercise of its functions. The additional requirements on compensation and mitigation have been submitted to the applicant's Agent and Members will be updated on this matter.

Conclusion

The proposal to erect 13 Close Care Suites and 16 Assisted Living Units is inappropriate development in the Green Belt. The applicant has not provided any very special circumstances which outweigh the harm caused. The need for additional care facilities and wider housing options for elderly persons has been identified. However, it has not be

coherently demonstrated why the development must necessarily be located in the Green Belt contrary to fundamental planning policy. Furthermore, the fact that such an isolated site performs poorly in respect of sustainability criteria has not been addressed by the applicant. There is a significant loss of trees and other negative ecological impacts arising from the proposal. Thereby, the proposal conflicts with the policies of the Worcestershire County Structure Plan and the Bromsgrove District Local Plan and the advice of PPG2. On the basis of all of the evidence, I recommend that permission is refused.

RECOMMENDATION that planning permission be **REFUSED** for the following reasons:

1. The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in Planning Policy Guidance Note 2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
2. There is insufficient parking identified to serve the needs of the development which would potentially result in displacement parking. The proposal would thereby conflict with policy TR11 of the Bromsgrove District Local Plan.
3. The proposal would result in a loss of trees and have a detrimental impact on certain existing trees contrary to policies C17 and DS13 of the Bromsgrove District Local Plan and the advice of PPS9 (Biodiversity and Geological Conservation).
4. There is currently insufficient information to demonstrate the proposal would not have a detrimental impact on European Protected Species and thereby the proposal conflicts with policy CTC13 of the Worcestershire County Structure Plan, policy DS13 of the Bromsgrove District Local Plan and the advice of PPS9 (Biodiversity and Geological Conservation).
5. The proposal is not in a location which would be accessible to a variety of means of transport and other services contrary to policy SD.4 of the Worcestershire County Structure Plan (2001) and policy DS13 of the Bromsgrove District Local Plan (2004).

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. M. Bales 'A'	Demolition of existing outbuildings and extensions. Erection of extensions to provide new care beds; care suites and a Dementia Unit - Burcot Grange Residential Home, Greenhill, Burcot, Bromsgrove, B60 1BJ	Green Belt	10/0337-DK 14.07.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

Lickey and Blackwell PC	<p>Consulted 21.04. Response received: Lickey and Blackwell Parish Council have serious concerns about this application. Though we are aware that provision for the elderly is needed, and that Burcot Grange has a high reputation in this area, there are problems specific to this site. The proposed development is in the Green Belt, and though it would not very obvious, visibility is not the only reason for protecting Green Belt. Moreover it is a very large development. We, also, have concerns about the problems that will arise as regards vehicular access. Greenhill is a narrow, steep road with limited visibility and in several places it is too narrow for two vehicles to pass. There will be extra traffic generated by the development. During the construction period this would be particularly hazardous.</p>
WH	<p>Consulted 21.04.2010. Response received: 11.06.2010.</p> <p>Recommends that the permission be deferred for the following reasons:- The applicant has not demonstrated car parking provision which is proportional to the scale of the proposed development. C2 units require car parking 1 space per member of staff and 1 space per 4 units for nursing homes.</p> <p>The applicant has indicated a supplemental 13 car parking spaces over than which presently exists bring the total to 53, however based on an additional 40 staff and bedrooms and the ratio above, the required additional spaces are 52.</p>
ENG Strategic Planning Officer	<p>Consulted 21.04.2010. No response to date.</p> <p>Consulted 19.04.2010. Response received: 09.06.2010.</p> <p>The above site is located within the Green Belt and therefore PPG2 and policy DS2 of the adopted Bromsgrove District Local Plan are therefore relevant. The application proposes demolition and a substantial new extension within the green belt. According to PPG2 and DS2, there is a</p>

general presumption against inappropriate development in the Green Belt and only new buildings that preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt are appropriate unless very special circumstances can be demonstrated. In the Planning Statement the applicant argues that very special circumstances exist for the proposal [points (i) - (vi)]. These relate to the need for increased specialized accommodation for the elderly, absence of alternative sites, the established site at Burcot Grange, the mix of tenure to be provided and release of underutilized housing

Many of the points raised in the Planning Statement have some validity in themselves but do not argue convincingly why such care must be provided exclusively in this particular location, for example:

- The Housing Market Assessment (Housing Vision 2008) identified that Bromsgrove will have a projected growth of 7300 households by 2026. In line with national trends Bromsgrove has an ageing population and the majority of this growth is predicted to be in middle aged (975) and pensioner households (4,800). There is also a requirement for an additional 1575 households for those aged over 85. Therefore the need for accommodation is not in dispute, the main issue is however its location within the green belt.
- The applicant states at 2.40 that "The planning application register reveals that the committed housing site at Perryfields is an application submitted by West Mercia Housing Group and Bromsgrove District Housing for 100% affordable housing. There is no evidence to suggest that this site would be available for a private sector promoted CCRC". However the wider Perryfields ADR occupies some 76 hectares and the aforementioned planning application only covers a fraction of this area. There is no evidence to suggest that any location in the rest of the ADR has been considered. In accordance with PPS1 and DS13 of the BDLP this ADR is located in a sustainable position adjacent to the Town Centre.
- the Planning Statement states that the "proposal does not seek to establish a CCRC in an otherwise undeveloped part of the Green belt. Rather the development is confined to the established curtilage of Burcot Grange established care environment since 1937". It appears from the plans submitted and from aerial photographs that the proposal would in fact be located in an otherwise undeveloped part of the Green Belt. The reference to the definition of Previously Developed Land in PPS3 is misplaced and is in any case likely to become irrelevant under the present Governments stated aims of stopping "garden grabbing". Furthermore, what is not explained is why the successful principles of running a care home could not be applied to an alternative and more sustainable location.
- The mix of tenure and broadening of facilities for the wider community does not amount to a very special circumstance. There is no convincing argument why there is a need for development to be exclusively in this location. Furthermore, there would be no

guarantee that existing dwellings in the local community would be freed up.

- The need for increased specialized accommodation for the elderly is not in dispute; it is the location within the Green Belt. The applicant states that "the encroachment of the development into the countryside is of a very limited scale in its impact because the development would be entirely within the established domestic curtilage of Burcot Grange and is well enclosed by enclosing vegetation". However vegetation is neither necessarily a permanent feature nor a constant one, as cover typically varies throughout the year.

WCC Adult and Community Services Consulted 19.04.2010. No response to date.

West Mercia Police Consulted 21.04.2010. Response received 30.04.2010. No objection.

Natural England Consulted 21.04.2010. Response received 17.05.2010. On the basis of the information provided, Natural England **objects** to the proposed development. We recommend that the Local Planning Authority refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Our concern relates to bats.

The protection afforded these species is explained in Part IV and Annex A of circular 06/2005 to PPS9 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System'. Paragraph 116 is fundamental to the approach to be taken by LPAs:

"When dealing with cases where a European Protected Species may be affected, a planning authority ... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitat Directive in the exercise of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ..."

We note that this application includes an initial bat survey, which has confirmed the use of loft spaces by roosting brown long-eared, *Myotis* and *Pipistrelle*. A licence will therefore be required. The initial bat survey states that nocturnal and dawn surveys of the building will be required to provide sufficient information to support a licence application. We would also recommend that the trees on site, particularly those which would be directly impacted or otherwise disturbed by this development are surveyed for their bat roost potential. Adequate information on mitigation and/or compensation must also be supplied. In accordance with the above, this information must be made available prior to the determination of this application.

	<p>The applicant has provided a great crested newt survey Ref. RT MME-107 107 (03.06.2010). Additional comments from Natural England: No objection.</p>
Worcestershire Wildlife Trust	<p>Consulted 21.04.2010. Response received: 16.06.2010. We note that the site is well removed from the local SWSs and that the grounds are largely landscaped. We therefore consider that the main issue here concerns bats. Accordingly we wish to lend our support to the comments made by Natural England and we are happy to defer to their opinion on these applications.</p>
Tree Officer	<p>Consulted 21.04.2010. Response received: 28.06.2010. Object to the proposal as it currently stands. The Tree Protection Plan (AA TPP 02) omits substantial trees to the front of the site. There are areas of additional parking proposed to the front which will have an impact on trees present at this position not identified on the plan. The mature beech trees on the eastern boundary scheduled for removal are an important screen. These are healthy trees and their removal is unjustified. Additional Comments to follow.</p>
EHM (Commercial)	<p>Consulted 21.04.2010. Response received The premises and business will be required to comply with Health and Safety legislation which is enforced by this Council. The premises will be subject to routine inspection to assess compliance.</p> <p>Advice may be obtained on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434).</p>
EHM (Contaminated Land)	<p>Consulted 08.06.2010. Response received 10.06.2010. No objection to the proposed development subject to conditions including the carrying out of a preliminary risk assessment, scheme for detailed site investigation and appropriate remediation measures.</p>
Publicity	<p><u>Reason:</u> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]. Site notice posted on 18.05.2010. (expires: 08.06.2010) Press Notice posted 29.04.2010 (expires on: 20.05.2010). 1 comment received as follows: Burcot Grange is a high class residential home for the elderly, rated as excellent by the Care Quality Commission. It is situated in Greenhill, Blackwell, most of whose frontage is houses and gardens. This property extends rather further back for the road than most. The property is in the Green Belt, so that there is a strong presumption against development. Nevertheless, this scheme represents a relatively</p>

modest extension to the buildings. A previous extension has already added substantially to the original house. In the circumstances we feel that this extension is acceptable.

The site and its surroundings

The application site comprises a large nursing home on the north side of Greenhill which was built in 1890 in Tudor Revival style with many surviving external and internal features. It was designed by Jethro Cousins for Henry Osler as a private house before becoming a hospital in 1937 and finally a care home in 1992. There are later extensions on the east and north east sides. There is a large curtilage to the front and rear with the land substantially falling away to the rear of the property. The building is set in a very attractive timbered setting with substantial mature cedars, chestnuts, oaks in addition to a range of ornamental shrubs. There is a circular access to the front and the attractive façade of the buildings is partly concealed by the trees to the front. There are fields adjoining the property to the east and west and residential properties on Green Hill to the front. The existing building has two principal storeys with additional accommodation in the roofspace. The extension to the rear also follows this pattern. The original part of the building still contains substantial brick chimneys. There are a number of modern ancillary buildings to the east of the main building. The site currently has accommodation for 40 residents. There are 31 bedrooms and 5 x 1 bed close care suites currently on the site. There are also additional communal facilities including a library, IT room and shop.

Proposal

This is a full planning application for the extension of the existing care home to provide 14 care suites. There will be two new care suites on the lower ground floor, six on the ground floor, three on the first floor and three on the second floor. There will be an additional 5 care beds provided on the first floor which will augment the existing accommodation at that level to form an 11 bedroom Dementia Care Unit. The Close Care Suites essentially provide semi independent living accommodation comprising a sitting room, bedroom, ensuite and kitchenette. Three will be two bedroom and the remainder will be one bedroom suites. In addition to the suites proposed, the development also proposed a kitchen, staff room, laundry and activity room on the ground floor, two day rooms on the first floor and a residents storage and a training room on the second floor. The proposed extension will be 11m in height. The net increase in floorspace (accounting for the areas to be removed through demolition) would be 1533m². On the ground floor, the proposal will involve the demolition of a conservatory to the front (east side) an existing single storey extension to the front, a bay window, part of a sitting room and conservatory to the rear on the west side. There will be a new single storey extension on the west side projecting 11m from the original building in place of the existing conservatory. The architectural style of the proposal reflects the style of the original building with similar treatments to the facades, chimney and window detailing.

There are 40 existing car parking spaces and 13 additional spaces will be provided. The applicant has provided a framework travel plan which includes details of public transport and staff travel arrangements.

The application is accompanied by a Planning Statement, Design and Access Statement, Travel Plan, Landscape Supporting Statement, Arboricultural Assessment, Flood Risk

Assessment and Initial Bat Survey. These are all available to view on the planning file and on Public Access.

Members should note that an outline planning application for the provision of 13 Close Care Suites and 16 Assisted Living Units to the north east of the existing care home is also pending consideration (Ref: B/2010/0334).

Relevant Planning History

B/1995/0616 Two Storey Extension to provide 8 bedrooms and associated amenities
Granted 09.10.1995

B/1999/1067 Insertion of dormer windows into rest room roof. Granted 20.12.1999.

Relevant Policies

WMSS QE3, PA1, PA14

WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1

BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, TR11, TR8

Others PPS1, PPG2, PPS6, PPS7, PPG13

Notes:

The main issues in the determination of this application are the following:

- (i) Whether the proposal represents inappropriate development in the Green Belt;
- (ii) If inappropriate, whether there are any very special circumstances to justify the proposal;
- (iii) the potential impact of the proposal in terms of Highway Safety and parking;
- (iv) the effect of the proposal on the character of the existing building and on the wider public amenity
- (v) the impact on trees and ecology

(i) Green Belt

The site is located within established Green Belt and therefore Planning Policy Guidance Note 2 (PPG2), policies D.28 and D.39 of the Worcestershire County Structure Plan (WCSP) (1996 - 2011) and Policy DS2 of the adopted Bromsgrove District Local Plan (BDLP) 2004 apply to the development.

