BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH MARCH 2011
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 meeting of the Planning Committee held on 7th February 2011 (Pages 1 - 6)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 10/0920-DMB - Outline application with means of access from Selsdon Close and pedestrian / cycle access from Lea Green Lane, to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works) - Land at Selsdon Close, Wythall - Taylor Wimpey UK Limited (Pages 7 - 62)

6. 10/1098-DK - Formation of 1 No. fishing lake, Forest School, car park - Land at Burcot Lane, Bromsgrove - A. and S. Brittain (Pages 63 - 70)

7. 10/1179-SG - Removal of condition 3 in relation to application ref. B/2001/0835 (formerly known as 42 Mearse Lane) - 2 Ingeva Drive, Barnt Green, B45 8FD - Mr. and Mrs. R. Distefano (Pages 71 - 76)

8. 10/1216-DK - Change of Use from B2 to D2 Swimming Pool - Unit 12, Sherwood House, Sherwood Road, Bromsgrove, B60 3DR - Mr. D. Corbett (Pages 77 - 82)

9. 10/1230-TC - Demolition of existing garage and construction of 2 storey extension - 120 Redditch Road, Alvechurch, B48 7RY - Mr. R. Flavell (Pages 83 - 86)

10. Bromsgrove Town Conservation Area (Pages 87 - 128)

11. Hewell Grange Article 4 Directions (Pages 129 - 174)

12. Tree Preservation Order (No. 14) 2010 - Trees on land to the south of Poplar Close and Woodbank Drive, Catshill, Bromsgrove (Pages 175 - 198)

13. Appeal Decisions (Pages 199 - 208)

14. 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

15. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"**RESOLVED**: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely

disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

Item No.	Paragraph(s)
16	2 and 6
17	2 and 6 "

16. Enforcement of Planning Control (Ref.: 20110307-01) (Pages 209 - 224)

17. Enforcement of Planning Control (Ref.: 20110307-02) (Pages 225 - 242)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

24th February 2011

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B R O M S G R O V E D I S T R I C T C O U N C I L

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH FEBRUARY 2011
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, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors Mrs. R. L. Dent, D. L. Pardoe and L. J. Turner

Officers: Ms. R. Bamford, Ms. T. Lovejoy, Mr. D. M. Birch, Mr. M. Dunphy, Mr. D. Kelly, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

128/10 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor R. J. Deeming.

129/10 **DECLARATIONS OF INTEREST**

Councillor P. J. Whittaker declared a personal interest in application ref. 10/1093-SG as the applicant was a customer of his agricultural business.

130/10 **MINUTES**

The minutes of the meeting of the Planning Committee held on 10th January 2011 were submitted.

RESOLVED that, subject to the substitution of "Councillor Mrs. J. Dyer M.B.E." with "Councillor Mrs. J. D. Luck" in the list of Declarations of Interest at Minute No. 121/10, the minutes be approved as a correct record.

131/10 **09/1010-HLP - B1 OFFICES AND REPLACEMENT ESTATE MANAGEMENT / AGRICULTURAL BUILDING (AS AMENDED BY HERITAGE STATEMENT (REV A) RECEIVED 03.08.2010 AND AS AMENDED BY SITE PLAN (REV B) RECEIVED 03.08.2010) (AS AUGMENTED BY LANDSCAPE STRATEGY RECEIVED 03.08.2010 AND AUGMENTED BY BAT SURVEY RECEIVED 15.06.2010 AND INITIAL BADGER SURVEY RECEIVED) - HAGLEY HALL, HALL LANE, HAGLEY, DY9 9LG - LORD C. COBHAM**

The Chairman reported that the application had been withdrawn.

132/10 **10/0064-HLP - LISTED BUILDING CONSENT - B1 OFFICES AND REPLACEMENT ESTATE MANAGEMENT/AGRICULTURAL BUILDING (AS AMENDED BY HERITAGE STATEMENT (REV A) RECEIVED 03.08.2010 AND AS AMENDED BY SITE PLAN (REV B) RECEIVED 03.08.2010) (AS AUGMENTED BY LANDSCAPE STRATEGY RECEIVED 03.08.2010 AND AUGMENTED BY BAT SURVEY RECEIVED 15.06.2010 AND INITIAL BADGER SURVEY RECEIVED) - HAGLEY HALL, HALL LANE, HAGLEY, DY9 9LG - LORD C. COBHAM**

The Chairman reported that the application had been withdrawn.

(NOTE: Councillor Mrs. J. D. Luck requested that if, in future, any Member of the Committee considered it necessary for any officer who had been consulted as part of the application process on a specific proposal to attend the meeting; for example, to respond to questions and to give advice, as the case may be; then that officer (wherever possible) should seek to make him/herself available to be present at that specific meeting. This was noted.)

133/10 **10/0849-DK - ADDITIONAL FACILITIES TO THE EXISTING RESIDENTIAL HOME TO PROVIDE 22 BEDROOMS FOR SEVERE DEMENTIA AND ALZHEIMERS SUFFERERS - THE LEYS REST HOME, OLD BIRMINGHAM ROAD, ALVECHURCH, B48 7TQ - MR. A. MIDHA**

The Head of Planning and Regeneration Services reported the views of the Environmental Health Manager. She also reported the receipt of a letter from the applicant in support of his application, and responded with her own comments in respect of the letter.

At the invitation of the Chairman, Mr. A. Sinclair addressed the meeting and spoke in opposition to the application, whilst Councillor R. Hollingworth spoke in his capacity as Ward Member for the area in which the application site was located.

RESOLVED that permission be refused for reasons (a), (b), (c) and (d) as set out on pages 79 and 80 of the report.

134/10 **10/0851-SC - EXTENSION TO CAR PARK FACILITIES AND BRACES LANE PLAYING FIELDS / POS - BRACES LANE RECREATION GROUND, BRACES LANE, MARLBROOK, BROMSGROVE, B60 1ED - BROMSGROVE DISTRICT COUNCIL**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 86 and 87 of the report.

135/10 **10/1104-SC - ERECTION OF SINGLE STOREY BUILDING FOR USE AS CHANGING ROOMS - BRACES LANE RECREATION GROUND, BRACES LANE, MARLBROOK, BROMSGROVE, B60 1ED - MR. K. WILLIAMS**

RESOLVED that permission be granted subject to the conditions set out on page 94 of the report.

136/10 **10/0920-DMB - OUTLINE APPLICATION WITH MEANS OF ACCESS FROM SELSDON CLOSE AND PEDESTRIAN / CYCLE ACCESS FROM LEA GREEN LANE, TO BE DETERMINED (INTERNAL ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), FOR THE ERECTION OF UP TO 76 DWELLINGS (CLASS C3), PUBLIC OPEN SPACE, BALANCING POND AND ASSOCIATED EARTHWORKS TO FACILITATE SURFACE WATER DRAINAGE, LANDSCAPING, CAR PARKING, AND OTHER ANCILLARY WORKS) - LAND AT SELSDON CLOSE, WYTHALL - TAYLOR WIMPEY UK LIMITED**

The Head of Planning and Regeneration Services informed the Committee that discussions in respect of financial contributions towards education provision, by way of a planning obligation under Section 106 of the Town and Country Planning Act 1990, were ongoing.

At the invitation of the Chairman, Mr. T. Dayman addressed the Committee and spoke in opposition to the proposals, whilst Mrs. K. Ventham spoke in favour of the application.

Consideration was then given to the application which the Head of Planning and Regeneration Services, according to the recommendation contained within the report, would have been minded to approve subject to the satisfactory completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in respect of:-

(a) play space provision;
(b) balancing pond maintenance;
(c) education provision;
(d) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, and including accessibility to Wythall Station; and
(e) the securing of 30 affordable housing units.

However, Members of the Committee expressed concern over drainage and highways issues which they considered should be addressed at the outline stage of the application.

RESOLVED that, on the suggestion of Councillor S. R. Peters, further consideration of this application be deferred in order to obtain further information in respect of drainage and highways issues.

137/10 **10/1034-DK - FOUR 1 BEDROOM TWO STOREY HOUSES - LAND TO THE REAR OF OAKLEY HOUSE, EAST ROAD, BROMSGROVE, B60 2NN - MR. T. DAYMAN**

The Head of Planning and Regeneration Services reported the receipt of a further two letters in respect of the application, together with additional supporting comments from the applicant to address Members' observations raised following the site visit.

At the invitation of the Chairman, Mr. P. Comer addressed the Committee and spoke in opposition to the proposals, whilst Mr. T. Dayman spoke in favour. Councillor Mrs. R. L. Dent also addressed the Committee and spoke in her capacity as one of the Ward Members for the area in which the application site was located.

Consideration was given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered the application should be refused on the following issues:-

(i) Overlooking and loss of privacy, thereby leading to a loss of residential amenity;
(ii) Overdevelopment of the site;
(iii) Poor design, contrary to PPS3; and
(iv) Loss of parking provision serving Oakley House adjacent to the application site.

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

138/10 **10/1093-SG - PROPOSED DETACHED DWELLING AND GARAGE - POST OFFICE, 65 GREENHILL, BURCOT, BROMSGROVE, B60 1BL - LAZY LIZARD SECURITIES LTD.**

The Head of Planning and Regeneration Services clarified the address of the application site as being 65 Greenhill, Blackwell, Bromsgrove. She also reported the views of the Environmental Health Manager and the Tree Officer.

At the invitation of the Chairman, Mr. R. Lewis addressed the Committee and spoke in favour of the application.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 138 to 140 of the report.

139/10 **10/1143-DK - VARIATION OF CONDITION 1 TO INVOLVE NEW AMENDED PLANS TO PLANNING PERMISSIONS 10/0901 AND B/2008/0451 (PROVISION OF A NEW RSPCA RE-HOMING CENTRE, ANIMAL HOSPITAL, INSPECTORATE BASE, OFFICES AND EDUCATION CENTRE THROUGH THE RE-USE AND CONVERSION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF THE NEW BUILDINGS AND EXTENSIONS TO REPLACE EXISTING BUILDINGS) - NEWBROOK FARM, FRANKLEY GREEN, FRANKLEY, B32 4AX - RSPCA**

RESOLVED that permission be granted subject to the condition and notes set out or referred to on pages 145 and 146 of the report.

140/10 **TREE PRESERVATION ORDER (NO. 11) 2010 - TREES ON LAND TO THE EAST OF BROOK CRESCENT, HAGLEY**

Consideration was given to a report in respect of Tree Preservation Order (No. 11) 2010, which related to trees on land to the east of Brook Crescent, Hagley.

RESOLVED that the Bromsgrove District Council Tree Preservation Order (No. 11) 2010 be confirmed, with the amendments as listed in Appendix A to the report.

141/10 **APPEAL DECISIONS**

The Committee gave consideration to a report which outlined the decisions on two planning appeals which had been received since the last meeting of the Committee.

The Head of Planning and Regeneration Services reported that the appeal relating to application ref. 10/0813-RL had been allowed by the Inspector on 18th January 2011.

RESOLVED that the report be noted.

The meeting closed at 4.05 p.m.

Chairman

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
TAYLOR WIMPEY UK LIMITED 'B'	Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works (as amended by letter received 22.11.2010 and Flood Risk Assessment and Preliminary Drainage Strategy and plans received 10.12.2010 and augmented by email received 18.02.2010 including highway report and drainage report) Land at Selsdon Close, Wythall	ADR	**10/0920-DMB** 28.02.2010

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

(a) play space provision
(b) balancing pond maintenance
(b) education provision
(c) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, to include accessibility to Wythall Station
(d) the securing of 30 affordable housing units

MINDED TO APPROVE

This application was deferred at the meeting of Planning Committee on 7th February 2011 at the request of Councillor S. R. Peters in order to obtain further information on:
(a) highway issues
(b) drainage issues
and to present this information back to Members for consideration.

The applicant has provided a technical note for Members on highway and drainage matters and this information is presented in full as two addendum reports in **Appendix A** (drainage) **and Appendix B** (highways) attached to this Committee report.

Worcestershire Highways has also provided an additional report on highway matters. This summarises the documents submitted as part of the planning application and the

resultant conclusions of Worcestershire Highways. This document is presented in full as an addendum report in **Appendix C** attached to this Committee report.

Consultations

WH	Consulted - views received 08.11.2010: ▪ No objection subject to Conditions ▪ The applicant should enter into a Section 106 Agreement to promoted sustainable access schemes. This will comprise of improvements to the walking and cycling network between the railway station, application site and Wythall Village centre. The required contribution is £40,000 this should be paid prior to the commencement of development.
Drainage Engineer	Consulted - views received 03.11.2010: ▪ No objection
EHM: Contaminated Land	Consulted - views received 05.11.2010: ▪ No objection subject to Conditions
EHM: Noise	Consulted - views received 24.01.2011: ▪ Subject to clarification on the noise measuring methods employed, I would agree with the recommendations of the Noise Assessment and confirm that passive acoustic ventilators will be required within the walls of habitable rooms that have rooms facing the railway and a 1.8m high close-boarded timber noise fence shall be located along the garden boundaries adjacent to the railway.
EHM: Air Quality	Consulted - views received 24.01.2010: ▪ No objection
Urban Designer	Consulted - views received 18.10.2010: **General** ▪ The Design and Access Statement is an exemplary document, clearly setting out a set of site planning and design principles based upon analysis and good practice, and resulting in sound decisions. **Density** ▪ The proposed density of 31 dwellings/hectare seems appropriate for this context. Higher denser houses are intended for the main road which is appropriate. **Site Planning** ▪ The planning of the site is based on analysis and intelligent decision-making. The access to the site is limited, but within this limitation sound decisions are made. There is an uncertainty about the location of the "main street". In the illustrative plans in the Design and Access Statement, this is shown running from Selsdon Close to the pedestrian connection to Lea Green Lane. However, in the whole site block layout plan which is submitted separately from the Design and Access Statement, it is shown running from Selsdon Close to the railway. I consider that the former is more appropriate, as it reflects the predominant movement route of residents and visitors, connecting to the street network beyond the site.

Block, Street and Building Types

- These are all very rationally developed, are good of their kind, and are appropriate for this context.

Sustainable Design

- This is mentioned as being something to be developed more at detailed planning submission stage. We have intentions stated for a sustainable drainage system, but I consider that we should expect at an outline stage information about intended principles for other strategic issues such as passive and active solar energy collection.

Tree Planting

- Paragraph 4.6 describes a good strategy for street tree planting, with streets being differentiated be species of native trees.

Summary

- Allowing for one or two areas of uncertainty, this is an exemplary description of intentions at an outline planning stage, resulting in a very good masterplan for development. It is important that the same high level of professional guidance is maintained through the subsequent stages of detailed planning and architectural design, in order to ensure the delivery of a high quality outcome.

Planning Policy

Consulted - views received 01.12.2010:

- The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Wythall in the Bromsgrove Local Plan. The proposal is for housing development.
- It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6th June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9th August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 10th November the High Court ruled that the Secretary of State's decision to revoke RSS was unlawful on 2 grounds. Immediately after this ruling the CLG Chief Planner wrote to all local authorities stating that the ruling changed little and the intention to remove RSSs was still a material consideration in the determination of planning applications. On the 19th November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29th November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions. A full hearing is currently pending to assess the CLG advice. Whilst the future of the RSS and the localism agenda is not entirely clear

currently the RSS remains part of the Development Plan and needs to be considered when assessing planning applications.

- The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information. For Bromsgrove specific housing issues this is considered to be the planning inspectorates report into phase 2 revision of the RSS which recommended an initial housing target of 4,000 dwellings. It should be remembered that this figure was also put forward by the Council at The Examination in Public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a significant element of the justification for this level of development was the existence of deliverable ADR sites across the district which could help meet the needs whilst not requiring green belt development or a full green belt review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with what was the emerging RSS it is considered by officers as the most relevant target to use when addressing matters of housing supply.
- At April 2010 when using the 4000 figure a supply of only 2.19 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period the 4000 dwellings figure relates to.
- In this case clearly material factors other than just housing supply still need to be considered when releasing an ADR for development. Of particular relevance is BDLP policy DS8 which states that permission for the permanent development of an ADR should only be granted following a local plan review. The BDLP policy was written before the introduction of the current planning regime, which itself is under scrutiny by the coalition government and as outlined above is partially the subject of ongoing legal proceedings. The review of the Local Plan is taking place in the form of the Core Strategy. The Core Strategy is still emerging and has been developed with regular Member involvement over a considerable number of months. Subject to the resolution of the high court proceedings and the publication of the localism bill the Draft Core Strategy 2 is to be published in early 2011. It should be noted that the purpose of the ADR designations in the BDLP was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021, this approach is consistent with emerging policy contained in the both the existing published draft of the Core strategy (October 2008) and also the emerging draft core strategy 2.
- The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and

	therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. ▪ When considering releasing any of this ADR land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging Core Strategy. Within the submitted Planning Statement the applicant has considered the proposal against relevant policies in the Draft Core Strategy (October 2008) and appears to be in general conformity. For instance the applicant proposes a high proportion of 2 and 3 bedroom properties (70%) and up to 40% affordable housing which will help to address housing need in the district. ▪ The Affordable Housing Delivery Plan highlights that the proposed breakdown of affordable housing is 2/3 social rented and 1/3 intermediate. This conforms with the Council's long term strategy although the views of the Strategic Housing Manager will be pertinent as in the current economic climate a higher percentage of social rented may be preferable. ▪ In conclusion there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this the prompt submission of a reserved matter application would be required as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme, it is important that this development does actually happen within five years.
Planning Policy	Consulted - views received 01.12.2010:
Open Space	▪ As the proposal is for 76 units SPG11 should be applied. The amount of play space generated by this development is 7,564 square metres. As the scheme is larger than 50 units a local equipped area of play (LEAP) should be provided on-site. The scheme includes a LEAP within the total of 5300 square metres of open space to be provided on site. This on-site provision generates maintenance costs of £199,916. The scheme does however; leave a shortfall of 2,264 square metres to be provided off-site. This generates a commuted sum of £504,281.92.
Head of Leisure Services	Consulted - views received 18.10.2010: ▪ In line with PPG17 report and strategic vision of greenspace and infrastructure please accept the following comments:

	▪ Insufficient detail of formal and informal POS, with little reference to calculation of provision and SPG11 ▪ Balancing Pond: full 20 year maintenance schedule calculation for Balancing Pond and associated works - i.e. dredging, risk assessments, security/safety fencing if required flooding risk, etc. ▪ Poor buffer strip in its current design - poor quality and lacks amenity value of this space and has potential associated ASB issues ▪ Responsibility of the boundary to the railway line - should remain with Network Rail or developer due to on-going maintenance and health and safety issues ▪ Poor green space linkages from Selsdon Close to the formal POS - ▪ Ecological survey required on the natural POS and associated 20 year habitat management plan
Strategic Housing Manager	Consulted - views received 15.11.2010: ▪ The above application presents an opportunity to achieve delivery of affordable housing in a part of the District where need is strong and where affordable family housing has been depleted through the Right To Buy. In response to the 40% affordable housing provision proposed by the applicants which consisted of 2 and 3 bedroom houses, in October I responded setting out the requirements for affordable housing across a range of property types to include one bedroom flats, 4 bedroom houses and bungalows for older people. ▪ As at the 15th November the applicant's representative has indicated a willingness to now also incorporate 4 x one bedroom flats and 2 x four bedroom houses within the affordable housing development. However the tenure split continues to reflect a 2/3 social rent and 1/3 intermediate housing provision. I have responded repeating my original request that the affordable housing delivery should reflect a 75% rent 25% intermediate housing split which I feel is more compatible with post recession levels of affordability.
Worcestershire County Council Landscape Officer	Consulted - views received 20.10.2010: ▪ The site has been identified by the County Landscape Character Assessment as being part of an area of Landscape Character Type "Timbered Pastures" that extends across Wythall and occurs only in the north-east of the county. This Landscape Type is characterised by densely scattered hedgerow oak trees, a small scale pattern of hedged fields and pastoral land use. ▪ The application site consists of a single large field and the remnant of a smaller field to the south. These have in the past, been subdivided by fences. Land use is rough grassland, used unofficially as an amenity space and also for horses. There are a number of trees in the boundary hedges and within the short section of hedgerow separating the two land parcels. Most of these are shown as retained on the application drawings. The area is in poor landscape condition and is typical of areas within a peri-urban context. The subdivision of the fields, quality of grassland, lack of

	mature hedgerow oaks and heavy use of the land all contribute to this poor condition. ▪ In terms of visual impact, the location of the application site is relevant, being situated adjacent to a densely populated area of Wythall and bordered by the railway line. Development here would relate both visually and physically to the existing fabric of the urban area. The site is not overlooked from higher vantage points and is not visually prominent except from the adjacent railway track. However, even from here the site is seen in the context of an urban situation. ▪ I would therefore recommend that refusal of this application on landscape grounds, either landscape character or visual impact, could not be justified.
Natural England	Consulted - views received 10.11.2010: **Protected Species** ▪ Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species subject to any outline planning consent (if approved) incorporating a suitable condition securing adequate safeguards for ecological issues both during construction and afterwards. ▪ We propose this is achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan. **Enhancing biodiversity** ▪ Natural England welcomes the range of ecological mitigation and enhancement measures set out in the Ecological Appraisal. Section 4.47 summarises these but careful consideration should be given to the preceding text in order to ensure the full breadth of points needing attention is addressed. In order to ensure these safeguards are delivered adequately and the gains offered are realised (e.g. in relation to the northern boundary watercourse and the need to safeguard water quality in the River Cole) we propose that any planning consent should incorporate a planning condition setting out the need for a suitable Construction and Environmental Management Plan CEMP). ▪ The Council may wish to consider stipulating the need for an 'ecological clerk of works' in order to oversee implementation of the CEMP.
WWT	Consulted - views received 17.11.2010: ▪ I am happy that the ecological recommendations are appropriate. ▪ Accordingly I am happy to defer to Natural England's position on this application and do not wish to make any further comments at this stage.
Tree Officer	Consulted - views received 25.01.2010: ▪ No objection subject to Conditions
Contaminated Land Officer	Consulted - views received 05.11.2010: ▪ No objection subject to Conditions

WCC(CA)	Consulted - views received 28.10.2010: ▪ The Archaeological Desk Based Assessment which accompanied the application has confirmed that there are no known heritage assets that would be affected by the proposed development. ▪ This area of the county is very under recorded in terms of archaeological remains partly due to the high predominance of pasture and the lack of active local history groups, and so it is not easy to determine the sites significance. However, subtle earthworks lie on the northern boundary and are of unknown origin. ▪ Consequently as a condition of planning consent I advise a programme of archaeological work prior to and during development. This will entail evaluation trenches to determine the land formation process and potential for buried remains. Should the potential be sufficient, then a programme of strip map and sample excavation may be required as part of the development process. ▪ In this instance it is believed, on current evidence, that the site is not of such significance to warrant pre-determination evaluation or preservation *in situ*, and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work.
West Mercia Constabulary	Consulted - views received 21.10.2010: ▪ Whilst I appreciate this is an outline application and subject to potential changes, I must object on the submitted design layout. ▪ The link path from the development to Lea green Lane leave the first set of dwellings to attack providing an escape route for offenders. ▪ This path is at risk of becoming a site of anti-social behaviour or crime due to the layout of the houses and lack of natural surveillance. I understand the concept of encouraging pedestrian traffic to the station but this path could put those users at risk.
Community Safety	Consulted 01.11.2010: views awaited
Climate Change Officer	Consulted 05.10.2010: views awaited
Central Networks	Consulted - views received 18.10.2010: ▪ No objection
National Grid	Consulted 05.10.2010: views awaited
Network Rail	Consulted - views received 08.10.2010: ▪ No objection
WCC Education	Views received 04.10.2010 and 11.11.2010: ▪ If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with the Supplementary Planning Document on planning obligations for education facilities. ▪ The catchment area schools are Meadow Green Primary School and The Woodrush High School. Under our current table of charge there is a contribution due for both schools. ▪ The high school is certainly popular and generally fills. A significant

proportion of its pupils come from across the county border in Birmingham, partly because the high school recognises two Birmingham LA primary schools as contributory schools.
- The primary school is more up and down in terms of numbers but does fill in some years. Again, a proportion of pupils come from across the border.

Solihull MBC — Consulted 29.10.2010: views awaited

Wythall PC — Consulted - views received 18.10.2010:
- Objection on grounds of access
- Since the ADR was established on this land, two backland developments have been created exiting onto Lea Green Lane thus already increasing traffic flow on this narrow country lane.
- Consider the Lane has reached its capacity for any further development and an excessive number of additional vehicles that would emanate from this site if permission were to be granted.