Policies D28 and D39 of the WCSP and DS2 of the BDLP conform with the advice of PPG2 in defining the types of development which are acceptable in Green Belt locations. The proposal under consideration is clearly not essential for agriculture, outdoor sport or recreation nor does it involve the conversion of existing buildings to alternative uses or their replacement such that Green Belt openness would be retained. Policy D28 specifically states that new buildings for business purposes in the Green Belt will only be allowed in those settlements identified in the BDLP as being acceptable for infilling. The application site at Greenhill does not fall within any such settlement.

It is evident that the proposal is inappropriate and the extent of the harm caused must be considered. PPG2 states that the most important attribute of Green Belts are their openness (paragraph 1.4) and it is clear that the proposal would have a significant impact on the openness of the site and would thereby conflict with the fundamental aims of Green Belt policy. The proposal would increase the floorspace of the building by 1500 square metres, a substantial 75% increase above the size of the existing building. The proposal would essentially add an additional wing at the side and rear of the building which would be clearly visible from *the 'Uplands'* to the east on Greenhill.

The proposal would effectively double the width of the existing extension to 16m on the ground, first and second floors. The accommodation added on the second floor will utilize the roofspace in a similar arrangement to the second floors on the original building and on the extension added in B/1995/0616. In addition to the increased width, the proposal also includes extending the range on the east side of the building by a further 22m from the furthest extent of the existing extension on this side of the building. This range will project westwards by 10m, forming a courtyard arrangement with respect to the existing extension and original building. There will also be a substantial infill extension on the ground floor which is 10m in length and connects the existing lounge and sitting rooms in the original building which are set forward of the original main range. The existing conservatory to the rear on the ground floor west side is being removed but this will be replaced with an extension to provide a close care suite which is twice the width of the structure it replaces. The rear of the existing building currently provides a panoramic view of the remainder of the grounds and the countryside beyond. The proposal would result in more enclosed arrangement taking the cumulative effects of the new extensions to the east and west sides and the existing extension into account.

Whilst the proposal is primarily to the rear of the property, the increased bulk on the east side would be visible from public viewpoints and, in any event, PPG2 makes it clear that there are no exceptions for inappropriate development which may be screened from view by existing buildings, trees or boundary treatments. There are substantial differences in the screening capacity of trees between the summer and winter seasons and trees and boundary treatments may not be permanent features of the landscape. Limited visibility cannot justify inappropriate development as it fails to consider the wider impacts on openness of new development such as additional services and traffic movements. Members should note the views of Lickey and Blackwell Parish Council on this point.

Since the proposal constitutes inappropriate development in the Green Belt, it must be considered whether the harm by reason of inappropriateness and any other harm is clearly outweighed by circumstances which amount to very special circumstances to justify the proposal.

(ii) Very Special Circumstances

The requirement for a case for very special circumstances to be provided by the applicant is stated within paragraph 3.4 of PPG2.

"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".

Members should note the 'very special circumstances' amount to an entirely special and unique occurrence which could not result in a precedent being set for the proposal or analogous proposals elsewhere in the Green Belt. Whilst there is no specific prescription of the circumstances in the context of PPG2 which amount to very special circumstances, Members should seriously consider whether or not the circumstances of this proposal are entirely unique or special.

The advantages of the proposal must be weighed against the significant harm caused to openness, the most important attribute of Green Belts. The applicant's agent has submitted a case for very special circumstances which are included in the Planning Statement presented with the application; the full details of which may be viewed on the planning file or on Public Access. Please note that the case presented for very special circumstances also covers the outline application B/2010/0334 for the provision of 13 Close Care Suites and 16 Assisted Living Units which is also under consideration. The case can be summarized as follows:

1. The need for increased specialized accommodation for the elderly,
2. The absence of alternative sites in the urban area to meet the need,
3. The benefits of the established care home at Burcot Grange,
4. The provision of accommodation providing a mix of tenure,
5. Impact upon the existing housing market.

(1) The need for increased specialized accommodation for the elderly

The issue of need has been thoroughly investigated by the applicant and the report details ministerial letters and statements and the Continuing Care Retirement Communities model is strongly advocated. The provision of assisted living alongside the availability of more advanced care to provide for residents of declining health underlies this model. This avoids the need for patients to have to move. The model improves security for residents, enhances access to services such as transport and leisure. The dementia care facility provides for specialist care and there are a growing number of people with dementia. There has been an increase in demand for respite care for dementia sufferers. The twin bedded accommodation enables couples, where one partner suffers with dementia, to stay together.

The applicant also refers to the Bromsgrove Sustainable Community Strategy 2010-2013 and the Bromsgrove District Level Housing Market Assessment (HMA). The applicant considers that the proposals at Burcot Grange will contribute to meeting the objectives of the Community Strategy insofar as they relate to older persons. The HMA points to a substantial increase in the population of older residents with a need to provide 4,800 additional 2 bedroom dwellings and 1575 housing units with care provided for older people to 2026. The applicant considers that the increase in the population of persons aged 65-84 and 85+ requires an 'urgent spatial planning response'. I concur with the views of the applicant that there is a growing older population in the District and the provision of adequate serviced housing is an important corporate priority. However, the

applicant has completely failed to mention in this 'very special circumstance' why the additional housing accommodation should be provided in the Green Belt, specifically at Burcot Grange. In terms of the 'spatial' requirement referred to, actually providing the housing for the elderly would be meeting just one spatial requirement. There are substantive other requirements in respect of this type of housing such as the proximity to shops and services such as public transport for persons who may be unable to drive. The proximity of family members of the elderly person is also a critical spatial consideration and it militates against facilities in isolated locations such as the proposal. In the case of a vast majority of older residents of the District, the provision of sheltered housing and additional advanced care facilities would be best provided within and adjoining existing urban areas.

The reference to 'An Older Peoples Strategy for Worcestershire - Independent Living for Older People' does highlight a need for specialist accommodation but stresses the point that most older persons would seek to remain in their own homes, rather than the traditional choices of domiciliary or residential and nursing home care (p26). The report recommends preventative services, telecare, day opportunities as well as specialist domiciliary care. It should be noted that the desire to remain living in ones own home when elderly, will have a significant effect on the future demand for care facilities and this effect has not been quantified.

The HMA specifically referred to Bromsgrove but the trend of an ageing population is a national one. Therefore, the contention of the Applicant that there is a 'local need' for substantial additional housing for older persons in Bromsgrove and that other Districts and regions will not be in the same position defies rational argument. These circumstances are not unique and could easily be replicated in poorly serviced locations throughout the West Midlands Green Belt to the detriment of openness and visual amenity. Therefore, the need identified by the applicant does not amount to a very special circumstance to justify the development at the location proposed.

It is accepted that there are no specific policies or allocated sites within the BDLP for the provision of specialist housing and care facilities for the elderly. In this context, the Local Planning Authority must rely on the existed adopted policies in relation to such new development, notably policies D.39 of the WCSP and DS2 of the BDLP where there is a clear and strong presumption against development in the Green Belt. The reference to the emerging Core Strategy (specifically Core Policy 12, in respect of addressing local housing need) only considers a single policy and the collective spatial impact of all policies will be to focus housing development on strategically serviced urban areas within the District. Members should note the views of Strategic Planning in respect of the need for additional accommodation for the elderly.

In respect of the specific need for the extension of the facility, paragraph 1.6 of the Planning Statement states that 'facilities such as the laundry, dining facilities and other accommodation are now inadequate in terms of their size and that there is a shortage of twin bedded rooms for couples. These are *'inadequate to provide the quality of services sought by the proprietors'*. Members should note that there is no independent report, for example, from the Care Quality Commission which could state unequivocally that the facilities are inadequate and require extensions and updating. As stated above, the development represents the vision of the applicants, rather than necessarily addressing independently verified deficiencies.

(2) The absence of alternative sites in the urban area to meet the need

In assessing whether there are alternative sites available within the District, the applicant considers that an urban location is not as suitable for the proposed development as the residents will lose out on an attractive outlook to the pleasant environment. I consider that this is within the realms of appropriate urban design and I do not consider that it is a very special circumstance to justify inappropriate development in the Green Belt. There has been no evidence presented to support the assertion that the equivalent care home in Bromsgrove would result in elderly persons losing contact with the rural parts of the District. This is an argument to which no weight can be attached as outlined in point (i) above. In terms of the reference to the Strategic Housing Land Availability Assessment, (paragraphs 2.39 - 2.42), it is asserted that the site at Perryfields (Planning Ref: B2008/0758) is committed to affordable housing and there will be no availability of land for the purposes of a care home. Members should note the views of Strategic Planning on this issue: *'the wider Perryfields ADR occupies some 76 hectares and the aforementioned planning application only covers a fraction of this area. There is no evidence to suggest that any location in the rest of the ADR has been considered'*. It is evident that the applicant has selected sites identified in the SHLAA which have recently been the subject of planning applications (such as The Avenue Rubery and the former Alvechurch 1st and Middle Schools) to assert that there are no alternative locations for the proposal.

(3) The benefits of the established care home at Burcot Grange

It is stated in paragraph 2.44 of the Planning Statement that the proposed development would be taking place on previously developed land in respect of Annex B of PPS3. Two important points are relevant here. Firstly, Burcot Grange is located well outside the village envelope identified for Burcot on the Proposals Map (in the context of policy DS5) and therefore the site could not be considered a brownfield site in any way. Members should take note of the recent announcement by the government in respect of the consideration of domestic gardens as previously developed land in the context of PPS3. Gardens would not now benefit from brownfield designation, even if the site was not in the Green Belt. The site is clearly not in an accessible location compared with Bromsgrove or other urban areas of the District and it is clear that the development would perform poorly on sustainability criteria.

(4) The provision of accommodation providing a mix of tenure

This argument relates more closely to the outline application (B/2010/0334) which proposes close care suites and assisted living units. The provision of a mix of tenures in any case, does not amount to a very special circumstance.

(5) Impact upon the existing housing market

It is stated that the development will assist in releasing underutilized housing stock in the District and will thereby improve the maintenance of the existing stock. There are no

details or evidence submitted to substantiate this claim. I do not necessarily consider that this is a spatial planning benefit partly as a result of the enormous uncertainty and the fact that relying on individual choice to deliver housing does not represent forward spatial planning of any kind.

Having considered all of the matters raised, I do not consider that very special circumstances exist in this case to outweigh the harm caused to the openness of the Green Belt.

(iii) Highway Impact

Members should note the views of Worcestershire Highways. Policy TR11 of the BDLP states that all new development needs to make provision for the safe access and egress from the site as well as adequate parking. In terms of the size of the extension, the provision of an additional 13 parking spaces is inadequate. There is a requirement for an additional 52 spaces to serve the development. Whilst the parking issue is mentioned in the Design and Access Statement, there is currently no defined area to meet the requirements of the development. These requirements have been passed on to the applicants Agent for a response and Members will be updated on this matter.

(iv) Character and Residential Amenity

Burcot Grange is currently has a distinctive Tudor style with complex window detailing and decorative timber work. The proposed buildings for demolition including the conservatories and ancillary outbuildings are of a later date than the original building and I do not consider that their loss is detrimental. In terms of the design of the extension, it is reflective of the architectural character of the original building and since the proposal lies to the side and rear, the integrity of the original remains. However, I would be concerned that the scale of the proposal would result in a more enclosed feel at the back of the building which currently enjoys an open feel. I note that the east elevation would be highly visible from the direction of 'Uplands' to the east on Greenhill. However, I do not consider that there would be a loss of amenity given the distance to neighbouring properties.

(v) Tree and Ecological Issues

The application has been accompanied by a Landscape Supporting Statement, an Arboricultural Method Statement and an Initial Bat Survey. Whilst there are a large number of trees on the site of varying amenity value, the arboricultural method statement states that there will be a loss of 43 individual trees and one group and another two groups will be partially removed. The remainder of the 168 trees on the site will be retained and managed in accordance with BS5837 (2005) (Trees in relation to Construction). There is a significant loss of beech trees to the east side of the site as a result of the extension and the views of the Tree Officer should be noted.

The Initial Bat Survey accompanying the application states that a number of bat roosts were discovered. Members should note the views of Natural England who recommend refusal. In the case of bats, a European Protected Species, the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitat Directive in the exercise of its functions. The additional requirements on compensation and mitigation have been submitted to the applicant's Agent and Members will be updated on this matter.

Conclusion

The substantial extension of the care home is inappropriate development in the Green Belt. The applicant has not provided any very special circumstances which outweigh the harm caused. The need for additional care facilities and wider housing options for elderly persons has been identified. However, it has not been coherently demonstrated why the development must necessarily be located in the Green Belt contrary to fundamental planning policy. There is a significant loss of trees and other negative ecological impacts arising from the proposal. Thereby, the proposal conflicts with the policies of the Worcestershire County Structure Plan and the Bromsgrove District Local Plan and the advice of PPG2. On the basis of all of the evidence, I recommend that permission be refused.