Wythall Residents Association — Views received 20.10.2010:
- Our objection is the access to Lea Green Lane and its junctions, we think it will be extremely difficult to cope with the expected extra traffic

CPRE — Views received 23.10.2010:
- The land is potentially suitable for development, but the application is several years premature
- It fails to provide housing of the kind shown by the Housing Market Assessment to be needed (ie. strong inclusion of four and three bedroom houses.

Publicity — 21 letters sent 05.10.2010 (expired 26.10.2010)
5 identical site notices posted 19.10.2010 (expired 09.11.2010)
1 press notice published 15.10.2010 (expired 05.11.2010)

214 letters objecting to the scheme on the following principal grounds:
- Loss of Green Belt site
- Loss of character
- Loss of view
- This large scale, high density housing development is an area of mainly individual detached housing, is entirely out of keeping and will destroy the local character of the area
- Lack of local need for development, including affordable element
- There are brownfield sites that should take priority over this development that would alleviate the building proposals in Wythall
- It is noted that the application is in outline and therefore the agreed number of dwellings in the final scheme could be increased significantly
- Existing infrastructure cannot cope with the volume of traffic, with major impact on traffic flowing through village to get to Birmingham, Shirley and Solihull as well as the M42 junction
- Traffic congestion
- Proposed access opposite Three Oaks Road is dangerous

- Lack of public transport links
- Bus network is not satisfactory
- Lea Green Lane is too narrow and lack of pavement will make it dangerous for pedestrians with extra traffic
- Impact on amenity of the occupiers of existing dwellings
- Regular use of the link access to Lea Green Lane will lead to accessibility issues and invasion of privacy
- Disturbance of excessive noise, dust and disturbance during construction phase
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- Loss of wildlife and wildlife habitat
- Increase in anti-social behaviour, potential vandalism, criminal damage and property theft
- Increased noise
- Increased air pollution
- Prospect of lighting pollution for any additional security car park lighting
- Impact on medical services
- Impact on school places
- Lack of local facilities

Members are encouraged to review all submitted documentation, including the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of 3.15 hectares (2.48 hectare net) of undeveloped agricultural pasture land to the east of Lea Green Lane. A gated entrance located via an unmade track located between 36 Lea Green Lane and 40 Lea Green Lane currently provides access to the site. The site lies to the south east of Hollywood and to the north from Wythall train station, which connects to Birmingham and Stratford. The eastern boundary is bordered by the railway line which levels with the site at this point and elevates to the northern boundary. Pylons cross the site adjacent the railway boundary. Rear gardens of residential properties fronting Lea Green Lane are located to the southern and western boundaries. The northern boundary is formed by rear gardens of residential properties along Lea Green Lane and Selsdon Close, as well as an open field. Lea Green Drive is located to the southern boundary. Open countryside is located on the opposite side of the railway line to the east.

The site consists of a single field and the remnant of a smaller field to the south. The land, consisting of rough grassland, has a sloping nature which divides the site into two topographical recognisable areas: the higher, south-western portion - a relatively flat, narrow plateau lying at approximately 149 metres AOD, part of which aligns existing

development on the south western and southern boundaries; and the lower, north-eastern corner of the site occupying the valley basin at approximately 140.5 metres AOD, bounded to the east by the railway embankment and to the north by a hedgerow and beyond that a field pasture.

There is a perimeter hedgerow to the north, south and west, with a single internal hedgerow, with evidence of subdivision in the past by fencing. These hedgerows contain a number of trees. The site is in poor landscape condition. A collection of former stable buildings and containers associated with this equestrian use presented in a poor state of repair are located to the south-western boundary.

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and the Draft Core Strategy 2 (retitled "Development Site"). In agricultural classification terms, the site is deemed Grade 4 land, surrounded by Grade 3.

Proposals

This development relates to an outline application for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works, with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane.

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

In line with the requirements, the applicant has submitted a Master Plan indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles to ensure a high quality scheme is delivered on the site. The Master Plan indicates that 2.48 hectares of the site would be development for residential purposes (including play space) and 0.67 hectares for informal public space, structural landscaping and balancing pond provision.

Access is to be determined at this stage with vehicular and pedestrian access obtained off Selsdon Close to the north through the extension of the existing cul-de-sac, which serves the existing eleven dwellings. The existing 5.5 metre wide carriageway and footway will be extended into the site to form the principal access road. A dedicated walking/cycling access only formed by the existing track to the south leading off Lea Green Lane is also proposed.

An illustration of the layout is shown on the Master Plan, with design principles set out in the Design and Access Statement. An equipped area of play is proposed to the south of the site, with a landscape buffer to the majority of the eastern, southern and western boundary. A balancing pond is located to the north-east boundary. The watercourse is retained to the northern boundary.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 31 dwellings per hectare. The anticipated mix below indicates an emphasis on 2 and 3 bed dwellings.

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bed	15	20%
	3 bed	38	50%
	4 bed	23	30%
Total		**76**	**100%**

The mix will vary through the development but will predominantly comprise semi-detached and detached family dwellings, of predominantly 2-storey with occasional 2.5 storeys (up to 10m to ridge). Car parking will be provided on site within the curtilage of a plot, on a private driveway, or within small groups relating to a small group of dwellings.

Thirty affordable units are provided, which equates to a provision of 40% affordable housing made within the site. This is consistent with Policy S15 of the adopted Local Plan.

This mix of affordable homes is as follows:

Proposed Mix	Rent	Intermediate
1 Bed 2 Person Flat	4	
2 Bed 3 Person House		7
2 Bed 4 Person House	8	
3 Bed 4 Person House		3
3 Bed 5 Person House	6	
4 Bed 6 Person House	2	
	20	10

An area of public open space of 0.35 hectares is provided in the north eastern corner of the site and informal/casual children's play space in the south of the site in the form of a LEAP. The layout shows the provision of an equipped children's play space with an activity zone of 907 square metres. There is also an identified 0.16 hectares of informal/casual children's play space.

Surface water from the proposed development currently drains into the local watercourse along the northern boundary of the site. Surface water will be restricted to ensure run off does not exceed the existing greenfield condition. Suitable attenuation will be provided through the use of a balancing pond in the north eastern corner and storage of 345 square metres is provided.

A Planning Statement, Design and Access Statement (including Master Plan), Affordable Housing Statement, Statement of Community Engagement, Energy Statement, Waste Statement, Transport Assessment and Travel Plan, Phase 1 Ground Investigation, Flood Risk Assessment, Drainage Assessment, Services Report, Noise Assessment, Phase 1 Ecology Report, Protected Species Report, Desktop Archaeological Survey, Arboricultural Report and Landscape and Visual Appraisal have accompanied the application and are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6,.CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A, WYT15
Draft CS 2	CP2, CP3, CP4, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	PPS1, PPS1 Climate Change Supplement, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008)

Relevant Planning History

None

Notes

As the site constitutes a designated Area of Development Restraint (ADR) the main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such as changes in national policy, the Draft Core Strategy 2 and housing supply. Other issues to be considered include:

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality

- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

ADR Status and Land Release

Members will note the site is designated as 'An Area of Development Restraint' (ADR) on the Proposals Map of the Adopted Bromsgrove Local Plan (i.e. the site has been removed from the Green Belt which otherwise surrounds Wythall). The Draft Core Strategy 2 defines such designations as "Development Sites". While stating that ADR's should receive full Green Belt protection for the duration of the plan period, the policy also acknowledges that they constitute areas where development might be considered in the future and thus Policy DS8 refers to selected sites where land will be held in reserve for future development and the accompanying text to this policy confirms the site represents a suitable location for development. Policy WY15 is a site specific policy that confirms that the site is designated as an 'Area of Development Restraint' (ADR) in accordance with Policy DS8. The site was promoted for development through the last Local Plan Review. An Inquiry was held to consider objections to the Bromsgrove District Local Plan in August 2001, and the Inspectors Report (March 2002) considers the Application Site in this document and concludes in paragraph 21.6.7 that the site is a suitable ADR site "Not only is it a sustainable location convenient for public transport and served by a range of local services and development here would have a minimal impact on Green Belt functions". Members will be aware that policies DS8 and WY15 have been saved until such time as they are replaced by the Core Strategy or other policies.

Following the recommendations of the Local Plan Inspector, the ADRs listed in Appendix 3A of the Local Plan, including Land at Selsdon Close, are intended to provide sufficient safeguarded land until approximately 2021. The Council believe ADRs are "… considered to provide the necessary degree of flexibility and prudence to allow adjustments as planning policies change, without running the risk of serious over provision" (Bromsgrove Local Plan, Appendix 3B).

The Inspector recommended that sufficient provision should be made to provide land reserves to about 2021. This equates to approximately 140 hectares. The quantity of ADR land is derived from the housing and employment targets in the Worcestershire County Structure Plan to 2011 and a projection of those targets in the following period to 2021. The Housing and Employment Land Availability Studies that were available at the time were used as well as an estimated contribution from potential large scale brownfield sites.

Since the adoption of the Bromsgrove Local Plan in January 2004, the site has subsequently been promoted for housing development through the LDF, most notably the application site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA), which concludes that the site is suitable, available and deliverable (ie. has a green rating). The Bromsgrove Draft Core Strategy (October 2008) identifies the site as a potential Area for Growth.

As detailed above, policy DS8 of the Local Plan indicates that the site should be subject to the full Green Belt restrictions for the duration of the Local Plan period and therefore Policy DS2 applies. This policy confirms that permission for development in the Green Belt will not be given, except in very special circumstances.

Members should note that policy DS8 was written before the imposition of the current planning regime, which itself is now under scrutiny by the new coalition government. The review of the Local Plan is taking place in the form of the emerging Core Strategy, which is imminently due for consultation. The purpose of the Local Plan was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021.

In my view, the Policy would not explicitly prohibit the release of ADR land for development, provided there are material considerations to justify such a decision. Members will recall that development has previously been approved on ADR land, for example the Bromsgrove District Housing Trust housing scheme at Perryfields Road (08/0758 approved 29.01.2009; 09/0518 approved 25.09.2009).

In simple terms, the ADRs were designated to be kept in reserve as sustainable locations for potential long term future development, in order to reduce the need to review Green Belt boundaries in the period up to 2021. Therefore, development should only be allowed in the WY15 ADR where a requirement for it can be demonstrated. In the case of housing development, this requirement is in large part determined by whether the District has an achievable five-year housing land supply in accordance with the 'plan, monitor, manage' approach to housing set out in PPS3: Housing.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing', having regard to other policies in PPS3.

The views of the Strategic Planning Manager are noted. The SPM concludes that there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy.

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

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

It is therefore considered that other material factors must be considered, including the above matters and whether the approval of the application would undermine the emerging Core Strategy or prejudice the future delivery of the wider ADR, and whether the proposal would ensure a sustainable and well designed development.

Members will be aware that the Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The applicant has considered the proposal against relevant policies in the Draft Core Strategy and the scheme would appear to be in general conformity, for example the scheme proposes a high proportion of 2 and 3 bedroom properties (70%) and up to 40% affordable housing which will help to address housing need in the District. Given these circumstances there appears to be no policy basis for resisting the release of the ADR.

The proposal should begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

The site is located on the north-eastern edge of Wythall and 2km south of Hollywood. A few small convenience stores are located within 600 metres walking distance of the site on Station Road to the south-west. The existing facilities include a pharmacy, hairdressers, newsagent and two take-away restaurants. The nearest doctor's surgery is also located on Station Road, approximately 900 metres walking distance from the Selsdon Close. A further surgery is located on Beaudesert Road in Hollywood approximately 1.5km from the site. Coppice Primary School and Woodrush Community Senior School are located at the same site in Hollywood 1km north-west of Selsdon Close. Tidbury Green Junior School is on Dickens Heath Road 1km east of the development site. There is also a children's nursery 300m north of Tidbury Green Primary

School. The site also benefits from public transport opportunities in the form of bus and train modes (detailed in further detail in the section entitled *Traffic and Highway Implications* below).

As such I am of the view that the site is in a sustainable location and I raise no concern on this issue and thus would comply with the key sustainability aims of national policy aims detailed in PPS1 and PPS3.

Design, Form and Layout

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

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs).

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

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area;
- the proposal minimises the loss of mature hedges, trees and landscaping;
- the proposal does not adversely affect the existing amenities of adjoining occupiers;

- the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- the development can be appropriately serviced;
- the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- it conforms with other relevant policies of the Plan.

SPG1 states that residential layouts should make a positive contribution to the local environment and respect the character of the surrounding area. Paragraph 5.10 sets out a series of design objectives including adequate daylight and sunlight, adequate privacy and outlook for new and existing dwellings, and provision of private and shared amenity space.

Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. However, the application contains a Masterplan and extensive information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in two respects. Firstly the site is clearly visible from existing residential properties on three sides and the wider Green Belt landscape to the north and east, beyond the railway line.

The development would relate both visually and physically to the existing fabric of the urban area and is not visually prominent in a wider sense, with the exception of views afforded from the adjacent railway track and limited views from the access road in Selsdon Close and the track leading off Lea Green Lane. Views from Lea Green Lane would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. The development would result in the loss of open land, but having regard to its design and visibility, I am of the view that the impact of the development on the landscape and visual character would be moderate to low and there would no material loss of an attractive landscape.

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the northern, southern and western boundary, and the elevated character of the railway line to the north-eastern boundary. These features create a strong and defensible boundary to the development, and these would remain following development of the site, with enhancement created by additional planting. This would benefit both existing and future residents.

The views of the Urban Designer are noted, with particular reference to the submitted Design and Access Statement. The UD considers this to be an exemplary document that sets out a clear set of site planning and design principles based upon analysis and good practice. I am therefore of the view that the submitted information is sufficient to determine the quality of design and the level of sustainability of the proposals, and it is clear that the design aims of the scheme are high, with attention given to sustainable and

attractive layouts, substantial planting and the use of external materials prevalent in the locality (red/grey roof materials, red/orange brickwork with half or full render in cream/off white). This leads me to conclude that the site is able to comfortably accommodate up to 76 dwellings, with associated landscape and open space measures. I thus raise no concern on these issues and consider the development to be able to achieve high quality in all respects as advocated by the Master Plan and the design principles.

Members, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. Such a high quality design, as advocated by the submitted Design and Access Statement, cannot be secured by Condition at the outline stage, or assessed and assured by the Council until such details have been submitted. As such I would emphasis that these cannot therefore carry any weight in favour of the development when considering the scheme before them. However, to provide some comfort to Members, the Design and Access Statement states that the detailed layout of the development will generally meet the Master Plan principles set out in this document (Section 1.5 refers). Furthermore, the Master Plan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied.

Density

The total developable area 2.48 hectares. This provides a density of 31 dwellings per hectare based on the erection of 76 dwellings. Whilst the density thresholds have been removed from PPS3, there is still a requirement to make the most efficient use of land. I consider the character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable. The UD considers the density at this scale to be acceptable.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings, together with an element of affordable housing. Thirty affordable units are provided, which equates to a provision of 40% affordable housing made within the site. These dwellings will need to be designed to Lifetime Homes Standard, whereby the design of each unit must have in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement.

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

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and

- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

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

Impact on the Amenity of Adjacent Occupiers

A number of third parties have expressed concerns that the proposal would harm their amenities by reason of outlook, privacy and loss of light.

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

Members will be aware that such detailed matters of layout and scale are reserved for future consideration. Given the site characteristics and based on the submitted Master Plan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably satisfied that any resultant development can be accommodated without detrimentally affecting the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

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

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan polices. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Members will be aware that third party representations have raised concern with regard to highways safety and traffic, with particular regard to traffic congestion, the use and status of the existing access leading off Lea Green Lane located opposite Three Oaks Road and inadequate public transport provision.

With regard to public transport opportunities, the nearest bus stop to the site is located less than 100 metres away on Lea Green Road. This road is part of a bus route and stops for frequent services are located along here. Bus services 177, 178 and 179 run through Wythall and provide connections to Redditch and Smallbrook Queensway in Birmingham. The journeys from Wythall to Birmingham and Redditch both take approximately 37 minutes by bus. Wythall railway station is located 200 metres from the site on Lea Green Lane. The main railway company which operates this station is London Midland, which runs hourly services from Wythall to London Paddington in 2 hours 46 minutes. Rail journeys to Birmingham New Street leave hourly and take 30 minutes. Given these circumstances I consider the site benefits from good public transport opportunities and is thus sustainable in this respect, with a number of alternative modes of transport available to future occupiers of the development.

Members will note that the scheme in its amended form includes means of access to the site off Selsdon Close to the north, which is subject to a 30mph speed limit and pedestrian/cycle access only from the existing access leading off Lea Green Lane. The internal road network is not for consideration at this stage.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has raised no objection to the revised scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement to promote sustainable access schemes. This will comprise improvements to the walking and cycling network between the railway station, application site and the commercial aspect of Wythall located at Drakes Cross. WH have requested a contribution of £40,000 for such measures. The applicant has agreed to this contribution.

Members will note the submitted Transport Assessment demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic. Accident analysis of the network indicates no problems at the key junctions for this site and this is agreed by Worcestershire Highways. The road width of Selsdon Close accords with Worcestershire County Council's adopted highway design guide and is suitable to accommodate the proposed development. The financial contribution requested by WH is considered to comply with Circular 05/2005 and the submitted Travel Assessment clearly illustrates greater level of contributions to provide major infrastructure improvements are not justified.

The applicant has provided additional information on highway matters as a direct response to the request from Members at your Committee on 7th February 2011. This is detailed in full in Appendix B attached to this report. Worcestershire Highways has also provided a full summary of the documents submitted as part of the application and further information on the resultant conclusions. This report is detailed in full in Appendix C attached to this report.

I therefore remain of the view that there would not be any material harm to the safety or free flow of traffic on this part of Lea Green Lane and that there would be capacity within the existing network to cope with the development proposal, including Selsdon Close. The use of the existing access leading off Lea Green Lane for walking and cycling

opportunities would also promote sustainable transport choices for future residents, with particular reference to accessibility opportunities to Wythall Station. This would also enable greater permeability.

With regard to the status of the existing access to the site leading off Lea Green Lane to the west of the site, the applicant is the registered owner. However, there are rights reserved from a conveyance of the land on 21st January 1955 over the access for the benefit of the adjoining or adjacent properties for a 'party way'. In practice this means that the two properties either side of the access track have a right of way across it to access their properties (36 Lea Green Lane and 40 Lea Green Lane). Members will note both properties also benefit from driveways off Lea Green Lane and parking to the front of the properties. Concern has been raised by the occupiers of these two dwellings that the use of the access as a pedestrian footpath and cycleway will impede their existing access rights.

In order to perpetuate the right of these occupiers to use the track to access the rear of their properties (which they are entitled to do under the terms of their lease), the applicant has agreed to install a drop bollard or lockable/key pad gated system to serve this access. This will prevent vehicular access by third parties other than these two occupiers who will be supplied with the relevant access mechanism. The method to be installed can be controlled through a suitable Condition. WH has raised no objection to the solution.

Landscaping and Tree Issues

The site comprises two fields of deteriorated pasture in the form of semi-improved grassland and scrub, with a single internal hedgerow approximately 4 metres high on its eastern extent dropping to approximately 1.2 metres on its western extent. This hedgerow has been 'punched through' to allow vehicular access. Perimeter hedgerows of between 1.2 metres to 4 metres are located to the northern, southern and western boundaries. A number of mature stands of hawthorn are located within the eastern section of the site.

Members will note the agricultural land on the application site is predominantly Grade 4, surrounded by Grade 3 under the Agricultural Land Classification. Together with Grades 1 and 2, Grade 3 land is considered to be the best and most versatile farmland. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistence with other sustainability considerations (paragraph 28). Members will note the view of the WCC Landscape Officer and the condition of the land. As such the classification of the land does not present me with any concerns.

Views from properties in Selsdon Close adjoining the northern boundary are to be mitigated by replacement native tree planting at the development entrance, landscaping along the restored River Cole tributary watercourse and tree planting. Retained and

enhanced boundary planting is proposed along the north western, western and south western boundaries.

The majority of trees on the site are not worthy of retention. Three young oak specimens located within the hedgerow near the southern aspect of the site are judged to be Category 'A' trees which offer excellent long term potential both in terms of visual and landscape amenity. These trees will therefore be retained and incorporated into the development.

Members will note the views of the Tree Officer are awaited and I will update Members on this issue at the meeting of the Committee.

Open Space and Play Space

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

The views of the Head of Leisure and Cultural Services are noted. The application is submitted in outline and as such Members are being tasked with dealing with matters of principle. The submitted Design and Access Statement contains information on the balancing pond, including a section detail and operational details of how this feature will function.

The Master Plan layout shows the provision of an equipped children's playspace (LEAP) with an activity zone of 907 metres square. There is also identified 0.16 hectares of informal/casual children's play space. Both these totals meet the space requirements of SPG11. It is intended that the requirement for the youth/adult play space will be met by providing an appropriate commuted sum for suitable off-site provision or enhancement. The applicant has agreed to this process and I will update Members at the meeting of the Committee on this issue.

Ground Conditions and Drainage Issues

Following the request from Members at the meeting held on 7th February 2011, the applicant has provided a technical note on drainage issues that seeks to provide clarification on this issue and to clearly outline the proposed drainage strategies. This information has been prepared following discussions with the Drainage Engineer at both Bromsgrove District Council and Redditch Borough Council, the Environment Agency and Severn Trent Water. This document is presented in full in Appendix A attached to this report.

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

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

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

Although I note the views of third parties in relation to flooding in the locality, the FRA indicates that the site is located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability or river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable.

The drainage strategy for the site will ensure that surface water run-off will be attenuated to less than greenfield discharge rates through the integration of Sustainable Urban Drainage Systems (SUDS) including an attenuation basin. The piped surface water network will cater for the 1 in 30 year storm event and will be adopted and maintained by Severn Trent Water. Flows will be restricted to existing greenfield runoff rates into Rush Brook using a hydrobrake. Flows above this level will be attenuated into a new attenuation basin located in the northern part of the site. The applicant has agreed to contribute £50,000 towards adoption and maintenance of this feature and this figure will incorporated into the Section 106 Agreement. The Council's Drainage Engineer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

In summary:

- The foul and surface water drainage strategies to serve the proposed development will not exacerbate flooding within the locality
- The site is not located in a flood zone
- The watercourse within the site is a suitable size to accommodate its catchment area
- A suitable balancing pond to attenuate surface water drainage flows from the site can be provided and this will provide betterment in discharge rates over existing greenfield conditions
- Overland flow from the site will be captured in the new sewer network which will be directed and contained within the balancing pond. This is likely to reduce flows in other sections of the watercourse further west along the site boundary
- Severn Trent Water has confirmed sufficient capacity exists within the 225mm foul sewer located along the northern boundary of the site

- This sewer does not connect to the foul sewers in Lea Green Lane and therefore the proposed development will not exacerbate any existing issues which may be present

Ecological and Biodiversity Issues

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

The site comprises two fields, bounded to the east by the railway line and to the west by the residential dwellings flanked by Lea Green Lane. There is a single internal hedgerow with perimeter hedgerows to the north, south and west. The boundary with the railway line is delineated by high tensile fencing. The fields are dominated by semi-improved grassland, including more marshy grassland near the northern site boundary. Aside from the hedgerows, other habitats present include a seasonally wet ditch with marginal vegetation, scrub, immature trees and tall ruderal vegetation and the abandoned structures to the southern field.

An Ecological Appraisal has accompanied the application. This included a hedgerow survey. The ecological survey undertook a herpetile survey for reptiles and amphibian species (including great crested newts) and due to the presence of potential suitable bat foraging and commuting habitat in the form of hedgerows, a bat survey was undertaken to ascertain the species present and their activity levels.

There are no statutory designations within or immediately adjacent to the site boundary and there are no internal designations within 5 kilometres of the site. There are two SSSIs within a 2 kilometre radius of the site, Berry Mound Pastures and Clowes Wood and New Fallings Coppice. Due to the absence of habitat linkages, and given the nature of intervening land use, it is not considered that the development to the site would have a significant negative impact on the SSSIs. A further 33 non-statutory sites are located within the 2 kilometre range. It is also considered that the proposed development is not likely to have any adverse impact on these designations and no constraints have been identified from Habitats and Species surveys undertaken.