RECOMMENDATION that planning permission be **REFUSED** for the following reasons:

1. The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in Planning Policy Guidance Note 2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
2. There is insufficient parking identified to serve the needs of the development which would potentially result in displacement parking. The proposal would thereby conflict with policy TR11 of the Bromsgrove District Local Plan.
3. The proposal would result in a loss of trees and have a detrimental impact on certain existing trees contrary to policies C17 and DS13 of the Bromsgrove District Local Plan and the advice of PPS9 (Biodiversity and Geological Conservation).
4. There is currently insufficient information to demonstrate the proposal would not have a detrimental impact on European Protected Species and thereby the proposal conflicts with policy CTC13 of the Worcestershire County Structure Plan, policy DS13 of the Bromsgrove District Local Plan and the advice of PPS9 (Biodiversity and Geological Conservation).
5. The proposal is not in a location which would be accessible to a variety of means of transport and other services contrary to policy SD.4 of the Worcestershire County Structure Plan (2001) and policy DS13 of the Bromsgrove District Local Plan (2004).

Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. B. Stockford 'B'	Conversion of existing redundant former workshop and stores to a two bedroomed starter home - Land to rear of No.1 Station Drive, Hagley, Worcestershire, DY9 0NX	Residential	10/0453-SC 13.07.2010

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

RECOMMENDATION: that planning permission be **APPROVED**

Consultations

WH Drainage Engineer	No objection subject to conditions 10.06.2010. Consulted 21.05.2010. No response received to date.
Hagley Parish Council	<p>Objects to the proposal. 25.06.2010.</p> <ul style="list-style-type: none"> ▪ Whatever the correct description of the present building, it has almost certainly never been a separate tenement, but merely an ancillary building to a nearby house. This is not a case of the conversion of a light industrial workshop (which would be non-conforming use) to residential. ▪ The property forms part of Station Road Conservation Area. This means that any planning applications need to reflect the nature of the area, which is of good quality Victorian or Edwardian dwellings, all of them fronting to the street. There is no precedent for permitting back-land development in this area, and no precedent should be permitted. ▪ The site is extremely cramped, almost certainly with insufficient space for vehicles to turn within the site or the drive leading to it. This means that occupiers will be obliged to drive backwards all the way to the street and to back out into the street, which is a busy road. This will be dangerous. ▪ On most sides, the property adjoins private gardens of other houses, which will inevitably be overlooked from the upstairs windows of the proposed house. This will adversely affect the privacy of the neighbours. This could only be addressed by requiring opaque glazing to all upstairs windows; that is sometimes appropriate for one or two windows, but never for them all.
Conservation Officer	<p>Objects to the proposal. 23.06.2010</p> <p>"Thank you for consulting me on this revised application to convert the existing workshop to residential use. I understand that improvements have been made to the site boundary to address highway concerns but no attempt has been made to improve the design quality of the scheme which is well below the standard we should be accepting in a designated Conservation Area. I would refer you to my previous objections made on 7th April and 7th May for application 10/0224 which are still relevant to this current application."</p>

Comments received 07.05.2010:

"The amended plans only appear to make a very small alteration to the smaller dormer window, and do not address my comments on the scheme or those raised by local residents in terms of the impact on the wider Conservation Area. The agent asserts that our previous Conservation Officers were supportive of the scheme, yet one of the objection letters refers to design comments made by a previous Conservation Officer criticizing the proposals. Regardless since the previous applications were submitted in June 2004 and Jan 2006, we now have English Heritage guidance documents on the Management of Conservation Areas published in Feb 2006 (see section 7) and PPS5 Planning for the Historic Guidance published March 2010 (see policy HE7 and paras 76-80 of the accompanying Practice Guide) which provides more guidance for local authorities on the standard of design we should expect in Conservation Areas.

I would therefore reiterate my previous objections to the scheme as detrimental to the character and appearance of the Hagley Conservation Area."

Comments received 07.05.2010:

"I have no objection in principle to the conversion of this building to residential, however the design of the proposed external alterations is well below the standard expected in a Conservation Area and would make an unattractive building even more unsightly. Ideally I would like to see the workshop demolished and a new building erected in its place but an alternative scheme retaining the workshop without the large dormers may be achievable.

I would therefore recommend refusal of this application as detrimental to the character and appearance of the Hagley Conservation Area."

Tree Officer
Strategic
Planning
Publicity

Consulted 21.05.2010. No response received to date.

Consulted 21.05.2010. No response received to date.

4 Neighbour notification letters posted 21.05.2010 expire 11.06.2010
1 additional neighbour notification letters posted 27.05.2010, expires 17.06.2010

Site notice posted 15.06.2010 expires 06.07.2010

Press notice posted 10.06.2010 expires 01.07.2010

4 objections received raising the following issues:

- Vehicular access, parking and manoeuvring issues - concern lack of sufficient space will result in safety issues, may cause surrounding properties to be damaged and have implications for the use of current rights of way to surrounding properties.
- Development would act as a precedent for further infill development.
- Visitor parking would be accommodated in Station drive, an area already overrun with vehicles using the railway station and is busy with parents and school children.

- The proposed development overlooks 5 properties significantly with negative impact on the occupants' quality of life.
- Concern regarding the provision of basic housing utilities and the disruption their provision would cause.
- Lack of distance from front of the building to neighbouring boundaries.
- Current building has been wrongly described as a workshop when is in-fact currently used as a store for building supplies.
- Proposed building does not enhance the character of the local setting or conservation area.
- Existing building will be significantly changed in a manner that is out of keeping with other existing buildings.
- Lack of light to proposed dwelling due to majority north facing windows, overhanging tree canopy and walled courtyard.
- Developing the site would have implications for shared access to garages at the rear.
- Existing building to rear of no.25 Station Road should not be used as a precedent as it was, it is believed, built without planning permission.
- Parking on Station Drive is becoming an increasing problem with current restrictions not being enforced. Further development will aggravate this.
- Hagley Parish Plan 4.3 Housing Guidance H/G/2 states that further infill, consolidation and backland development, which compromise the feeling of the local environment, should be resisted.
- Issue of potential damage to overhanging trees.
- On previous applications, the existing property has been described differently. In reality the current site is a garage with some storage space.
- Impact of noise from driveway on surrounding properties.
- Height of proposed building will reduce light into rear garden.
- Concern regarding an increased 'built up' appearance from the local recreation ground.
- Concern regarding density of housing and lack of amenity space for the proposed dwelling. Inconsistent with surrounding dwellings.
- New dwelling will have views directly towards garages.
- The infill nature of the development is not consistent with the guidance in para. 5.5 -8, SPG1.
- The space between 27 Station Road and the proposed development is insufficient.
- The development will be detrimental to the character, traditional pattern and amenity of the location. The density introduced will be inconsistent with the character of the surrounding development and in particular the garden plot ratio will be out of keeping with the area.

The site and its surroundings

This application relates to an 'L' shaped site located on the southern side of Station Road, Hagley, formed in part by a narrow driveway, which runs between No. 27 Station Road and No.1 Station Drive.

Currently the site supports a brick-built, mono pitch-roofed, two-storey structure with garage facilities at ground floor level with store over. The building is oriented to face the access track and is served by a lean-to store area adjoining the building to the west. The building is in poor condition and backs on to Hagley recreation ground in which three large trees are situated. The canopies of these trees overhang the roof of the existing building. The site is within a designated Residential Area and also within the Station Road Conservation Area.

Proposal

This proposal relates to the conversion and extension of the existing building to provide a two bedroom dwelling. Extensions at ground floor will convert the garage areas into a living room and kitchen/dining area and an enclosed courtyard garden will be formed in the area of the existing store. Two garages adjacent the proposed dwelling will be demolished, subject to meeting the requirements for demolition within a conservation area, and replaced with a car-port structure.

At first floor it is proposed to add a new pitched roof to the building with two large north facing dormers serving the proposed bedrooms. Four velux roof-lights will be provided on the rear elevation of the roof.

Relevant Policies

WMSS	QE3, CF2, CF3, CF4, CF6, T2, T7
WCSP	CTC.1, CTC.5, CTC.20, T1, SD.1, SD.2, SD.3, SD.4, SD.5
BDLP	DS13, S3, S7, TR11, S35A
Others	SPG1, SPG10, SPG4, PPS5, PPS3, PPG13

Relevant Planning History

00/1031	Single storey garage replacing existing concrete structure garage - granted with conditions.
04/0725	Conversion of existing garages and store to two-bedroom dwelling - refused.
05/1051	Conversion of existing workshop and stores into office accommodation - withdrawn.
06/0012	Conversion of existing workshop and stores into office accommodation - refused.
10/0224	Conversion of existing redundant former workshop and stores to a two bedroomed starter home - withdrawn.

Notes

The application site lies within an established residential area and falls within the definition of previously developed land, as defined in Planning Policy Statement 3 (PPS3): Housing. PPS 3 states that the priority for development should be previously developed land. It is noted, however, that a recent revision to PPS 3 also states that, "There is no presumption that land that is previously-developed is necessarily suitable for housing development..." and that Local Planning Authorities "...when identifying

previously-developed land for housing development...need to consider sustainability issues as some sites will not necessarily be suitable for housing."

With respect to assessing the suitability of this particular site, the main issues, given the policies contained within Planning Policy Statement 3: Housing, West Midlands Spatial Strategy (WMSS), the Worcestershire County Structure Plan (WCSP), and the Bromsgrove District Local Plan (BDLP), are viewed to be:

1. The principle of developing a housing unit on this previously developed site.
2. The suitability of the site to support an additional unit given the character of the area, the impact on the amenity of adjoining occupiers and the amenity provided for the unit.
3. The impact of the development on the character and appearance of the Conservation Area given the duty of the Local Planning Authority to ensure that development preserves or enhances the character or appearance of that area.
4. Highways Safety.

I am also mindful of the concerns raised by third parties. These are largely considered to fall within the main subject areas set out above and are addressed within the relevant sections of this report.

The principle of the development

With respect to assessing the principle of developing this particular site, in reference to PPS 3, it is noted that:

- A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.
- The site is within a well established residential area. This enables existing urban areas to be a source of employment and recreational opportunities, reducing the need to travel to such facilities.
- The site is well-connected to public transport, with Hagley railway station located within close proximity.
- The site is also located within close proximity to open community green space and also provides limited private outdoor amenity space.

Policy S7 of the Bromsgrove District Local Plan 2004 relates to new dwellings outside the Green Belt and requires such proposals to have a density appropriate for the site and a form and layout appropriate to the area. In reference to Policy S7, it is noted that:

- The proposal relates to the conversion of an existing building. A similar building exists at the rear of 25 Station Road. Additionally, to the rear of No.6 Station Drive is a further development along the same 'building line.' In this context, it is not considered that the form or layout of the development can be said to be inappropriate for the area.
- It is also noted that the site has an area of 475m² and that the density of the site will be 21 dwellings per hectare. Given the development involves the conversion of an existing building to a small two bedroom home, I consider that this density is acceptable in the context of the local area.

Further to the above matters, it should be noted that the development of previously developed sites helps to relieve development pressures (albeit to a limited extent) on more sensitive Green Belt sites. As members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of Supplementary Planning Guidance Note 10 (SPG10) to manage a situation of oversupply. It is noted a previous application in 2004 for a similar conversion of the existing building to a 2 bed dwelling was refused on the basis of the guidance provided within SPG10.

Guidance provided in SPG10 has now been superseded by policies contained in PPS3, the adopted Regional Spatial Strategy and the revised housing figures published by the Inspectorate in response to the Phase 2 revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and therefore windfall development of this scale would not result in an over-supply of housing.

Taking the above matters into consideration, the principle of the site as being suitable to support additional residential accommodation is viewed as acceptable.

Conservation Area - Character and Visual Amenity

The Council's Conservation Officer has been consulted on this application and whilst no objection is raised to the principle of developing this site, the submitted designs are viewed as "well below the standard we should be accepting in a designated Conservation Area." It follows that the Conservation Officer recommends the refusal of this application as it is "...detrimental to the character and appearance of the Hagley Conservation Area."

The above concerns regarding design are duly noted and in any assessment of development within a Conservation Area, significant weight is to be given to the Council's Conservation Officer's consultation response. At the same time, I note that the applicant previously submitted similar designs in 2006 and that no objection was raised by the Council's Conservation Officer in post at this time. Conservation Officer comments relating to the 2006 proposals stated,

"...Whilst not entirely convinced about the lean-to entrance, overall this is an improvement on the existing, and subject to materials and the colour of timber cladding, I would not wish to object."

Policy CTC.20 of the Worcestershire County Structure Plan (WCSP) and policies S35A and S36 of the Bromsgrove District Local Plan (BDLP) highlight that the Council will seek to preserve or enhance the character or appearance of Conservation Areas and will under take measures as appropriate to promote and improve the environmental quality of such areas.