The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. It is not considered likely that the site would support a notable bird assemblage. In relation to bats, low levels of bat activity were recorded in most parts of the site surveyed, with a relatively higher frequency of bat encounters recorded along the scrub, trees and hedgerow in the north-east corner of the site and along the northern site boundary. However, the bat species and level of foraging/commuting activity recorded is not unexpected in the context of the habitats present and the site position in the landscape. The site contains not mature trees or buildings of appropriate construction and materials to support roosting bats (the various stable associated buildings are all of a lightweight

and temporary nature, being constructed from wooden board, corrugated metal and corrugated asbestos cement, with a lack of voids, felt backing or other features capable of supporting such species). As such it is not considered that the site supports a significant bat population.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter) and the likelihood of the site supporting great crested newts is negligible (based on the findings of the herpetile survey and taken in the context of the nearest potential breeding ponds). No badger setts or other definite evidence of the species (e.g. latrines or guard hairs) were recorded within site during the Phase 1 survey. These species are therefore not currently considered to present a constraint to the scheme.

The reptile survey did record a small population of grass snakes within the site. The grass snake is also a legally protected species.

The Ecological Appraisal considered that in overall terms, the site is considered to be of low ecological value. The hedgerow survey concludes that the two species-rich hedgerow sections do not qualify as important under the Hedgerow Regulations. However, the hedgerows and the seasonally wet ditch within the site are considered to be features of local value as wildlife corridors and Members will note the ditch and the majority of the hedgerows will be retained, with the northern boundary hedgerow forming part of a band of open space which includes the attenuation pond at the eastern end of the scrub and grassland habitat. The Appraisal puts forward the following recommendations:

(a) Reduction of excessive run off/pollutants entering the northern ditch during construction to avoid/minimise potential water quality impacts to the River Cole Ecosite/SWS
(b) Protection of the existing hedgerows and northern ditch during construction and the use of native species in new planting as part of habitat creation or restoration
(c) Any potential bird nesting habitat should be removed outside the breeding season
(d) Minimise light spillage onto retained and newly created bat foraging habitat through sensitive lighting design
(e) Prepare and implement a mitigation strategy for grass snake (to involve gradual habitat modification and exclusion measures) to ensure the species is not present within the development footprint prior to works commencing

Natural England has commented that provided the recommendations of the survey are followed, the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity. This stance has been reinforced by WWT. Members will note NE suggest a suitable Condition securing adequate safeguards for ecological issues both during construction and afterwards should be imposed, with this achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan. This document will incorporate the recommendations (a)-(e) listed above.

Noise Issues

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

Members will note that the railway line runs along the entire eastern boundary of the site in an north/south direction. The railway line is considered the dominant noise source to affect the site and for the most part is level with the site. The line rises to the northern boundary.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The results indicate that any impact related to noise from the railway line is likely to be minor and can be dealt with through glazing specification and a 1.8m close boarded fence at the rear gardens of properties adjoining the railway line. This can be dealt with via Condition.

The EHM has raised no objection on this issue, subject to the imposition of the Condition detailed above.

Air Quality

The EHM has raised no objection to the scheme on air quality grounds.

Archaeological Issues

The views of the County Archaeologist are noted. The CA has raised no objection to the scheme, subject to a programme of archaeological work as a condition of planning consent should Members be mindful to approve consent.

Other Issues

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "to *exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area*." Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I am also mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*).

Members will note the views of the Crime Risk Manager. The application is submitted in outline and contrary to the views of the CRM, contains a Master Plan which is purely indicative at this stage. The aim of the applicant is to make the route leading off Lea Green Lane as safe, open and inviting as possible within the existing constraints of the site. The route can be lit or slight adjustments made to the position of dwellings at the reserved matters stage if required.

On this basis I am of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection with respect to this at this outline stage.

Climate Change

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

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

The submitted Design and Access Statement details a thorough strategy to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

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

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent

years, particularly due to issues such as demographic change, parental choice and/or with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in Wythall.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision will be required in this instance based on the adopted SPG for residential developments. The catchment schools are Meadow Green Primary School and The Woodrush High School. The Highs School is popular and generally fills. A significant proportion of its pupils come from across the County border in Birmingham, partly because the High School recognises two Birmingham Local Authority Primary Schools as contributory schools. Numbers at the Primary School fluctuate, but does fill in some years. Again, a proportion of pupils come from across the border. The applicant has agreed to enter into a suitable legal mechanism to deal with this matter and whilst not objecting to the principle of payment of education contributions, the final financial contribution has not been agreed to date and negotiations are ongoing. This is due to the out of County intake to both schools. I will update Members at your Committee on this issue.

Conclusions

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

The Strategic Planning Manager advises that ADR land should not be released before the adoption of the Core Strategy unless the Council is confident that the proposal is in conformity with national guidance and does not undermine the emerging Strategy. Members will note the view of the SPM whereby there is currently not a 5 year supply of housing land and that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR and the proposal should begin to address the shortfall in housing supply.

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

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

developments, including those that are clearly incompatible with their surroundings. The proposed public open space, the approach to high quality design advocated by the Design and Access Statement and new landscaping would be of local benefit which are factors that weigh in favour of the proposals.

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

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

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development occurs within five years and satisfy the lack of a five year supply as advocated by the applicant in support of the scheme.

I am content that the site is able to support the erection of up to 76 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land, in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of ecological enhancement works. The site is extremely sustainable and this factor weighs in favour of the application. Having considered all material considerations I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision, balancing pond maintenance, education provision, the promotion of sustainable walking and cycling access schemes and the securing of the 30 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon submission and completion.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

(a) play space provision
(b) balancing pond maintenance
(b) education provision

(c) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, to include accessibility to Wythall Station

(d) the securing of 30 affordable housing units

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APPENDIX A

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF SELSDON CLOSE, WYTHALL
TECHNICAL NOTE: FOUL AND SURFACE WATER DRAINAGE
FEBRUARY 2011
REF: AB/20045

Introduction

This Technical Note has been prepared to provide a concise overview of foul and surface water drainage relating to a proposed residential development of 76 dwellings off Selsdon Close, Wythall. This note has been prepared to provide clarity on various drainage issues and to clearly outline the drainage strategies which have been presented in the Flood Risk Assessment and as agreed with the Statutory Authorities.

This information has been prepared following discussions with the Environment Agency, Severn Trent Water, Bromsgrove District Council and Redditch Borough Council.

Site Description

There is a natural watercourse running along the northern boundary of the site, running from the west to the north east. The watercourse takes highway drainage from Lea Green Lane as well as private surface water drainage and overland flow from the site. At the point where the watercourse runs under the railway line a culvert is present which is significantly larger than the watercourse and therefore flows are not restricted. On site observations show limited maintenance of the watercourse which will affect capacity and will be resolved through the adoption of the watercourse by Bromsgrove District Council.

The watercourse is not regarded as a main river by the Environment Agency and flood maps available from the Environment Agency show the site to be located in Flood Zone 1 (see below) which is the zone of little or no flood risk. Based on the Standing Advice available from the Environment Agency all land uses are applicable.



SITE LOCATION

The River Cole is located approximately 0.2km east of the site and flood risk from this area is contained to the east of the railway line and does not affect the site.

The 1:50,000 British Geological Survey (BGS) map shows the site is underlain with Mercia Mudstone and on site soakage testing by M-EC confirms the ground conditions are deemed to be unsuitable for the use of soakaways.

The topography of the site varies between 149.60mAOD and 139.80mAOD. The site falls from the south west to the north east corner of the site and therefore the natural topography of the site encourages surface water run-off to the watercourse on the northern boundary of the site.

An adopted Severn Trent Water foul water sewer is located along the northern boundary extending from Selsdon Close to the railway line and beyond (see sewer plan attached). The sewer appears to serve the residential properties on Selsdon Close from the evidence of the existing connections at manhole 2001. However no public sewers are shown on available Severn Trent Water apparatus plans and therefore it is considered there is a private network serving Selsdon Close. Suitable easements for this foul sewer will be retained as part of the development proposal.

Consultation

Extensive consultation has taken place with key statutory bodies both pre application and as part of the planning application process.

Severn Trent Water

Severn Trent Water has confirmed that a 225mm public foul sewer is located along the northern boundary of the site and it has been confirmed that this has sufficient capacity to serve the proposed development.

Environment Agency

Confirmed the site is in Flood Zone 1 and have raised no objection to the proposed development subject to Conditions about the delivery of a suitable surface water drainage strategy.

Bromsgrove District Council

Detailed discussions have taken place with John Bailey at Bromsgrove District Council as part of the pre-application discussions and several key comments were provided which are outlined below (note M-EC responses are outlined in *italics*):

1. The watercourse takes highway drainage and private surface water drainage.

   This has been confirmed through discussions with Worcestershire County Council, interrogation of available sewer plans and on site observations.

2. Some recent complaints about flooding due to the limited maintenance of the watercourse.

   The limited maintenance of the ditch is evident on site and this will be resolved through adoption of the watercourse corridor by Bromsgrove District Council. The developer is to provide a suitable commuted sum as agreed with the Council.

3. Generally happy with proposed storage pond being provided to attenuate flows.

   No further comment needed.

4. Provide a minimum of a 5m stand off from the watercourse and provide access for maintenance.

   This has been provided as part of the indicative site layout and the developer is happy to accept conditions to ensure this is standoff distance secured through the Reserved Matters stage and on site construction.

5. 5m corridor to be left as an 'open space' and should exclude back gardens.

   This has been provided as part of the indicative site layout and the developer is happy to accept conditions to ensure this corridor is retained as open space.

Redditch Borough Council

Clive Wilson at Redditch Borough Council was commissioned by Bromsgrove District Council to review the Flood Risk Assessment in more detail and confirm that it is acceptable and what commuted sums would be required from the developer for the adoption of the pond and watercourse. A commuted sum has been agreed and will be paid by the developer as part of the Section 106 Agreement.

The drainage officer provided several comments on the submitted Flood Risk Assessment and these comments are outlined below (note M-EC responses are outlined in *italics*):

1. Impermeable site – Agreed, SI results confirm this.

   No further comment needed.

2. 14.9 l/sec discharge rate appears to have been accepted by EA. No details of how this is to be achieved are included and/or demonstrated (see 12 below).

Detailed drainage calculations have been prepared in order to produce the drainage strategy for the site and the calculations demonstrate how the discharge rates have been calculated and we intend to use the balancing pond and the hydrobrake control device to restrict flows into the watercourse. All this information is available in the Flood Risk Assessment document which has been accepted by the Environment Agency.

3. STW confirms existing easement width requirements – I would be concerned at its proximity to watercourse.

   The line of the existing foul sewer is the responsibility of Severn Trent Water and therefore it is the responsibility of the adopting body to raise any concerns about its proximity to the watercourse. No issue has been raised by Severn Trent Water.

4. Access corridor to ordinary watercourse (OWC) should be equivalent to minimum 10m total for an OWC or if an arterial ditch 6m, with a minimum clearance of 5m from any hard structures/features from top of bank (see 3 above). This appears to have been done/shown.

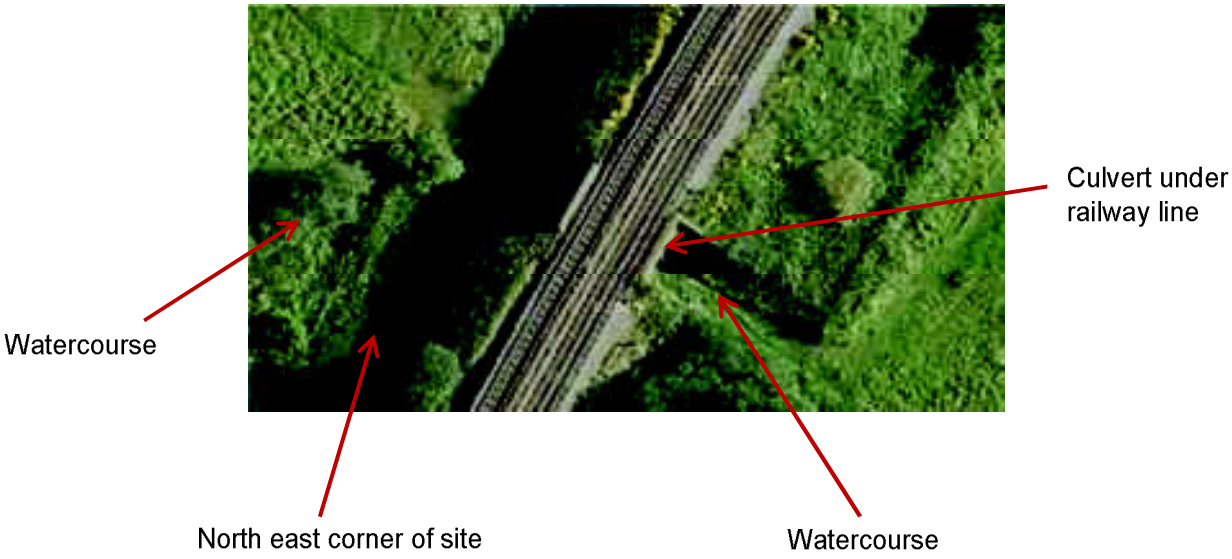
   An easement width has been provided as requested and discussed with John Bailey at Bromsgrove District Council.

5. I'm concerned that the size and condition of the OWC has not been properly confirmed – guesstimated only.

   A detailed topographical survey has been prepared and site visits have been completed and therefore the size of the watercourse has been accurately determined. In relation to the condition of the watercourse we are aware of maintenance issues which were evident on site and this will be resolved as part of the adoption by Bromsgrove District Council. Calculations on capacity have been undertaken in the FRA based on the actual sizing of the watercourse and these confirm sufficient capacity is available.

6. I'm concerned that size/condition of culvert under railway line has not been properly confirmed – guesstimated only.

   Access restrictions appear to have limited the extent of the topographical survey in this location, however on site observations show that the culvert under the railway is very large and sufficient in size to enable access for farm vehicles. The aerial photograph below highlights the size of the culvert and the watercourse ditch is evident in the middle which is significantly smaller. It is therefore considered the culvert beneath the railway line will not restrict the flow of water.



7. R Cole flooding unlikely to impact upon site – Agreed.

   No further comment needed.

8. Design criteria for land drainage, 1 in 100 year return period plus 30% - Agreed.

   No further comment needed.

9. We would normally adopt any BA and OWC in future POS areas to secure their regular maintenance in accordance with current sewerage and land drainage legislation. Please note that the Flood and Water Management Act 2010 (FWMA) although enacted last year has not legally commenced in this regard yet. I append below a calculation estimating the likely S106 levy required.

   We fully support the adoption of the pond and watercourse for future maintenance.

10. The proposals require that Selsdon Close be extended requiring the OWC to be bridged or culverted. The applicant currently requires formal consent from EA for this pending any further commencement orders for FWMA (next tranche possibly 04/11).

    This is a detailed design issue to be considered at the Reserved Matters stage but there has been no objection from EA to the proposals.

11. Drainage design/parameters have been based upon indicative layout. Actual values must be used for any formal consent purposes as these have a habit of changing, predominantly for the worse.

This is a detailed design issue and will be considered further at the Reserved Matters stage however the calculations assume a robust 65% impermeable area and the discharge rates are restricted below actual greenfield run off rates. There is also flexibility in the layout and the housing density to increase the size of the balancing pond if needed. The pond design has been considered in detail using topographical survey data to give accurate account of land take.

12. There are no details of the vortex flow control device. These should include a properly designed trash screen and planting to reduce regular maintenance/blockages.

    This is a detailed design issue. The Hydrobrake and other similar drainage details will be provided at the Reserved Matters stage for approval by Bromsgrove District Council and Severn Trent Water.

Watercourse Capacity

We are aware from discussions with local residents and the drainage officer at Bromsgrove District Council that maintenance of the ditch has been limited and this may have resulted in some out of bank flooding from the watercourse located along the northern boundary of the site. The issue of maintenance will be resolved through the adoption of the watercourse area as agreed with Bromsgrove District Council however to ensure the watercourse has sufficient capacity in any event to accommodate flows, hydraulic modelling has been completed as part of the Flood Risk Assessment.

The watercourse has been assessed using the Manning Equation (an equation for simulating water flows in channels and culverts where the water is open to the atmosphere) and it has been estimated that the Greenfield runoff from the local catchment into the watercourse in a 1 in 100 year storm event is approximately 0.35 m^3/s. Analysis of various cross sections along the ditch using the topographical survey data indicate the maximum capacity of the watercourse is 0.472 m^3/s which is greater than the predicted 1 in 100 year flow of 0.35 m^3/s.

It is therefore suggested the ditch does not pose a flood risk to the site for up to a 1 in 100 year return period. The Environment Agency and District Councils have not objected to the calculations presented in the Flood Risk Assessment and the findings are therefore considered acceptable.

It should also be noted the proposed drainage strategy for the site will reduce peak discharge flows into the watercourse with a 39% reduction achieved in the 100 year event plus 30% climate change storm event.

Surface Water Drainage Strategy

As the ground is not suitable for soakaway drainage the surface water run-off from the dwellings, roads and hard pavings will be connected into a piped network discharging to a storage pond which

will cater for the 1 in 100 year storm event plus 30% climate change. The pond has a volume of 997m^3. Flows will be restricted to a maximum 14.9 litres per second for all return periods including the 1 in 100 year storm event which provides a 39% betterment over existing Greenfield runoff rates during this period.

Discharge rates into the watercourse will be controlled through the use of a Hydrobrake or similar flow control device. For information a hydrobrake is self-activating vortex flow control device which activates when flow increases. The velocity of the water induces an air-filled core with resulting back pressure that reduces the discharge. An example of how the Hydrobrake operates is detailed below.



Hydrobrake with no flows



Hydrobrake with low flows and therefore discharge controlled by the size of the outlet i.e. narrow outlet results in restricted discharge



Hydrobrake in high storm event. Central vortex is created which displaces water to further control discharges rates.

The surface water balancing pond and watercourse will be adopted and maintained by Bromsgrove District Council with appropriate commuted sums paid by the developer as part of the Section 106 Agreement.

Foul Drainage Strategy

Severn Trent Water have confirmed that the development can have a connection into the 225mm public foul sewer is located along the northern boundary of the site where sufficient capacity is available.

This foul sewer does **not** connect with the sewers located in Lea Green Lane which are part of a separate network. The only sewers which connect to the 225mm sewer within the site boundary are private connections extending from Selsdon Close. The network in Selsdon Close is considered to be private as no public sewers are shown on the Severn Trent Water apparatus plans however the topographical survey for the site shows connections into the end manhole (ref. 2001) from the directions of Selsdon Close.

In relation to Lea Green Lane discussions with Severn Trent Water have indicated that the only reported instances of flooding in the local area have occurred at the junction of Lea Green Lane and Station Road. It should be noted however that if flooding has not been reported Severn Trent Water will not have any records.

The Severn Trent Water sewer network plan for Lea Green Lane shows a mixture of shallower foul sewers connecting into a much deeper main/trunk sewer. The shallow sewers follow the topography of the land and fall to the south, however the deeper sewer runs northwards. Levels on the sewer plans show the sewer travelling north to be greater than 2m deeper and the plans show that this sewer falls by gravity. It is likely the shallower sewers backdrop into the deeper sewer and this could be the potential cause of flooding issues as blockages are more likely to occur in backdrops.

The development will not exacerbate any existing problems in Lea Green Lane as foul water flows will connect into a separate network.

Summary

In summary the foul and surface water drainage strategies for the proposed residential development off Selsdon Close, Wythall are robust and will not exacerbate flooding within the local area. Through investigation and analysis the following is confirmed:

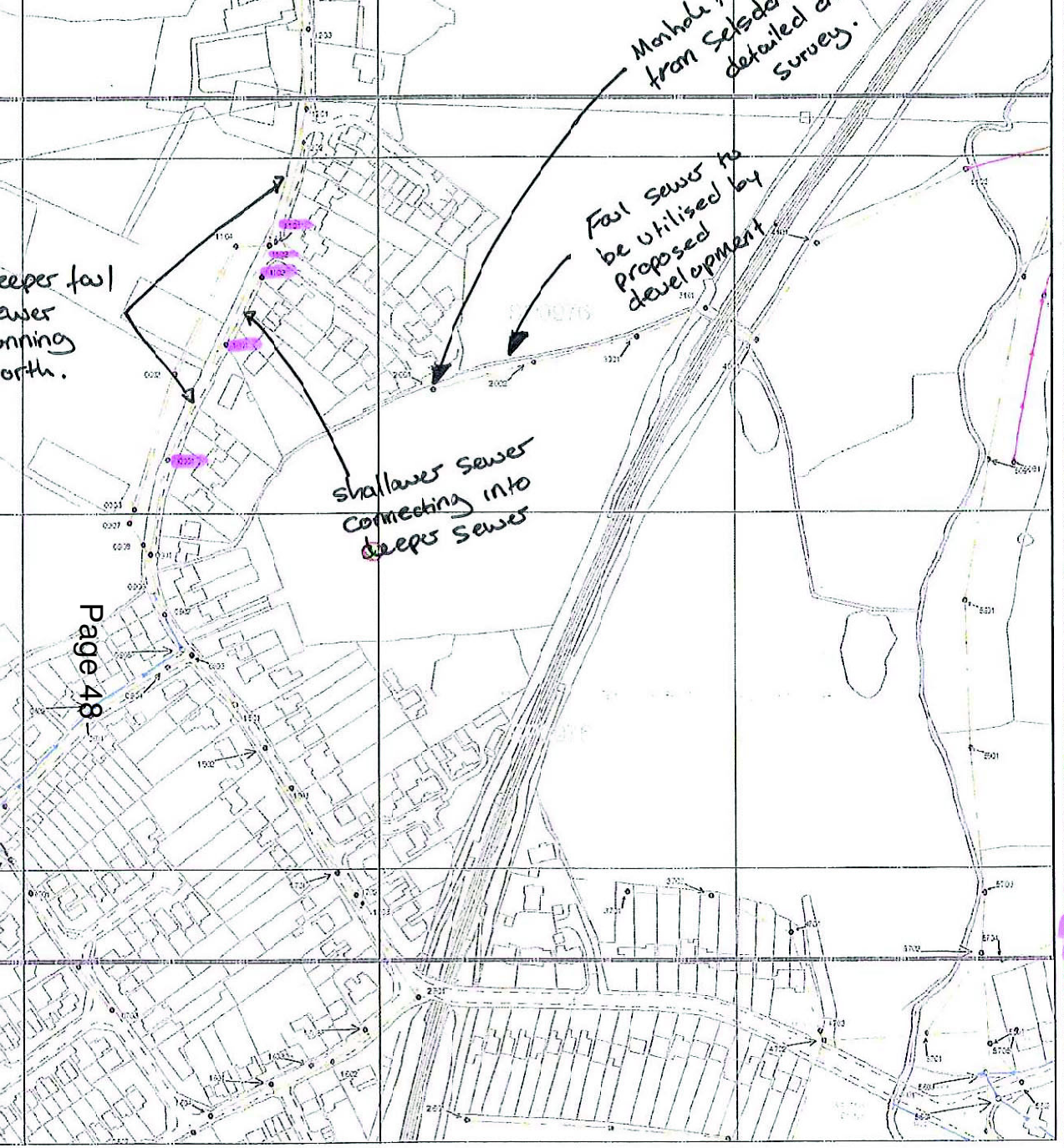
- The site is not located within a flood zone.
- The watercourse within the site is sufficiently sizes to accommodate its catchment area.
- A suitable balancing pond to attenuate surface water drainage flows from the site can be provided and this will provide betterment in discharge rates over existing Greenfield conditions.
- Overland flow from the site will be captured in the new sewer network which will be directed and contained within the balancing pond. This is likely to reduce flows in order sections of the watercourse further west along the site boundary.
- The pond and watercourse will be maintained by Bromsgrove District Council.
- Severn Trent Water have confirmed sufficient capacity exists within the 225mm foul sewer located along the northern boundary of the site.
- This sewer does not connect to the foul sewers in Lea Green Lane and therefore the proposed development will not exacerbate any existing issues which may be present.

- The drainage strategies have been agreed with Severn Trent Water, Environment Agency, Bromsgrove District Council and Redditch Borough Council.