Comments received from the Conservation Officer suggesting that the current building should be demolished and replaced with an entirely new building reaffirm the view that the current building is of a poor aesthetic quality. The applicant, following Conservation Officer comments, has revised previously submitted designs, reducing the size of one of the dormer windows. Whilst this revision is only a minor change, it is viewed as an improvement on previously submitted designs.

Whilst I acknowledge the Conservation Officer's concerns relating to the design of the current proposal, it is also necessary to acknowledge that for this development to be acceptable in terms of S35A, it need only preserve the character or appearance of the Conservation Area with reference to the aesthetic contribution made by the existing poor quality building. With reference to the refusal of similar designs in 2006, it is noted that the design of the conversion of the existing building was not raised as a conservation issue or refusal reason. Indeed, the refusal reason relating to the Conservation Area attached to the 2006 application's refusal is concerned with the loss of the screening due to the demolition of adjacent garages. However, given Conservation Area Consent is only required when demolition exceeds 115m³, the proposed demolition of the garages contained within this current application could ostensibly be completed without the need for Conservation Area Consent.

Thus, on balance, having regard to the poor quality of the current building and its off-street location, I am of the view that the proposed development would not materially harm the character and appearance of the Station Road Conservation Area and would, subject to conditions controlling materials, indeed preserve its character and appearance by virtue of renovating a poor quality structure.

Residential Amenity Issues

It is noted that residents of properties adjoining the application site have expressed concern with regards to the loss of privacy due to overlooking.

Paragraph 8.5 of SPG1: Residential Design Guide states that windows overlooking existing private spaces should be set back by a distance of 5m per storey from the site boundary where it adjoins a private garden area. As the proposed dormer windows are at first floor level, these windows should be set back by a minimum of 10m from the site boundary. In this case, one of the proposed dormer windows is only set back 4.7m from the common boundary with No.1 Station Drive. It is noted, however, that the presence of a substantial garage and driveway to the garage are located to the rear of No.1 Station Drive. The siting of this structure is such as to inhibit direct overlooking and any significant loss of light to the rear garden of that dwelling. It is also noted that a degree of direct overlooking could occur into the garden of number 27. However given the orientation of the window and the screening provided into that area by existing tree growth, which is protected by virtue of being within the Conservation Area, then it is considered that the impact on amenity would not be so demonstrably harmful as to refuse consent.

Letters of objection also mention:

- a) Concern regarding lack of amenity space for the proposed dwelling.

Paragraph 9.2 of SPG1 guides that small house types, whilst not having the same functional need for private amenity space as larger family dwellings, should provide a garden area of approximately 42m². The proposed walled courtyard garden measures approximately 28m². However, given the proximity of the site to the recreation ground, it is viewed that this limited space is sufficient and that proposed designs satisfy the requirement set out in PPS3 for good access to open amenity space.

b) Impact of noise from driveway on surrounding properties.

The access drive currently serves a number of garages, including a recently constructed garage at the rear of No.1 Station Drive. Also, there is an existing right of way to the rear of No.3 Station Drive. Given that no control in terms of hours of use or number of movements exists with respect to these existing rights, it is not considered that the development would bring about a materially more harmful situation.

c) The space between 27 Station Road and the proposed development is insufficient.

SPG1 provides guidance relating to the minimum separation distance between buildings to ensure acceptable privacy. A minimum separation of 21m is required to achieve a degree of privacy within conventional two-storey dwellings. The proposed designs satisfy this 21m requirement over a 90 degree field of vision. SPG1 guides that where significant variations in levels between the existing dwellings and the new development occur, the minimum separation distance must be adjusted accordingly. Given the application site and the surrounding land are predominantly flat, it is viewed that there is not significant difference in levels and no need to adjust the 21m required.

Highways

This application is a resubmission of an application (10/0224) previously withdrawn following the Council's Highways Officer's recommendation for refusal. In consideration of application 10/0224 the Council's Highways Officer commented,

"The application site is required to provide one external car parking space (excluding garages) and in this instance there is a right of access to be maintained. The proposed garages are not considered to be a car parking space and there is insufficient space to allow a vehicle to manoeuvre in front of the garage doors. There is insufficient spaces in front of the proposed dwelling to park a car and maintain the existing right of access to allow a vehicle to pass. Therefore the application fails to provide adequate car parking provision and maintains the right of access."

The current proposal has now addressed the above highways concerns and the Highways Officer has indicated that the proposal is now acceptable in terms of highways requirements subject to conditions relating to cycle parking and surfacing. I note the concerns of local residents regarding vehicular access, parking and manoeuvring, however, given the weight attached to the Highways Officer's comments, it is viewed that the proposal satisfies the requirements for vehicular turning and parking and complies with TR11 of the BDLP.

Trees

I note that the Tree Officer has made no comment on the application as yet. Nonetheless it is acknowledged that the existing building is shaded to the south by the existing overhanging tree canopy. The substantially similar previously submitted designs of the 2006 application raised no objection from the Council's Tree Officer and it is viewed that

the tree implications of the current proposal, given its essentially identical dimensions to the 2006 application, can be suitably addressed through the imposition of conditions to be confirmed by the Council's Tree Officer in the update.

Conclusion

This proposal would fulfil the requirements set out in Policies DS13, S3, S7, TR11, S35A of the BDLP 2004, the Council's Residential Design Guidance SPG1, PPS3 and PPS5, by not adversely affecting the character or appearance of the Conservation Area or the amenities of neighbouring residents to such an extent as to warrant refusal, whilst also maintaining a form and layout of development that is existing and appropriate to the area.

Taking the above points into consideration and on balance, it is considered that the proposal constitutes an appropriate form of development in the location proposed and I recommend that permission be granted.

RECOMMENDATION: that permission be **APPROVED**

1. C01
2. C03
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification, no development permitted under Article 3 and described within Classes A, B, C, D or E of Part 1 shall take place without the prior written consent of the Local Planning Authority.
4. HC25
5. HC36
6. Prior to the commencement of the development hereby approved, details of the car-port to be erected shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

3. To protect the amenities of the locality and residential amenities of the adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan and policy CTC.1 of the Worcestershire County Structure Plan 2001.
6. To protect the character and appearance of the local conservation area in accordance with S35A if the Bromsgrove District Local Plan 2004.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

12TH JULY 2010

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Head of Service	Head of Planning and Regeneration
Non-Key Decision	

DESIGNATION OF HEWELL GRANGE CONSERVATION AREA

1. SUMMARY OF PROPOSALS

- 1.1 The Council has a statutory duty under s69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate any areas which they consider to be of special architectural or historic interest as Conservation Areas. The Council has a further duty under s71(1) to formulate and prepare proposals for the preservation and enhancement of its Conservation Areas.
- 1.2 The designation of a new Hewell Grange Conservation Area has been promoted by the Victorian Society for several years, and was included in the list of potential designations within policy S35 of the current Local Plan. Hewell Park was included on the national Register of Historic Parks and Gardens in 1986, and the draft Conservation Area boundary includes 17 statutorily listed buildings. The lake within the Park is also designated as a Site of Special Scientific Interest (SSSI).
- 1.3 A formal review of the historic Hewell estate was carried out in January of this year, with assistance from the Victorian Society, to assess whether the area merited designation as a new Conservation Area. A draft boundary of the area and accompanying character appraisal was subsequently prepared and has now been released for public consultation following approval from the LDF Working Party on 15th April 2010. The public consultation period ends on 30th July 2010.

2. RECOMMENDATIONS

- 2.1 This report is for information only, as approval of the designation would be given at Cabinet level. Planning Committee Members are welcome however to make comments on the proposed designation, suggested boundary, draft character appraisal and management proposals.

3. BACKGROUND

- 3.1 The new Hewell Grange Conservation Area would be centred on the historic Hewell estate including what is now HMP Hewell and the historic village of Tardebigge. A large section of the proposed Conservation Area is already within the registered historic park, but this gives no protection to the buildings, structures or trees within it. The Hewell Grange estate is

- significant because of the high number of listed (17) and unlisted (30+) historic buildings and structures, and the connection between the wider landscape and the built environment. As a historic entity the interrelationship between the setting of the listed buildings and the registered historic park is a key element of the special interest of this proposed Conservation Area.
- 3.2 A Conservation Area is defined in the 1967 Civic Amenities Act as "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". It is not the purpose of a Conservation Area to prevent development, but to manage change in a positive and proactive way that benefits current and future generations.
 - 3.3 Conservation Area status means that a special form of Planning Permission called Conservation Area Consent is required for the total or substantial demolition of any building over 115m³ in size, the demolition of a boundary wall over 1m in height next to the highway or 2m elsewhere and the removal of any agricultural building constructed before 1914. There is a general presumption against the loss of buildings which make a positive contribution to the character or appearance of the Conservation Area. Additional controls are also placed over trees within the area, meaning that an owner must submit a formal notification of works to the Council six weeks before starting work.
 - 3.4 When assessing applications for development within designated Conservation Areas, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Areas under s72(1) of the Act. This does not mean that development will necessarily be opposed, only that this should not be detrimental to the significance of the wider Conservation Area.
 - 3.5 The purpose of a Conservation Area character appraisal is to identify the factors and features which make an area special, based on an in-depth assessment of an area's buildings, spaces, evolution and sense of place. An appraisal evaluates the positive, neutral and negative features of the area and suggests opportunities for improvement and is the first step in developing a management plan for the continued preservation and enhancement of a Conservation Area. Draft management proposals for the area have been included as an appendix to the character appraisal.

4. KEY ISSUES

- 4.1 The Strategic Planning team is currently carrying out a public consultation exercise to gather views on the proposed designation, suggested boundary, the character appraisal and the management proposals. Consultation letters have been sent to every resident with the suggested conservation area boundary and to local and national amenity societies including the Bromsgrove Society and the Garden History Society. The deadline for comments to be submitted is Friday 30th July.

- 4.2 It is anticipated that if the proposals are supported by local residents the designation would be presented for approval by Cabinet on 6th October 2010.

5. FINANCIAL IMPLICATIONS

- 5.1 None. The cost of consulting on the Conservation Area designation is being met by the existing Strategic Planning team budget.

6. LEGAL IMPLICATIONS

- 6.1 The designation of a new Conservation Area has to be formally issued by the Council and subsequently advertised in the Bromsgrove Advertiser and in the London Gazette, and notifications sent to GOWM, English Heritage and the Land Registry. There is no statutory right of appeal against Conservation Area designation.

7. POLICY IMPLICATIONS

- 7.1 If the designation is approved by Cabinet, the Conservation Area status would be a material consideration in the determination of planning applications.

8. COUNCIL OBJECTIVES

8.1 Objective 2 Improvement

The proposed Conservation Area designation has been promoted by the Victorian Society and the Hereford and Worcester Gardens Trust for several years. The Council has until now been unable to devote sufficient resources to any new designations or to the effective management of our existing Conservation Areas which has undermined the value of the conservation service we should be providing. By taking a more proactive approach to the protection and management of the historic built environment, we will increase customer satisfaction and improve local engagement with the wider Planning service.

8.2 Objective 3 One Community and Well Being

The main purpose of a character appraisal is to highlight the importance of the historic environment and engage the local community in their cultural heritage. The draft appraisal has been made available on the Council's website, at the Customer Service centre in the Dolphin Centre and the Council House to ensure that it reaches a wide audience. The historic built environment is often seen as a traditional and elitist subject and we hope to address this by providing a more inclusive and accessible conservation service to the local community.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 These risks are being managed as follows:

Risk Register: Planning and Environment

Key Objective Ref No: 5

Key Objective: Effective, efficient, and legally compliant Strategic Planning Service

Key Control: Carry out Conservation Area character appraisals and management plans in accordance with national planning guidance

Action: No specific actions relate to Hewell Grange Conservation Area

10. CUSTOMER IMPLICATIONS

10.1 The public consultation has been carried out in line with current legislation and adopted standards contained in the Bromsgrove District Council Statement of Community Involvement (SCI).

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 All work related to the proposed designation and public consultation has been carried out by existing staff.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 The retention and repair of historic buildings harnesses their embodied energy and reduces the need for the production of new building materials and associated construction energy costs.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 Any lessons learnt from the public consultation and designation process will influence proposals relating to other conservation areas in the future

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Consultation letters have been sent to every resident within the proposed Conservation Area boundary and to local and national amenity societies. Copies of the appraisal have been made available on our website and paper copies distributed at our public drop in meeting on 1st July.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Planning, Regeneration and Housing Services	Yes
Executive Director - Section 51	No
Executive Director and Deputy Chief Executive	No
Director of Policy, Performance and Partnerships	No
Head of Planning and Regeneration	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

Tardebigge

22. APPENDIX

Draft Hewell Grange Conservation Area Character Appraisal

CONTACT OFFICER

Name: Judith Carstairs, Conservation Officer
eMail: j.carstairs@bromsgrove.gov.uk
Tel: (01527) 881326

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HEWELL GRANGE

CONSERVATION AREA

DRAFT CHARACTER APPRAISAL

JUNE 2010



BROMSGROVE
DISTRICT COUNCIL

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This is a consultation draft of the character appraisal for the proposed Hewell Grange Conservation Area. Comments are welcome and should be sent to the Strategic Planning Team, Bromsgrove District Council, Council House, Burcot Lane, Bromsgrove, B60 1AA or email conservation@bromsgrove.gov.uk



View from water tower towards Tardebigge PH



Hewell Grange garden front c.1910, Arthur E Morton



Hewell Grange garden front 1995. © Crown copyright.NMR

1.0 INTRODUCTION

1.1 *The new Hewell Grange Conservation Area would be centred on the historic Hewell estate including what is now HMP Hewell land and Tardebigge village. A large section of the proposed Conservation Area is already on the National Register of Historic Parks and Gardens compiled by English Heritage and the lake is designated as a Site of Special Scientific Interest.*

1.2 *The purpose of a Conservation Area Character Appraisal is to identify the factors and features which make an area special, based on an in-depth assessment of an area's buildings, spaces, evolution and sense of place. This is the first step in developing a management plan for the continued preservation and enhancement of a Conservation Area. An appraisal evaluates the positive, neutral and negative features of the area and suggests opportunities for improvement.*

1.3 *This appraisal of the proposed new Hewell Grange Conservation Area was carried out in February 2010 in accordance with the guidance given by English Heritage in their 'Guidance on Conservation Area Appraisals' publication. Although produced by the Council, local societies and residents will be encouraged to contribute to and comment on the draft document. This will result in a well rounded assessment of the area incorporating local knowledge, perceptions and suggestions.*

1.4 *The draft character appraisal and a map of the proposed Conservation Area will be made available on the Council's website, at the Customer Service centre in the Dolphin Centre and the Council House to ensure that it reaches a wide audience. There will also be a small exhibition in a local venue to explain the purpose of the document and collect local comments.*

1.5 *The designation of a new Conservation Area must be approved by the Council's Local Development Framework Working Party before it comes into force. If the designation is successful the boundary of the Conservation Area will be advertised in the local and national press and local residents living within the boundary notified. There is no statutory right of appeal against a Conservation Area designation, so it is important that local residents make their concerns known during the initial consultation period.*



Tardebigge PH



Dairy Cottage and Tardebigge Court



Hewell Lane



View through village

2.0 PLANNING POLICY CONTEXT

2.1 A Conservation Area is defined in the 1967 Civic Amenities Act as “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. It is not the purpose of a Conservation Area to prevent development, but to manage change in a positive and proactive way that benefits current and future generations.

2.2 Conservation Area status means that a special form of Planning Permission called Conservation Area Consent is required for the total or substantial demolition of any building over 115m³ in size, the demolition of a boundary wall over 1m in height next to the highway or 2m elsewhere and the removal of any agricultural building constructed before 1914. There is a general presumption against the loss of buildings which make a positive contribution to the character or appearance of the Conservation Area. Additional controls are also placed over trees within the area, meaning that an owner must submit a formal notification of works to the Council six weeks before starting work.

2.3 *The primary legislation governing Listed Buildings and Conservation Areas is the Planning (Listed Buildings and Conservation Areas) Act 1990. This legislation includes certain statutory duties which the Council as Local Planning Authority must uphold. S69(1) of the Act requires Local Planning Authorities to designate any areas which they consider to be of special architectural or historic interest as Conservation Areas, and under s69(2) to review such designations from time to time. The Council has a further duty under s71(1) to formulate and prepare proposals for the preservation and enhancement of its Conservation Areas from time to time.*



Hewell Lane, from Hewell House looking south-east

2.4 *When assessing applications for development within designated Conservation Areas, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area under s72(1) of the Act. This does not mean that development will necessarily be opposed, only that this should not be detrimental to the special interest of the wider Conservation Area. Specific guidance relating to development within Conservation Areas can be found within PPS5 Planning for the Historic Environment published by the Department for Communities and Local Government, at national government level.*



2.5 *A large proportion of the proposed Conservation Area is within a Grade II* registered historic park. Although this designation brings no additional planning controls, the special interest of the park is a material consideration when the Council assesses any applications for planning permission. The Garden History Society must also be consulted on any planning applications which could affect its special interest.*



Walled kitchen garden, Holyoakes Lane

2.6 *The lake to the north of the proposed Conservation Area is designated as a Site of Special Scientific Interest (SSSI). This designation includes the lake, the eastern and south eastern lakeside woodlands and the mixed ornamental woodlands to the SE of the Grange and SW of the lake. Again this brings no additional planning controls, but consent is needed from Natural England for certain types of works. Part of the SSSI is managed by the Worcestershire Wildlife Trust as a nature reserve because of its importance for breeding and wintering water birds.*



The lake, Hewell Park, ©Parklands Consortium Ltd 2001



Trees at South Lodge, Hewell Lane



Dovecote to rear of Hewell Grange



View across Hewell Park, ©Parklands Consortium Ltd 2001

2.7 The Council is empowered under the Town and Country Planning legislation to protect the environment within the district by placing Tree Preservation Orders on trees and groups of trees where it is in the public interest to do so. The Council regularly makes such orders and a group order was placed on the Hewell Estate a few years ago and has recently been revised. It is an offence to carry out any work to protected trees without the formal consent of the Council.

2.8 The Bromsgrove District Local Plan adopted in 2004 contains a series of specific policies relating to the historic environment (see Appendix 4). These policies help guide the Local Planning Authority when assessing planning applications, to ensure that new developments and alterations preserve or enhance the character or appearance of the Conservation Area

3.0 DEFINITION OF SPECIAL INTEREST

3.1 The special interest of a Conservation Area is defined by more than its appearance and includes the atmosphere, texture, sense of place and setting as well as more obvious qualities such as groups of historic buildings. Notable buildings and the spaces between buildings set an overall context for an area, but a designated Conservation Area should be more than just a collection of attractive buildings.

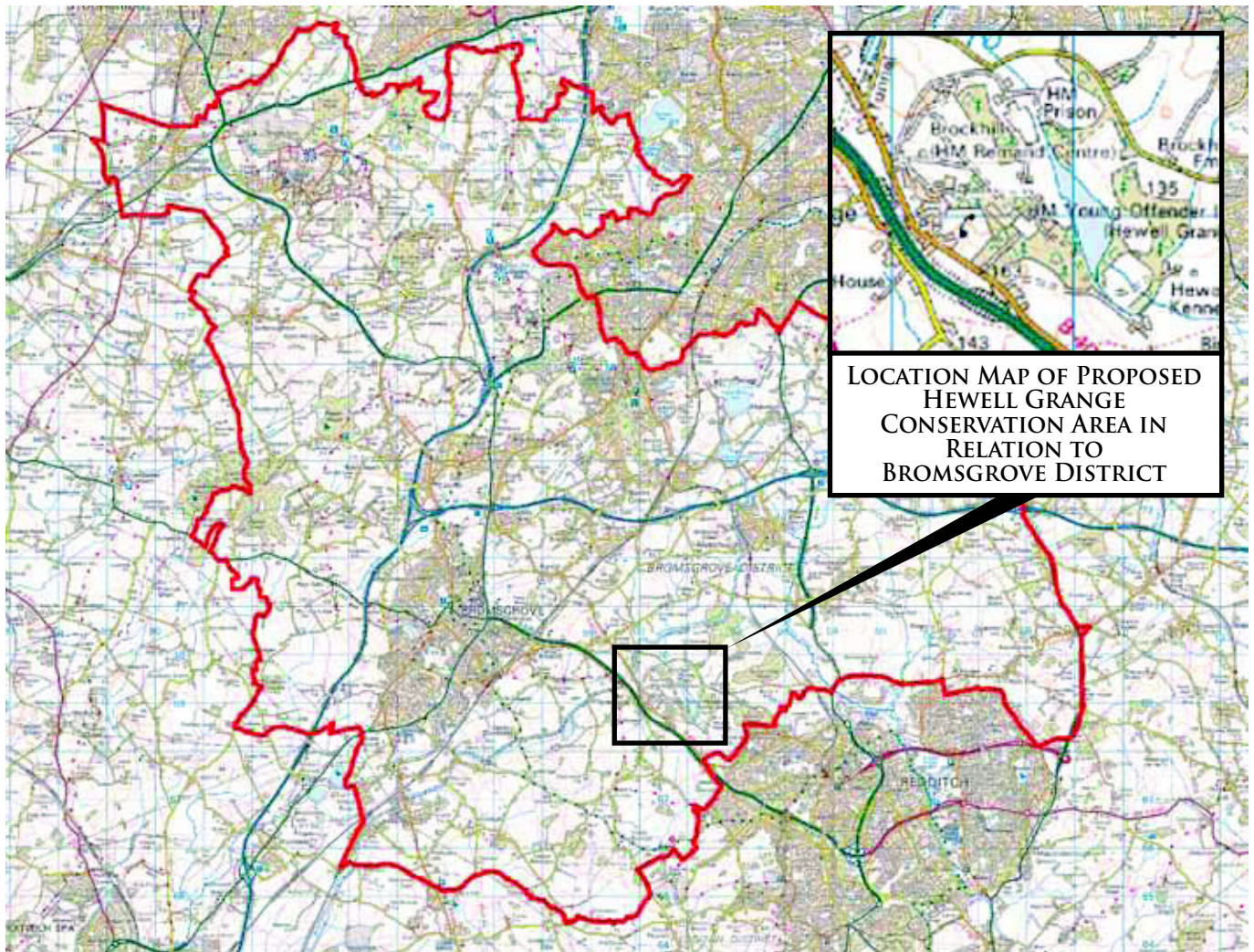
3.2 The Hewell Grange Conservation Area is significant because of the high number of listed and unlisted historic buildings, and the connection between the wider landscape and the built environment. As a historic entity the inter-relationship between the setting of the listed buildings and the registered historic park is a key element of the special interest of this Conservation Area. Some fragmentation has occurred as the original estate has been sold in parcels to individual owners; however this has been largely mitigated by the passing of the bulk of the park into Crown ownership.

4.0 ASSESSMENT OF SPECIAL INTEREST

4.1 Location and Setting

The proposed Hewell Grange Conservation Area is centred on the registered historic park and the village of Tardebigge approximately 2 miles south east of Bromsgrove. The former Hewell Estate covers an area of approximately 850 acres and has been included in the national register of historic parks and gardens compiled by English Heritage since 1986, in recognition of its landscape significance.

The suggested Conservation Area boundary includes the existing registered historic park plus the buildings within Tardebigge village, and is partially defined by the A448 dual carriageway to the South.



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4.2 Historic Development and Archaeology



View across The Forge to St. Bartholomew's

Tardebidge as a settlement can be traced back to the 10th century and various versions of the name are recorded. The name can be translated as 'tower on the hill' - a possible reference to an earlier ecclesiastical building on the site of St. Bartholomew's Church. The majority of the manor including the previous church was given to the Cistercian Monks at Bordesley Abbey c.1138 and reportedly grew to a much larger settlement through the medieval period. The medieval church was demolished in 1775 and replaced with the current Grade II listed church in 1777 incorporating much of the earlier fabric.



Windsor family coat of arms

Archaeological investigations have been carried out around St. Bartholomew's Church on what is thought to be the site of the medieval village, but no significant remains were uncovered. Traces of ridge and furrow can however still be seen as earthworks in this area, which is outside the proposed Conservation Area boundary.

The Hewell Grange estate was once one of the largest private estates in Worcestershire and the seat of the Earl of Plymouth, until it passed into crown ownership in 1946. The site was originally part of the grange connected to Bordesley Abbey, passing to the Windsor family after dissolution of the monasteries in 1542. The manor remained in the Windsor family, later the Earls of Plymouth from the 17th century, with successive generations adding to the evolution of the house and the landscape. Most of the surviving historic buildings date from the 18th and 19th century, with a few incorporating earlier structures such as the ruins of the Old Hall. The park itself has been expanded and altered in several phases throughout the ownership of the Earls of Plymouth, including the enlargement by 1000 acres and introduction of deer in 1561 and formal gardens laid out in the 19th century. The evolution of the park is described further in section 4.8.



Old Papermill Cottage, off Hewell Lane

4.3 Key Views

There are a number of key views across the landscape which demonstrates the intrinsic value of the historic park and its relationship with the historic buildings on the estate. Prominent views through the village include from the crest of Hewell Lane at the listed water tower down past the Home Farm (now Tardebigge Court) to the Tardebigge PH, and from the opposite direction leading from the listed gate lodges towards the pub. Within what is now Crown land, the approach to the Grade II listed Hewell Grange through the listed gate piers is of high significance along with the views from the garden elevation of the Grange through the French Garden. Views of the water tower up the grass steps have landscape significance as well as contributing to the setting of the listed tower, but have unfortunately been undermined by the loss of some of the steps which originally led as far as the lake. Other views include the grouping formed within Home Farm and the relationship between the various ancillary garden buildings, particularly within the Quarry Garden up towards the Grange beyond. The key views within the proposed Hewell Grange Conservation Area have been identified on Map 1.