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SP08759802	X	151.39	150.42	149.77	F	VC	C	150	nil	23.94	nil		
SP08759803	X	150.56	149.76	nil	F	VC	C	150	nil	0	nil		
SP08759804	X	151.43	150.47	149.48	S	VC	C	150	nil	27.14	nil		
SP08759806	X	150.02	147.97	146.84	F	VC	C	225	nil	61.34	nil		
SP09750701	X	152.42	151.59	150.43	F	VC	C	150	nil	26.85	nil		
SP09750801	X	148.95	146.81	146	F	VC	C	225	nil	63.73	nil		
SP09750802	X	149.01	147.57	147	S	VC	C	150	nil	161.72	nil		
SP09750901	X	147.161	145.604	145.589	F	CO	C	450	0	31.63	2007		
SP09750901	Y	147.161	145.37	144.97	F	VC	C	300	nil	131.85	nil		
SP09750902	X	147.24	145.63	145.38	F	CI	C	300	nil	143.92	nil		
SP09750902	Y	147.24	145.63	145.3	F	VC	C	300	0	96.97	2007		
SP09750903	X	nil	nil	145.64	F	VC	C	225	nil	0	nil		
SP09750904	X	148.32	145.97	nil	F	VC	C	225	nil	0	nil		
SP09750905	X	148.41	146.99	nil	S	VC	C	150	nil	0	nil		
SP09750906		nil											
SP09750907	X	146.052	145.414	145.389	F	CO	C	450	0	295	2007		
SP09750908	X	147.226	145.659	145.414	F	CO	C	450	0	32.81	2007		
SP09751701	X	151.3	149.69	nil	F	VC	C	225	nil	0	nil		
SP09751702	X	151.24	149.38	nil	F	VC	C	150	nil	0	nil		
SP09751703	X	151.12	149.13	nil	F	VC	C	150	nil	0	nil		
SP09751601	X	149.65	146.07	nil	F	VC	C	150	nil	0	nil		
SP09751602	X	151.01	146.42	146.07	F	VC	C	225	nil	84.3	nil		
SP09751603	X	nil	nil	nil	F	VC	C	225	nil	0	nil		
SP09753701	X	144.539	143.63	nil	F	VC	C	150	nil	0	nil		
SP09753702	X	nil	nil	140.01	F	VC	C	150	nil	0	nil		
SP09754701	X	141.3	139.97	nil	F	VC	C	150	nil	0	nil		
SP09755702	X	140.55	136.72	136.55	F	CO	C	450	nil	260.76	nil		
SP09755703	X	140.63	136.54	136.24	F	CO	C	450	nil	271.67	nil		
SP09755801	X	140.06	136.21	135.94	F	CO	C	450	nil	367.48	nil		
SP09755901	X	139.83	135.93	nil	F	CO	C	450	nil	0	nil		
SP09760001	X	148.19	144.94	nil	F	VC	C	300	nil	0	nil		
SP09760002	X	150.27	145.05	144.784	F	CO	C	900	nil	269.62	2007		
SP09760002	Y	150.27	145.15	144.884	F	CO	C	900	0	269.62	2007		
SP09760003	X	148.209	145.409	145.15	F	CO	C	900	0	366.95	2007		
SP09760003	Y	148.209	145.309	145.05	F	CO	C	900	nil	366.95	2007		
SP09761001	X	149.26	146.86	nil	F	VC	C	150	nil	0	nil		
SP09761101	X	150.65	148.82	nil	F	VC	C	150	nil	0	nil		
SP09761102	X	150.52	144.68	nil	F	VC	C	300	nil	0004	nil		
SP09761103	X	150.27	148.02	146.86	F	VC	C	150	nil	37.02	nil		
SP09761104	X	151.205	144.784	144.68	F	VC	C	300	0	174.9	2007		
SP09761201	X	151.32	144.16	nil	F	CO	C	525	nil	0	nil		
SP09761202	X	151.12	149.49	148.83	F	VC	C	150	nil	83.24	nil		
SP09762001	X	143.01	141.12	140.15	F	VC	C	225	nil	59.76	nil		
SP09762002	X	141.87	140.13	139.11	F	VC	C	225	nil	59.45	nil		
SP09763001	X	140.6	139.11	138.66	F	VC	C	225	nil	93.67	nil		
SP09763101	X	139.94	138.64	138.24	F	VC	C	375	nil	85.33	nil		

SP09765101	X	nil	nil	nil									
SP09765103	X	137.77	135.39	135.0									
SP09765161	X	139.082	135.23	134.8									

a. Sewer pipe data refers to downstream sewer pipe
b. Reference number is for upstream node followed by X (or X and Y where sewer bifurcates).
c. Gradient is stated as 1 in ...

er
y Sewer
er
ravity Sewer
r Sewer

Combined Lateral Drain (SS)
Foul Lateral Drain (SS)
Surface Water Lateral Drain (SS)

Culverted Watercourse
Access Right
Cable, Earthing
Cable Junction
Cable, Optical Fibre / Instrumentation

Blind Shaft
Combined Use Manhole
Disposal Site
Flushing Chamber
Foul Use Manhole

Sewer Blockage
Sewer Chemical Injection Point
Sewer Collapse
Sewer Junction
Sewerage Air Valve

MATERIALS
- - NONE
AC - ASBESTOS CEMENT
AK - ASPHALTIC
BR - BRICK
CC - CONCRETE BOX CULVERT
CI - CAST IRON
CO - CONCRETE
CSE - CONCRETE SEGMENTS (BOLTED)
CSU - CONCRETE SEGMENTS (UNBOLTED)

CATEGORIES
W - WEIR
C - CASCADE
DB - DAMBOARD
SE - SIDE ENTRY
FV - FLAP VALVE
BD - BACKDROP
S - SIPHON
HD - HIGHWAY DRAIN
SUC - SECTION 106

Severn T

APPENDIX B

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF SELSDON CLOSE, WYTHALL
TECHNICAL NOTE: HIGHWAYS AND TRANSPORTATION
FEBRUARY 2011
REF: AB/20045

Introduction

This Technical Note has been prepared to provide a concise overview on work undertaken in relation to highways and transportation pertaining to a proposed residential development of 76 dwellings off Selsdon Close, Wythall. This note has been prepared to provide clarity on various transportation issues and to outline the work undertaken and the agreements reached with the Worcestershire County Council who are the Highway Authority for the local area.

Site Description

The site is approximately 3ha in size and located on the eastern side of Wythall village off Lea Green Lane and Selsdon Close. The site is currently Greenfield with some agricultural buildings located towards the southern site boundary. The site is bound to the west and south by existing residential properties located on Lea Green Lane and Lea Green Drive, to the east by a railway line and to the north by existing agricultural land and existing properties on Selsdon Close. A watercourse is noted along the length of the northern boundary.

The site is currently accessed from the west of Lea Green Lane from a private track however it is considered the proposed residential development will be accessed off Selsdon Close to the north of the site through a continuation of the existing cul-de-sac. At present there is a hedgerow separating the site from Selsdon Close and therefore removal of the hedgerow will be required to enable the continuation of Selsdon Close into the site.

Consultations

Pre-application discussions with the County Council commenced in May 2010 in order to scope out the requirements for any transportation documents prior to the commencement of work and submission of a planning application.

The Worcestershire County Council guidance on how to prepare a Transport Assessment is based on the Department for Transport (Dft) guidance 2007. A Transport Assessment is usually necessary when development proposals are greater than 80 dwellings and below this point a Transport Statement is usually sufficient. The main difference between the 2 types of document are that the Transport Assessment requires transport modelling to be undertaken to assess any impact on the strategic highway network. In this instance and based on the development only being 76 dwellings the production of a Transport Assessment document was not necessary. However in order to present a robust case and to seek to overcome concerns raised by local residents a Transport Assessment was still submitted as part of the planning application to ensure that all the necessary issues were

considered. In addition to this a Travel Plan document was also produced to consider sustainable transport opportunities in more detail and to outline how the site would seek to encourage the use of walking, cycling and public transport (bus and train).

A Transport Scoping note was agreed with Worcestershire County Council which sets out the requirements for the preparation of the documents and a summary is outlined below (note the Transport Assessment considers a development size of 80 dwellings):

- Review existing sustainable transport opportunities

- Consider traffic impact at the following junctions:
  - Station Road/Lea Green Lane T-junction
  - Selsdon Close/Lea Green Lane T-junction
  - Lea Green Lane/Houndsfield Lane/Hollywood Lane crossroads
  - Shawhurst Lane/Hollywood Lane/Truemans Heath Lane mini-roundabout
  - Alcester Road/Houndsfield Lane/Silver Street crossroads

- Review and analyse accident data for the local area

- Consider access proposals into the site

- Outline key mitigation measures to ensure the development does not have any adverse impact on the local highway network.

Consultations have continued with Worcestershire County Council following submission of the planning application to ensure each issue was sufficiently resolved.

Sustainability

A review was undertaken into the availability of sustainable transport opportunities to consider whether walking, cycling, bus and rail access can be provided as a realistic alternative to car travel. Local facilities are available within short walking distances of the site and can be found on Station Road and will assist in reducing short distance car trips. It was noted that whilst there are no specific cycle facilities in the local area Wythall village centre and the Maypole area are easily accessible and can be considered for shopping, employment and social reasons.

Bus services are noted as being less frequent than the desirable however the proximity of local services to the site is good with access available through improvements facilitates by the development proposals.

It is noted that the County Council are reviewing service provision in the local area however the site is also well located to take advantage of Wythall Railway station which provides a connection to Birmingham and a number of other destinations. The proximity of the site to the railway station offers significant opportunity for modal shift away from car travel.

Traffic Impact

Junction assessments have been undertaken at the key locations as agreed with Worcestershire County Council. Trip generation has been determined using the existing trip generation from Selsdon Close and this was shown in the Transport Assessment to be much higher than industry standard tools usually used for calculating trip rates. The trip rates are therefore considered to very robust.

Residential developments are most intensive during the AM (08.00-09.00) and PM (17.00-18.00) peak periods and the following trips rates were calculated (based on 80 dwellings):

Land Use GFA	AM Peak Hour Weekday (08.00 – 09.00)		PM Peak Hour Weekday (17.00 – 18.00)	
	Arrivals	Departures	Arrivals	Departures
Residential (80 dwellings)	0.091 (7 trips)	1.091 (87 trips)	1 (80 trips)	0.182 (15 trips)

In accordance with the requirements of Worcestershire County Council and through increasing traffic flows in accordance with normal industry practices the assessments were undertaken at the date of opening of first dwelling and then 5 years after the date of application registration. Assessments have therefore been undertaken for the following scenarios;

- 2011 base year assessments (proposed 1st year of occupation)
- 2015 future base year assessment (planning application submitted in 2010 + 5 years)
- 2015 base year plus development flows

The assessments without the development discovered that only the Houndsfield Lane Crossroads would operate over capacity in 2011 and 2015, but only on the Silver Street arm in the PM peak hour. All other junctions continue to operate within capacity even with the addition of the development traffic.

Applying the development traffic onto the 2015 base traffic flows shows that on the Houndsfield Lane crossroad junction (the only junction operating over capacity) 1 additional car queuing is predicted with an additional traffic delay of 3 seconds. It was therefore agreed with Worcestershire County Council that the increases in queuing and delay at this junction are insignificant and represents a 0.74% increase over the 2015 base scenario. No works to this junction are therefore proposed.

The junction of Selsdon Close will see an increase in traffic movements as this is the sole access to the site. However the junction is currently lightly trafficked with very few movements and in the year 2015 with the development traffic no cars are predicted to be queuing and a maximum delay to access Lea Green Lane of 11 seconds is noted.

Accidents

An analysis of accidents in the Wythall area was undertaken for the period of June 2005 to June 2010. A total of 40 incidents were noted however not all were considered relevant to this site due to their remoteness and the likelihood that little or no traffic impact would occur. The key areas are outlined below:

- Lea Green Lane has 2 recorded incidents, one in 2005 and the other in 2007 both being due to drivers losing control of their vehicles on the bend north of the site.

- Station Road has 4 recorded incidents all are slight and not close to the junctions which would immediately be used by this development.