Hewell Lane, looking north-west



View from French garden up to water tower, Hewell Park

4.4 Prevailing and Former Uses

Most of the estate was given to the crown in 1946 in lieu of inheritance tax and has been operated as a prison since this date. The rest of the Hewell Estate was sold in a parcel including the properties within Tardebigge village, some of which have since been sold again into individual private ownership.

The primary use of the buildings within the village is residential, with office and workshop units in the former Home Farm and forge opposite. As the bulk of the historic park is within Crown Land the current uses are associated with the prison including various service, storage and farm buildings. This at least reflects the historic nature of the Hewell estate combining a primary country residence with ancillary working buildings which supported the Earls of Plymouth and housed estate workers.



Tardebigge Court, Hewell Lane

4.5 Architectural Character and Key Buildings

Prison Estate

The Hewell Grange Conservation Area contains 17 listed buildings and structures, most of which are within what is now the prison estate. There are also a large number of ancillary structures (approximately 30) such as boundary walls and statuary which are protected as curtilage listed buildings. Any structure constructed pre-1948 which is ancillary to a listed building is automatically protected as curtilage listed. A draft list of all the curtilage structures which have presently been identified within the prison estate has been included in Appendix 2. Please note there may be other protected curtilage structures concealed within the estate which are still covered by the listed status.



Swing door and portal, Hewell Park



Hewell Grange garden front 1891, H. Bedford Lemere.
Reproduced by permission of English Heritage. NMR



Ruins of The Old Hall, Hewell Park

The main prison building at Hewell Grange is a Grade II* listed former country house built in 1885-1892 to replace what is now known as the Old Hall - itself a remodelling of a 16th century manor house. This large imposing building is in a 'Jacobethan' style popular in the late Victorian period but with an Italianate interior, designed by Bodley and Garner and constructed in Cheshire Red Sandstone. The heavy form of the building is lightened by the large mullioned windows and addition of turrets, ornate chimneys and an octagonal cupola at the upper levels. Most of the lavish interior survives with ornate panelling, decorative plasterwork ceilings and a galleried entrance hall with marble pillars.

The ruins of the Old Hall (Grade II listed) which was substantially demolished in 1899, survives to the east of the present house and is included on the Councils Buildings at Risk register because of its deteriorating poor condition. The building was a 1712 reworking of an earlier 16th century manor house with later 19th century additions, but only the front elevation and part of the side and rear walls survive. The front pedimented portico depicting the Plymouth coat of arms with Corinthian columns demonstrates the grandeur of this once fine building, now in perilous condition and permanently scaffolded.

To the rear of the main house is the Grade II listed Tennis Court (now in use as the prison gym) which was originally built in 1820 with alterations to raise the roof and add dressing rooms carried out in 1891. The prominent Grecian balcony supported by four Coade stone caryatids and stone balustrade is the strongest architectural feature, on what is otherwise a rather restrained design. The porticoed entrance on the south west corner and the vestibule on the southern elevation have unfortunately been demolished. A set of stone steps dating from the 1830s, lead down to the Dutch garden from the tennis court to the south. The sandstone bridge to the South of the Tennis Court dates from the 1820s and although the original balustrade has been lost, this structure still has historic merit and is protected as curtilage listed. Beyond this a large Coade stone urn on a grey sandstone pedestal survives. Adjacent to the tennis court are the former stables, now used as offices by the Prison Service Works Department. The building is curtilage listed and reputedly dates from the 1680s but has been extensively altered.



Sandstone bridge, Hewell Park

Several statues and boundary features within the grounds of Hewell Grange are statutorily listed including the four Coade stone statues depicting the four seasons within the French garden which date from the 1820's, and the 1825 statue of the 'Fallen Gladiator' within the forecourt. The red sandstone walls and ornate piers enclosing the semicircular forecourt are Grade II listed and were constructed in 1902 to enclose the entrance to the Grange. To the left of the forecourt slightly down hill is the Grade II listed Icehouse, now completely covered in ivy. Beyond this to the West are the Quarry Gardens which includes a late 19th century, Grade II listed stone swing door and portal plus a stone seat, sandstone arch and remains of a Coade fountain which are all curtilage listed structures. To the rear of the house around the French Garden are several sets of stone steps, the remains of a Coade fountain and surrounding wall with urns, and a timber dovecote dating from 1907 which are all protected as curtilage listed structures.



Coade stone statue in French garden, Hewell Park



Statue of the Fallen Gladiator, Hewell Park

Beyond the French Garden leading upwards towards Hewell Lane are the remains of the grass steps leading to the Grade II listed water tower. This building is prominent in views up Hewell Lane from Tardebigge village, and also within the registered historic park - although its setting has been undermined by the partial loss of the grass terraced steps below. The water tower was built in 1891, designed by architects Bodley and Garner who also designed the main house, and is four storeys high constructed in red sandstone with a pyramidal shingled roof. No longer in use, the structure is showing signs of decay with missing tile hanging and roof tiles. The windows have also all been lost, with only some small sections of the metal frames still in place, and the openings blocked at ground floor level.



View of water tower from Hewell Lane



Old Papermill Cottages, off Hewell Lane

Details of all the listed buildings within the proposed Conservation Area boundary are included in Appendix 2. The statutory list descriptions for these are available online through the Heritage Gateway website at www.heritagegateway.org.uk/gateway/

Area to South-East of Crown Land

The area to the Southeast of the Crown owned land contains several notable historic buildings including the former estate kennels and papermill buildings.



Papermill Lodge, off Hewell Lane

The Papermill closed in 1817 and the buildings were later converted to residential use and renamed Old Papermill Cottage. The adjacent Old Papermill Cottages incorporate part of an earlier 17th century timber framed building, which was re-fronted and extended in the 18th century and is now four dwellings. Papermill Lodge, across the shared access drive, was built in 1876 and has mock timber framing, leaded windows and decorative plasterwork including the initials of the Windsor family at the upper level.

The former estate kennels built in 1857 are now run as a commercial kennels and cattery, with the original railings to the dog runs surviving. The Gamekeepers Lodge, now in residential use also dates from 1857. The adjacent Gamekeepers Larder is contemporary with these and is a charming single storey red brick building with wooden slatted openings. These three historic buildings together form an interesting group and are a tangible representation of the former workings of the Hewell estate.



Gamekeepers larder at Hewell Kennels

Tardebigge Village

A number of interesting historic buildings survive within Tardebigge, relating to the ancillary uses once part of the Hewell Estate. Only one of these is statutorily listed, Hewell House (former Estate Stewards House) and is a mid 19th century re-working (1857) of an earlier 18th Century house with 1930's extensions. The building is a two storey red brick house with tiled roof and timber casement windows and is now in private ownership. Home Farm adjacent (now Tardebigge Court) is unlisted, and was built in 1844 with various later additions over the next 40 years. This complex of mostly single storey red brick buildings is now in use as small workshops and retail units. The long sandstone wall at the boundary of the complex has significant streetscene value.



Hewell House, Hewell Lane

Directly opposite Home Farm is a range of single storey, 19th century red brick workshops originally a Stables, Pickling Tank, Wheelwrights Shop and Blacksmiths Forge. The buildings were recently renovated and converted to office use. Beyond this heading northwest is a small terrace of three cottages which replaced an earlier structure once called New Cottage. Rose Cottages date from 1856 and are two storey red brick cottages which retain their diamond pattern leaded windows, tall chimneys and central porch to front. Further along Hewell Close is a later two storey red brick dwelling now known as New Cottage, which makes a neutral contribution to the Hewell Grange Conservation Area.



The Forge, Hewell Lane

Rose Cottages now front onto the car park of the Tardebigge public house which was designed by Francis Baylis of Redditch and built in 1911 as a village hall and institute. The building was constructed in memory of the Earl of Plymouth's eldest son who died in Agra, India and was used as a recovery hospital for WWI soldiers. Built in red brick with a slate roof and central cupola feature to the front elevation, this historic building has considerable presence in the streetscene and in views through the Conservation Area as well as having social historical significance.



Rose Cottages, Hewell Close

On the opposite side of Hewell Lane facing the entrance to Hewell Close are a pair of late 19th century lodge buildings, both unlisted. Southwest Lodge on the left was once the Works Foreman's Cottage and is by Goddard and Paget, who were prominent Victorian architects. Built in 1886, the decorative tile hanging with half timbered gables and carved brackets is typical of the period and the architects. On the right and mostly concealed from view is Dairy Cottage which was built in 1885 and has a slightly heavier style than Southwest Lodge. The single storey dairy building to the rear survives.



Dairy Cottage, Hewell Lane



View from walled kitchen garden towards St. Bartholomew's



Gardeners Cottage and Apple House, Holyoakes Lane



North and South Lodges, Hewell Lane



Park Cottages, Hewell Lane

The walled kitchen garden on Holyoakes Lane (now the Prison kitchen garden and shop) was laid out in 1827 and enclosed by a 3m high red brick wall in 1833. This site was once part of Holyoakes Farm, but relocated the kitchen garden away from the main house to allow the creation of the French garden in 1827. Attached to the walled garden facing Holyoakes Lane, is the much altered former Head Gardeners Cottage (pre 1838) and Apple Store (1850s) which interestingly resembles the typical design of a non conformist chapel. Within the walled garden a number of historic structures survive including one 1830s glasshouse, an 1840s Pineapple House, an 1840s Root House and a series of single storey outbuildings also 1840s. The kitchen garden was added to the registered park in 2001, it is also proposed that the walled garden be submitted for statutory listing in recognition of its architectural and historic interest.

Opposite the walled garden is the Bowling Green, on the site of what was once the Hewell Recreation Ground stretching from the Tardebidge PH to Holyoakes Lane before the dual carriageway was built. The pavilion itself is a modern and functional building which makes a neutral contribution to the character of the Conservation Area.

At the northern edge of the proposed Conservation Area boundary further along Hewell Lane are the Grade II listed North and South lodges at the northwest gate of the estate. This pair of lodges dates from the early 1830s and was designed by Thomas Cundy Snr in the classical style. Constructed in red brick encased with ashlar, the side doors have Doric columns with recessed entrances. The listing includes the attached gate piers. Unfortunately the condition of these two listed buildings continues to cause concern and the buildings have been identified as Buildings at Risk for several years.

At the far southern end of the proposed Conservation Area are Park Cottages, a pair of 1850 estate cottages (now 4 properties) in yellow brick with mock timber framing, ornate gables and chimneys.

4.6 Building Materials

Most of the buildings on the prison estate are constructed in buff or red sandstone whilst the village buildings are mostly red brick, reflecting their lower status. When the main house was replaced in 1885 a narrow gauge railway was laid to the nearby Worcester and Birmingham Canal to transport necessary building materials to the site.

4.7 Public Realm

As the majority of the Conservation Area is Crown property with restrictions on public access, there is limited public appreciation of the shared surfaces, boundary treatments etc.

Within the village the long sandstone wall at Home Farm (now Tardebigge Court) is the most prominent physical feature of the public realm, as many of the buildings are set back from the road or partially concealed from view. Key views through the Conservation Area are framed by trees and hedgerows, some of which are overgrown and in need of pruning to reveal these views better. As Hewell Lane is a well frequented road, the standard tarmac surfacing and white lines have been employed with some surviving granite setts to the kerb lines. This creates a feeling of vehicular dominance, evident by the lack of maintenance of the pavements alongside. At Home Farm a large number of A boards have been placed along the pavement, which coupled with large projecting signs over the wall, creates an unattractive clutter that detracts from the appearance of the Conservation Area. The bus shelter outside The Forge is also in need of maintenance.

4.8 Important Trees and Green Spaces

The following text has been reproduced from the 2001 Historical Landscape Appraisal with kind permission from Parklands Consortium Ltd.

“The pleasurable experience of walking around the park at Hewell reveals the care that went into establishing a series of views and vistas that are afforded from designated points. This is particularly apparent in the western section of the park and in the composed views around the lake. Commencing in the early 18th century this intricate landscape continued to evolve with each subsequent layer enhancing the previous structure of views.



Tardebigge Court



Wall to Tardebigge Court



Signage at Tardebigge Court



Hewell Grange garden front 1905. ©Crown copyright NMR



Hewell Grange garden front c.1910, Arthur E Morton



Parterres, date unknown. Reproduced with permission from www.gardenvisit.com

The gardens and park at Hewell Grange are in fact the most recent manifestation of a history of landscaping undertaken at the behest of the Earls of Plymouth. Among the most outstanding elements of the history still visible on the site are the improvements to the lake undertaken at the advice of William Shenstone; the lakes later remodelling with extensive tree planting undertaken by Lancelot Brown in the second half of the 18th century and the continuing enhancement of the pleasure grounds and park in the early 19th century by Humphrey Repton. The improvements also embrace the architectural improvements undertaken after 1815 by Thomas Cundy (Snr), firstly to the house and possibly including the creation of the Real Tennis Court. Further ornamentation to the pleasure grounds and the creation of extensive formal gardens were completed during the 19th century, culminating in improvements undertaken at the end of the century and beginning of the 20th century in conjunction with the design for the new house by Bodley and Garner, constructed between 1884 and 1891. Much of the historic design in terms of circulation patterns, structures, details of surface finish, planting and water features, has been eroded, replaced, or is in poor condition

There is considerable evidence of Brown's work still visible, particularly in the shape and formation of the lake. The park was further enlarged to create a more spacious setting for this important feature, and Brown was asked to return again to establish an appropriate planting frame for the landscape. The size of the lake at Hewell would have taken several years to achieve both in scale (c. 30 acres) and its triangular shape with gentle contoured edge. Its shape appears typical of Brown's work and its naked banks characteristic of his style. The boundary walk broadens out at the southern end of the lake and continues onto the dam itself, a feature that is reminiscent of Brown's design for Wootton. The sluice tucked round the corner from the head of the lake and surrounded by beech trees also appears typical of Brown's technique

Repton's design is both highly sophisticated and subtle and the Red Book of 1813 for the site was an outstanding example of his work. Commissioned to enhance the park Repton paid particular attention to the lakeside landscape. He achieved an outstandingly successful design and amongst the most recognisable features of his work are the quarry garden, pleasure grounds and gardens adjacent to the earlier mansion and the effective circulation patterns, carefully modulated topography and subtle views and vistas. Although the majority of Repton's proposals were implemented, it is likely that it was Thomas Cundy (Snr) who carried out the improvements and did not only undertake the alterations to the house but also continued to implement improvements to the estate.

The 19th century saw an increasing interest in history and this extended to emulating the gardening traditions of other countries. The French garden was one of three gardens in a national style, the others being an American and a Dutch garden. The French garden is generally recollected as having been made in 1828 but the date of the statues and other evidence, would suggest that it was planned and executed at least a year previously. The archery terrace still forms a strong feature with sharply sloping edge along the western side of the French Garden. The Dutch garden was described by Alicia Amhurst in *A History of Gardening in England* in 1805, as having been made according to Repton's ideas (and) in the *Gardeners Chronicle* of 1843....as a little gem. The Dutch garden had lozenge-shaped beds edged with box and intersected by black and red tiled paths, and there were Delft planters. The American garden was to the north of the French garden and was laid out in front of the orangery as a series of rectangular beds. American gardens were not an attempt to recreate a style but were for the purposes of growing plants that were thought to have originated in America. (NB: This is now the site of the present Hewell Grange mansion)

Much work was done in the grounds once the new house was complete, and a major piece of landscaping was the creation of a series of eighteen grass terraces from the water tower to the edge of the lake. The terraces ran for 650 yards and took three years from 1900 to 1903 to construct. The cutting of the grass terraces from the water tower at the highest point of the site and stepping down to the lake in the valley below, creating a marvellous cross axis. With the French garden at its centre it succeeded in heightening both the formality and drama of the site, but their previous continuation towards the lake on the other side of the garden has been erased. The maze was started in 1902 near the top of the grass terraces and required considerable levelling. It was made of hornbeam and gravelled with white granite and a birch plantation was established near it in 1906. Rhododendrons were also extensively planted in the area of the planted hill in view of the indoor Tennis Court. Further planting, including the Lime avenues in the park, is associated with the building of the new mansion and was carried out between 1895 and 1914.



Fountain in French garden, date unknown. Reproduced with permission from ©Parklands Consortium Ltd



The lake, Hewell Park, ©Parklands Consortium Ltd 2001



Grass steps to water tower, date unknown. Reproduced with permission from www.gardenvisit.com

4.9 General Condition of the Area



Iron bridge, Hewell Park 2009. Reproduced with permission from ©Dorothea Restorations Ltd



View of Hewell Lane looking Southeast



Ruins of The Old Hall, Hewell Park

Hewell Park was included on the National Heritage at Risk register in 2009 (one of only 2 Parks at Risk in Worcestershire) because of ongoing significant condition problems and is categorised in the register as having high vulnerability. The Hereford and Worcester Gardens Trust are seeking to address these problems, commissioning a Landscape Appraisal in 2001 and coordinating the recent restoration of the island to the lake and iron bridge, which was carried out by HMP Hewell Staff and prisoners.

A lack of maintenance of the public realm along Hewell Lane and Holyoakes Lane is clear as evidenced by the 'bleeding over' of vegetation onto the footpaths, and encroaching of tree canopies into notable views. This issue has been highlighted in our draft management plan attached as Appendix 3.

The condition of the various listed and unlisted historic buildings throughout the village is actually quite good, with signs of previous repairs and a minimum of unsuitable alterations to many of the buildings. Four Listed Buildings have however been highlighted as Buildings at Risk - the Ruins of the Old Hall and the Icehouse which are both in Crown ownership, and the two lodges to the Northwest gate which are in private ownership. Vacancy is low, which has helped provide ongoing maintenance to the surviving historic buildings or at least an awareness of what condition issues are present in the case of the Crown owned buildings and structures.

4.10 Challenges and Opportunities

One of the major challenges to this Conservation Area is the deteriorating condition of many of the historic buildings including the Grade II listed Ruins and the Icehouse, which have both been added to the Council's Buildings at Risk Register. Urgent works are required to stabilise the remains of the Old Hall before further collapse undermines its architectural interest.

The possibility of grant assistance to carry out a detailed condition survey of the structure (health and safety regulations permitting) and options for its long term preservation should be explored with the Prison Service and English Heritage. The icehouse is almost completely concealed by overgrown ivy and it is difficult to ascertain the condition of the structure within. The removal of the ivy would enhance its appearance and improve the public amenity value and awareness of this ancillary structure. The pair of lodges to the northwest gate have also been identified as Buildings at Risk during our recent survey.

Another ongoing challenge is balancing the needs of the Prison with the preservation of the historic landscape. Recent interventions to restore the iron bridge and the island to the southern section of the lake, in conjunction with the Hereford and Worcestershire Gardens Trust have highlighted the benefits of collaborative working between the Crown and local amenity groups. There is a real opportunity for both parties to expand on this experience to progress some of the other improvement projects identified in the 2001 historic landscape appraisals.

The recent sale of some of the properties within the village to individual occupiers has raised concerns that these buildings may suffer alterations which undermine their architectural importance. The imposition of an Article 4 Direction was considered which would remove permitted development rights from some buildings. This means that planning permission would then be needed for any external alterations on elevations fronting the highway. This option was considered, however PPS5 advises that an article 4 direction should only be applied where permitted development rights undermine the aims for the Conservation Area. The level of past alterations is minimal and the risk of significant decay in the near future is low, therefore it was decided not to apply an Article 4 Direction at this time but this could be reassessed in the future.



The Icehouse, Hewell Park



South Lodge, Hewell Lane



Leaded window, Hewell Lane

5.0 PROPOSED CONSERVATION AREA BOUNDARY

The proposed Hewell Grange Conservation Area includes the area currently designated as a Registered Historic Park, the immediate surroundings of the former Paper Mill and Kennels to the Southeast of the prison, and the properties within Tardebigge village. This boundary was suggested and supported by the Victorian Society and the Hereford and Worcester Gardens Trust, to encompass what remains of the historic Hewell Grange estate. A map of the proposed Conservation Area boundary is attached as Map 1, a map of the existing Registered Historic Park boundary is attached as Map 2.



Tardebigge Court, Hewell Lane

6.0 MANAGEMENT AND ENHANCEMENT PROPOSALS

Appendix 3 includes a draft management plan for the area. This is not an absolute list but outlines the main issues which need to be addressed and possible tasks and timescales. It should be made clear that the Council cannot give a definite commitment to undertake these tasks, which will ultimately depend on future financial and staff resources.

The main management issues which need to be addressed are:

- *Improvements and restoration works to the registered park*
- *Condition problems of listed buildings*
- *Maintenance and enhancement of the public realm*

7.0 PUBLIC CONSULTATION

Before final publication the new Conservation Area designation, character appraisal and management plan will be subject to a six week public consultation period. The designation of a new Conservation Area must be approved by the Council's LDF Working Party and advertised within the national and local press. Following adoption, details of the Conservation Area boundary and the character appraisal document shall be available on our website and formal notifications of the new designation sent to every owner occupier within the boundary.

APPENDIX 1

List of properties within the proposed Conservation Area Boundary

*HMP Hewell Grange plus ancillary buildings and structures,
excluding HMP Brockhill, HMP Blakehurst Remand Centre
and Hewell Grange Farm*

South and North Lodges at NW entrance

*Walled kitchen garden, Holyoakes Lane including Apple Store,
Gardeners Cottage and all structures within the walled garden*

Hewell Bowling Club, Holyoakes Lane

1- 61 The Park

The Bungalow, The Park

Hall to rear of The Park

1-5 The Drive

Tardebigge PH, Hewell Lane

South West Lodge, Hewell Lane

Dairy Cottage, Hewell Lane

Sawmill House, Hewell Lane

1, 2 and 3 Rose Cottages, Hewell Close

New Cottage, Hewell Close

The Old Forge, Hewell Lane

Tardebigge Court, Hewell Lane (former Home Farm)

Hewell House, Hewell Lane

1-4 Park Cottages, Hewell Lane

*Hewell Kennels, Gamekeepers Lodge and Gamekeepers Larder,
Hewell Lane*

Old Papermill Cottage, Hewell Lane

1-6 Papermill Cottages, Hewell Lane

Papermill Lodge, Hewell Lane

APPENDIX 2

Listed Buildings within the proposed Conservation Area Boundary

HMP Hewell Grange (Grade II)*
Ruins of the Old Hall (Grade II)
Tennis Court (Grade II)
South and North Lodges at NW entrance (Grade II)
Water Tower (Grade II)
Four coade stone statues in French garden (Grade II)
Gate and gate piers at SE entrance to French garden (Grade II)
Statue of Fallen Gladiator in forecourt (Grade II)
Wall around forecourt N of Hewell Grange (Grade II)
Icehouse 25m north of Hewell Grange (Grade II)
Swing door and portal 25m NE of Hewell Grange (Grade II)
Garden temple 50m NE of Hewell Grange (Grade II)
Home Farmhouse (now Hewell House) (Grade II)

Curtilage listed structures

Walled kitchen garden including the Apple Store, Gardeners House and historic stores and glasshouses within the garden, Holyoakes Lane
Stables to Hewell Grange
Dovecote to rear of Hewell Grange
Remains of Boat House, Hewell Lake
Stone seat and fountain in Quarry Gardens, Hewell Park
Stone bridge leading to Tennis Court, Hewell Park
Iron Bridge to Island, Hewell Park
Large urn and plinth to S of Tennis Court, Hewell Park
Stone arch and garden bridge to S of Tennis Court, Hewell Park
Ha-ha with remains of stone wall, Hewell Park
Small cast iron bridge to S of Tennis Court, Hewell Park
Steps to S of Tennis Court leading to Dutch Garden, Hewell Park
Large cast iron bridge to N of lake, Hewell Park
Cast iron gates, stone piers and brick walls to S of French Garden, Hewell Park
Fountain in French Garden, Hewell Park
Stone steps leading up from French Garden
Stone steps to W of formal garden leading to tennis lawn, Hewell Park
Stone steps to E of Hewell Grange leading to rear garden, Hewell Park
Arched sandstone bridge to weir, Hewell Park
Stone garden steps nr lake weir, linking road to upper path, Hewell Park

APPENDIX 3

Management and Enhancement Proposals

Priority	Task	Timescale
<i>Landscape Improvements</i>	<i>Support restoration of original footpath system within Park</i>	<i>3-5 years</i>
	<i>Seek reinstatement of central run of grass steps to water tower</i>	<i>3-5 years</i>
<i>Public Realm Improvements</i>	<i>Encourage County Council to improve maintenance of pavements and bus shelter on Hewell Lane</i>	<i>Ongoing</i>
	<i>Request selective pruning of trees on Hewell Lane from BDC Parks section to improve key views</i>	<i>Ongoing</i>
	<i>Seek to reduce signage clutter around Home Farm through the use of planning enforcement powers</i>	<i>By April 2011</i>
	<i>Install conservation area plaques</i>	<i>By April 2011</i>
<i>Listed Buildings</i>	<i>Pursue urgent repairs to Ruins of the Old Hall in conjunction with Prison Service and English Heritage</i>	<i>By April 2011</i>
	<i>Seek removal of ivy from Icehouse</i>	<i>By April 2011</i>
	<i>Agree timetable for repairs to listed lodges to NW gate</i>	<i>By April 2011</i>
	<i>Seek reinstatement of timber gates to forecourt gate piers at Hewell Grange</i>	<i>By April 2011</i>
	<i>Prevent further pigeon ingress to water tower</i>	<i>By April 2011</i>
	<i>Request amendments to list description for Garden Temple</i>	<i>By April 2011</i>
<i>Unlisted buildings</i>	<i>Support repairs to Pineapple Pit within the walled kitchen garden</i>	<i>1-3 years</i>
	<i>Encourage the repair of the gamekeepers larder at Hewell Kennels</i>	<i>By April 2011</i>
	<i>Submit listing requests for walled kitchen garden and Papermill Lodge</i>	<i>By April 2011</i>

APPENDIX 4

Relevant Policies from the BDC Local Plan (adopted January 2004)

C17 Retention of existing trees

C19 Tree Preservation Orders

C30 Preservation of Archaeological Resources

C37 Excavation around Archaeological Remains

C38 Development Criteria for Archaeological Sites

C39 Site access for Archaeologists

DS2 Green Belt Development Criteria

E9 Criteria for New Employment Development

ES11 Energy Efficiency in Buildings

RAT4 Retention of Open Space

S9 New Dwellings in the Green Belt

S11 Extensions to Dwellings in the Green Belt

S12 Replacement of Dwellings in the Green Belt

S13 Subdivision of Dwellings in the Green Belt

S13A Changes of use in the Green Belt

S16 Affordable Housing in the Green Belt

S24 Retention of Traditional Shopfronts

S25 New Shopfronts

S26 Shopfront Fascias

S27 Standards of Fascia Design

S27A Projecting Signs

S27B Design and Materials within Conservation Areas

S35A Development in Conservation Areas

S36 Design of development within Conservation Areas

S37 Demolition in Conservation Areas

S39 Alterations to Listed Buildings

S39a Demolition of Listed Buildings

S43 Traffic Calming Schemes

S44 Reinstatement of Features in Conservation Areas

S45 Improvements to Conservation Areas

S47 Advertisement Control

APPENDIX 4 CONTINUED

Worcestershire County Structure Plan

CTC.5 Trees and Woodlands

CTC.6 Green Open Spaces and Corridors

CTC.17 Archaeological Sites of Regional or Local Importance

CTC.18 Enhancement and Management of Archaeological Sites

CTC.19 Areas and Features of Historic and Architectural Significance

CTC.20 Conservation Areas

CTC.21 Reuse and Conversion of Buildings

D12 Housing in the Green Belt

D16 Reuse and Conversion of Buildings

D28 New Building for Business Purposes in the Green Belt

D29 Change of Use of Buildings in Rural Areas for Employment Purposes

D38 General Extent and Purposes of the Green Belt

D39 Control of Development in the Green Belt

APPENDIX 5

Glossary of Architectural and Planning Terms

<i>Article 4 direction</i>	<i>Removal of permitted development rights so that planning permission is required for external alterations to a building</i>
<i>Ashlar</i>	<i>Dressed stone with squared sides, laid regular courses with fine joints and a smoothed or polished surface</i>
<i>Balustrade</i>	<i>Stone balcony or parapet with a top rail, bottom rail and balusters in between</i>
<i>Bodley and Garner</i>	<i>Prominent Gothic revival architects in partnership from 1869 until 1897, designed Hewell Grange</i>
<i>Capability Brown</i>	<i>Influential 18th century landscape architect. His creation of picturesque landscapes and naturalised parks focused on the formation of artificial lakes and apparently random groups of trees</i>
<i>Caryatids</i>	<i>A carved female figure in Grecian style often supporting a roof or pediment above</i>
<i>Classical</i>	<i>An architectural style from ancient Rome and Greece revived in the Georgian period. Detailing is simple and refined with columns, moulded door cases and sash windows.</i>
<i>Coade stone</i>	<i>A waterproof, fine textured artificial stone produced from 1769 and often used for architectural ornaments and statuary</i>
<i>Conservation Area</i>	<i>An area of special architectural or historic interest, the character or appearance of which, it is desirable to preserve or enhance. Local authorities are responsible for designating new Conservation Areas.</i>
<i>Cornice</i>	<i>Projecting moulding often found at eaves level, or as part of a pediment</i>
<i>Thomas Cundy Snr</i>	<i>Prominent 19th century architect, known for his picturesque Gothic style.</i>
<i>Cupola</i>	<i>Small dome shaped structure on a roof</i>
<i>Curtilage listed</i>	<i>All ancillary buildings and structures constructed before 1st July 1948 are protected under the listed status of the principal building, and known as curtilage listed.</i>
<i>Doorcase</i>	<i>A moulded case or frame lining a doorway</i>
<i>Doric</i>	<i>The plainest of the three types of columns found in classical architecture, with simple vertical flutes and an unornamented capital. (The three types are Doric, Ionic and Corinthian)</i>
<i>Dormer</i>	<i>A window projecting from the roof</i>
<i>Ecclesiastical</i>	<i>A building designed for use as a place of worship</i>
<i>Georgian</i>	<i>Dates from 1714-1830</i>
<i>Gothic</i>	<i>An architectural style from 12th to 16th centuries but revived in the late Victorian period. Typical details include elaborate tracery, heavily mullioned windows and pointed arches.</i>

Glossary continued

<i>Ha-ha</i>	<i>A trench formed to contain livestock, vertical on one side and sloping on the other</i>
<i>Italianate</i>	<i>An architectural style popular from 1840 to 1880. Key features are arched windows and pronounced mouldings</i>
<i>Jacobethan</i>	<i>An architectural style popular in the late 19th century and early 20th century mixing Jacobean and Elizabethan forms and details</i>
<i>Listed Building</i>	<i>A building of special architectural or historic interest included on a national register. English Heritage is responsible for adding new entries to the statutory list.</i>
<i>Mullioned</i>	<i>Upright which divides the lights of a window</i>
<i>Pediment</i>	<i>Low pitched moulded triangle often found over doorways or windows and at roof level.</i>
<i>Portico</i>	<i>A feature of classical architecture, a moulded projecting hood on supporting columns to form an open sided porch</i>
<i>Registered Park</i>	<i>Historic park or garden included on the national register prepared by English Heritage</i>
<i>Humphry Repton</i>	<i>Leading landscape designer in the late 18th and early 19th century. Produced red books for 70 country estates detailing his vision for improvements, including Hewell Grange.</i>
<i>Vestibule</i>	<i>An enclosed or partially enclosed space forming an entrance</i>
<i>Victorian</i>	<i>Dates from 1837-1901</i>
<i>William Shenstone</i>	<i>18th century landscape designer from Worcestershire. One of the earliest practitioners of landscape gardening, practiced on his estate in Leasowes, Halesowen which is now a Grade I listed building.</i>



Hewell Grange Farm

Laurel Covert

Sports Ground

Hewell Park

Cricket Ground

THE DRIVE

Hewell Grange
HM Prison
Institution

Icehouse

Stables

Walls

Walls

The Lake

Boat House

Igh Bridge

Walls

Fountain

Walls

Pardeblage
Cottages

Hewell
House

Water
Tower

Cutford House

Holyoakes Farm

Park Cottages

Stone Bridge

Paper Mill
Cottage

Lodge

Hewell
Kennels

Cladshill

Walls
Cottage

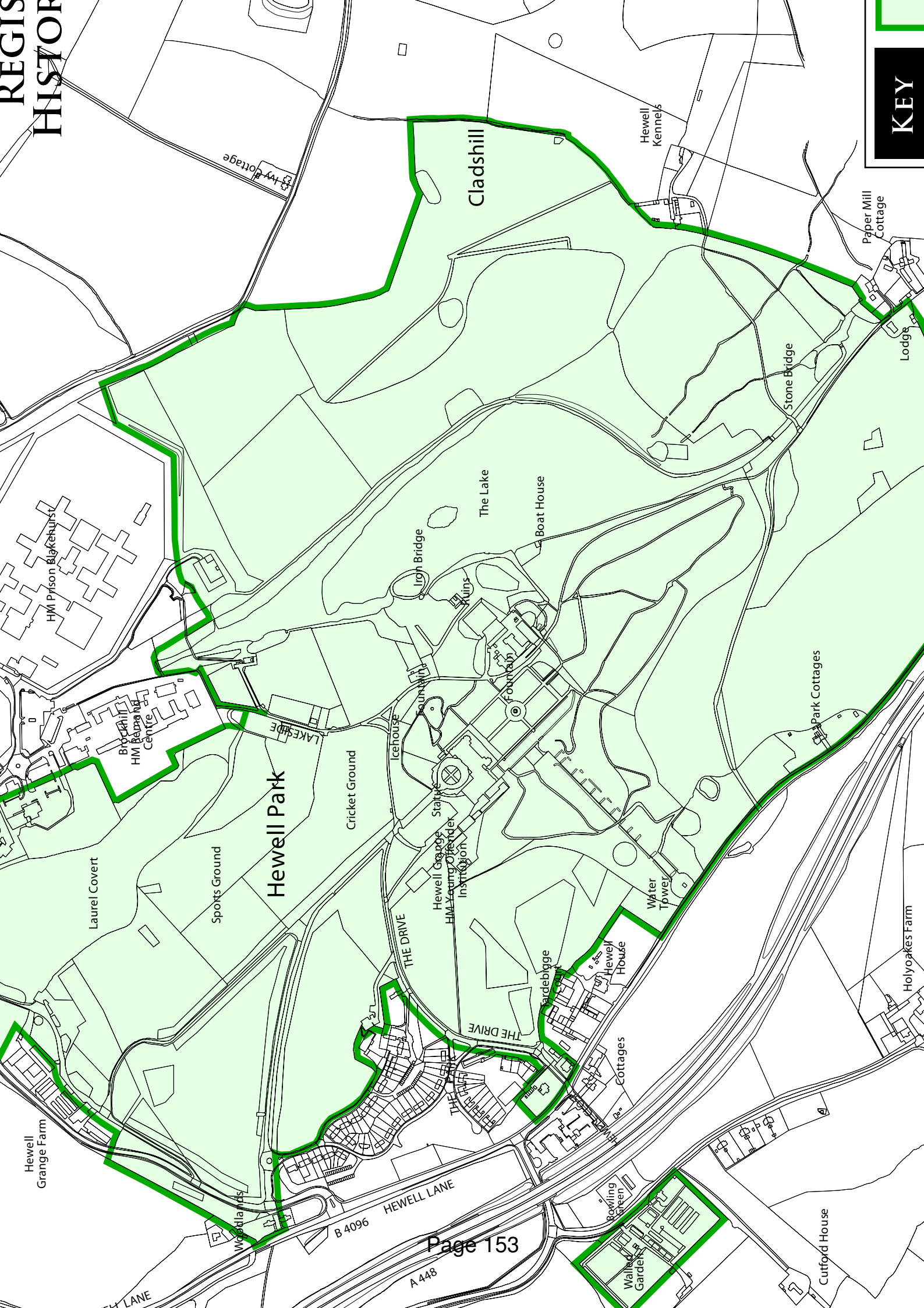
LAKESIDE

B 4096
HEWELL LANE

A 448

Bowling
Green

Walled
Garden



Hewell Grange Farm

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Hewell House

Water Tower

Cottages

Bowling Green

Walton Garden

Cutford House

Holyoakes Farm

Paper Mill Cottage

Lodge

Stone Bridge

Hewell Kennels

Cladshill

13 Ivy Cottage



**This appraisal can be provided in large print, braille,
CD, audio tape and computer disc.**



**BROMSGROVE DISTRICT
COUNCIL**

HEAD OF PLANNING
AND ENVIRONMENT SERVICES
THE COUNCIL HOUSE,
BROMSGROVE, B60 1AA

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

12TH JULY 2010

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. **SUMMARY OF PROPOSALS**

- 1.1 To note a planning appeal decision which has been received since the last meeting of the Committee.

2. **RECOMMENDATION**

- 2.1 Members are requested to note the report.

3. **BACKGROUND**

	Name of Appellant	Plan Ref. / Proposal / Decision
3.1	Mr. Bill Singh	10/0044-SG - Proposed construction of a second-floor balcony to the front elevation - 2 Tutnall Grange, Tutnall, Bromsgrove, B60 1NN Refused: 5th March 2010 Appeal decision: dismissed - 16th June 2010

4. **KEY ISSUES**

- 4.1 N/A

5. **FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report.

6. **LEGAL IMPLICATIONS**

- 6.1 There are no legal implications arising from this report.

7. **POLICY IMPLICATIONS**

- 7.1 There are no policy implications arising from this report.

PLANNING COMMITTEE

12TH JULY 2010

8. **COUNCIL OBJECTIVES**

8.1 This report is for information only and, therefore, does not directly relate to the Council's Objectives.

9. **RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

9.1 N/A

10. **CUSTOMER IMPLICATIONS**

10.1 There are no customer implications arising from this report.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no equalities or diversity implications arising from this report.

12. **VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 N/A

13. **CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 N/A

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 N/A

15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/A

16. **COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

16.1 N/A

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/A

PLANNING COMMITTEE

12TH JULY 2010

18. **LESSONS LEARNT**

18.1 N/A

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/A

20. **OTHERS CONSULTED ON THE REPORT**

20.1	Portfolio Holder	No
	Chief Executive	No
	Executive Director (S.151 Officer)	No
	Executive Director - Leisure, Cultural, Environmental and Community Services	No
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
	Director of Policy, Performance and Partnerships	No
	Head of Planning and Regulatory Services	No
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	No
	Corporate Procurement Team	No

21. **WARDS AFFECTED**

21.1 Tardebigge

22. **APPENDICES**

22.1 N/A

23. **BACKGROUND PAPERS**

23.1 Appeal decision letter received from the Planning Inspectorate, dated 16th June 2010.

24. **KEY**

24.1 N/A

AUTHOR OF REPORT

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