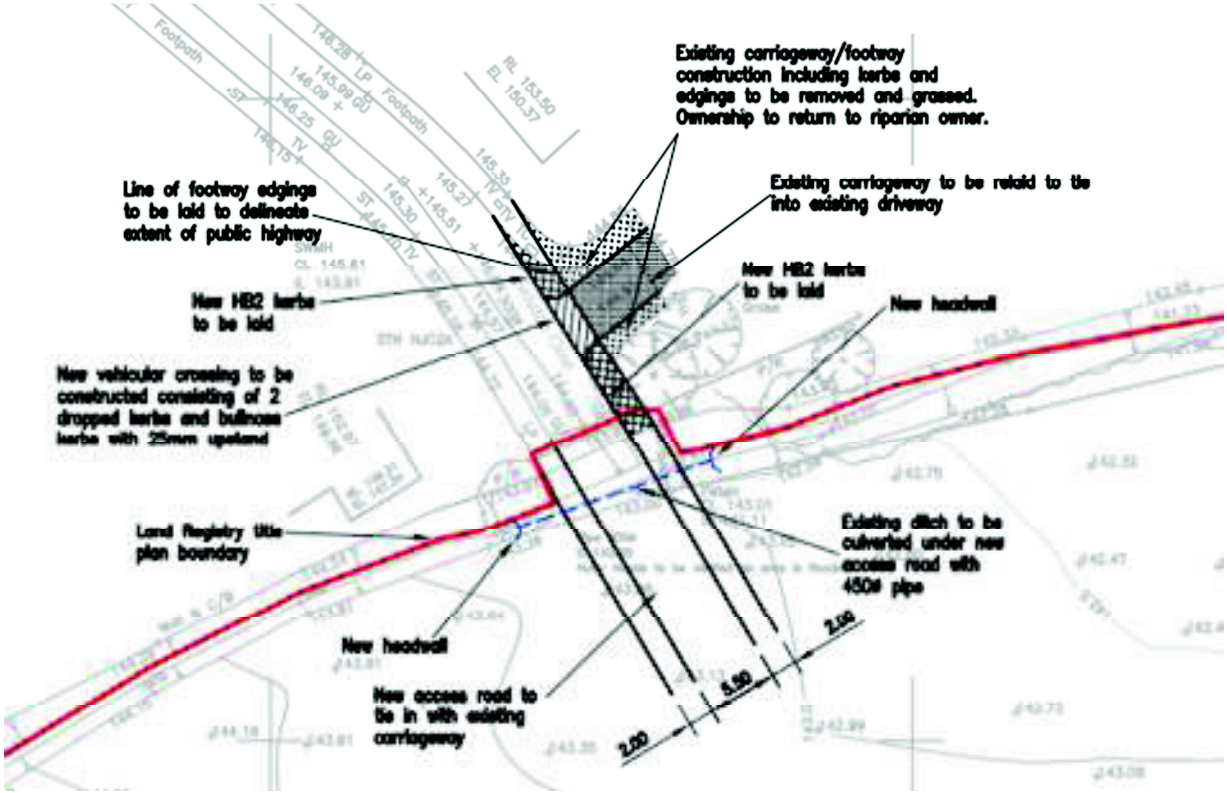
- Norton Lane has no recorded incidents.

- A greater numbers of incidents recorded at the Houndsfield Lane Crossroads with 8 being recorded since 2007 and 2 of which are defined as serious. However the increase in vehicular movements from the site is not considered to be significant and would not give rise to an increase in the number of incidents. It should be noted that no further accidents have been recorded since June 2010.

It was concluded and accepted by Worcestershire County Council that there is not an accident problem in the local area.

Access – Selsdon Close

Access into the site will be taken from Selsdon Close through the extension of the existing cul-de-sac. The existing Selsdon Close is 5.5m wide with 2m wide footways and so the proposed access road into the site will retain the existing geometry. The existing highway boundary currently extends up to the site boundary and the site separated by an existing hedgerow. This will be removed to enable the continuation of Selsdon Close into the site. A watercourse is situated along the northern boundary and a short section of culvert will be required in order to provide the access road. A screen print of the proposed access design is shown below.



Selsdon Close presently serves 10 residential properties and the proposed development as previously stated is for 76 units taking the total residential properties to 86 dwellings. Selsdon Close is 5.5m wide and in accordance with the Worcestershire County Council adopted highway design guide a total of 100 units can be served off it without the need to provide an emergency access. Therefore as the total number of properties falls below the threshold (i.e. 100 dwellings) the road width is considered to be acceptable.

It has been noted previously that the junction of Selsdon Close will operate within capacity with the proposed development.

At a public consultation event held in July 2010 concerns were raised by local residents in relation to the speed of vehicles approaching Selsdon Close from the north and that insufficient visibility splays were available from the junction onto Lea Green Lane. A speed survey was undertaken and 85th percentile speeds were recorded at 37mph Northbound and 38.2mph Southbound. Whilst it should be noted that the subjected speed limit is 30mph and enforcement of speed limits are a matter for the police authority the junction has been assessed using the 85th percentile speeds for robustness. Consultation with Worcestershire County Council has revealed the required visibility splays are therefore 58m and 96m. The available visibility splays using the topographical survey data obtained for accuracy shows visibility splays in excess of 100 metres can be achieved.

Mitigation

Following discussions with Worcestershire County Council the following key mitigations measures are proposed. It should be noted that some of these measures vary from what was considered as part of the Transport Assessment following more detailed discussions with the County Council.

It is considered the proposed development is not a significant trip generator and does have potential to reduce car movements. Worcestershire County Council therefore consider the site is well placed to encourage modal shift to further reduce development impact and have consequently requested a contribution of £40,000.00 towards providing safe uncontrolled pedestrian points and footway improvements to connect the site better to the Wythall Station, the Station Road parade of shops, provide better cycle connection to Drakes Cross parade and the supermarket at the Maypole. The contribution will be secured as part of the Section 106 Agreement.

A pedestrian/cycle link will be provided along the existing field track from the site to Lea Green Lane. This route will provide benefit to the site and also for residents off the existing Selsdon Close and for movements going from north to south along Lea Green Lane. It is noted that the footway on Lea Green Lane narrows to the south of Selsdon Close and therefore the proposed development will provide an alternate route through its connections onto Selsdon Close and Lea Green Lane and the provision of a network of new footways within the development area.

It is recognised that Selsdon Close's carriageway surface is in poor condition which will be further impacted by the construction traffic which could have an adverse impact on the structural condition of the highway. Worcestershire County Council have indicated that it would be a requirement of any development that once significant construction had been completed that the road be resurfaced and any structural repairs identified made good. These improvements will be secured as part of a Planning Condition and will be implemented through a Section 278 Agreement. The cost to the developer will be in the region of £15,000.00.

A Travel Plan has been prepared and agreed with Worcestershire County Council (some minor alterations will form part of a Planning Condition). Each resident will be provided with a "welcome pack" which highlights the alternative transport choices that are available. A temporary pass for the public transport network to encourage use will also be provided on a temporary basis. An onsite travel plan co-ordinator will be provided to assist in encouraging sustainable travel patterns and this will be a sales representative whilst they are on site.

Summary

The Transport Assessment prepared for the proposed development demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic. Accident analysis of the

network indicates no problems at the key junctions for this site and this is agreed by Worcestershire County Council and specifically the expert staff who consider accident data.

The road width of Selsdon Close accords with Worcestershire County Council's adopted highway design guide and is suitable to accommodate the proposed development. Outside of the site area on the wider highway network road widths cannot be widened due to the constraints of the existing highway limits and road widening cannot be substantiated as no capacity or accident problems are noted.

It is accepted local bus services are variable and are currently under review by the County Council, the outcome of which cannot be foreseen, but there is an existing service and efforts are being made to encourage use. The site is very well located to access the local train station and will also be further enhanced through contributions secured as part of the Section 106.

Various mitigation measures are proposed and these are considered to be in proportion to the size and impact of the proposed development. All issues have been agreed with the local highway authority who have raised no objects to the proposed development.

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Planning Application 10/0920
Land of Selsdon Close, Wythall
By Taylor Wimpey

This note is written to advise members of Bromsgrove District Councils Planning committee (members) of the impact the development will have on the Highway Network by summarising the documents submitted as part of the planning application and the conclusions of Worcestershire County Council.

Background
The applicant, Taylor Wimpey, employed M-EC to prepare a Transport Assessment (TA) on their behalf. M-EC undertook pre application discussions with Worcestershire County Council (WCC) prior to the submission of the planning application in order to prepare a scoping note for the TA. Meetings held with M-EC detailed the limit of the assessment and any known issues.

WCC has published a guidance document on how to prepare a TA based on the Department for Transport (Dft) guidance 2007. Normally TA's are necessary when a development proposes greater than 80 residential units and at that point a separate transport modelling exercise is undertaken to assess any impact on the strategic highway network. In this instance neither a TA nor strategic assessment was necessary but a lesser assessment of a Transport Statement (TS) was required due to the scale of the development. Notwithstanding this a TA was still submitted as part of the planning application to ensure that all the necessary issues were considered. Strategic infrastructure need has been considered as part of WCC's Local Transport Plan 3 (LTP3) and developments which demonstrate impact on LTP3 proposals will have to contribute towards those proposals.

The TA Scoping note agreed an assessment area of Station Road, Norton Lane, Lea Green Lane and Selsdon Close including the Houndsfield Lane Crossroads and Shawhurst Lane Mini Roundabout. All junctions where these roads converge were assessed using junction modelling tools that are the industry standard.

Traffic Impact on the Network
The Application is for 76 residential units, which will see in the most intensive peak hours (08:00 – 09:00 and 17:00 – 18:00) additional trips of AM 7 arrivals and 87 departures, and PM 80 arrivals and 15 departures, this should be considered against a background traffic flow of 526 two way trips in the AM peak and 452 in the PM Peak.

The data recorded without accounting for the development only discovered the Houndsfield Lane Crossroads had a theoretical capacity failing, but only from the Silver Street direction in the PM peak hour. Accounting for the year 2015 and increasing traffic flows in accordance with normal industry practices there is still a capacity failing at this junction, however on detailed analysis of this failure it should be noted that in the worst instance the queue will increase by 4 cars and results in an average additional delay of 14 seconds. This is not considered to be significant and at all other times for all junctions there are no capacity failings and no increase in delay other than a few seconds. Applying the development traffic onto the 2015 prediction the Silver Street approach to Houndsfield Crossroad, which is the only junction operating over capacity sees that 1 additional car queuing is

predicted and an average additional traffic delay of 3 seconds. In the opinion of WCC this increase in queuing and delay is insignificant and represents a 0.74% increase over the 2015 scenario.

The junction of Seldon Close will see increase traffic movements as this is the sole access to the site, however the junction presently experiences very few movements and in the year 2015 with the development traffic 0 cars queuing are expected and a maximum delay to access Lea Green Lane of 11 seconds. Selsdon Close presently serves 10 residential properties and the application site as previously mentioned is for 76 units taking the total residential properties to 86. Selsdon Close is 5.5m wide and comparing this to WCC's adopted design guide a total of 100 units could be served off it without the need to provide an emergency access. Therefore as the total number of properties falls below the threshold of the road (i.e. 100 dwellings) so the road width is considered to be acceptable.
It is recognised that Selsdon Close's carriageway surface is in poor condition, but it does not meet the requirements for resurfacing at this time. It is accepted that construction traffic will have an adverse impact on the structural condition of the carriageway, therefore it would be a requirement of any development that once significant construction had been completed that the road would need to be resurfaced and any structural repairs identified made good, as suitably worded condition is proposed to ensure this occurs.

The junction of Lea Green Lane/Norton Lane/Station Road sees the greatest increase in the AM peak hour but still operated in theoretical capacity. The 2015 assessment with development traffic sees the AM peak queue increase by 1 car and an average additional delay to motorists of 4 seconds.

Accident Analysis
M-EC have conducted an analysis of accidents of the Wythall area for the period June 2005 to June 2010 (the time which the report was prepared). Although this indicates 40 incidents it would not be appropriate to consider that all the junctions are affected as they are more remote from the application site.
Lea Green Lane has 2 recorded incidents, one in 2005 and the other in 2007 both being due to drivers loosing control of their vehicles on the bend north of the site.
Station Road has 4 recorded incidents all are slight and not close to the junctions which would immediately be used by this development.
Norton Lane has no recorded incidents.
WCC was concerned about the junction of Lea Green Lane and Station Road due to the geometry of the approach from Norton Lane, but though consultation with the accident studies team and the lack of incidents at this location there is no recorded problem and no reason to suggest that the development would create any incidents at this location.
There are a greater numbers of incidents recorded at the Houndsfield Lane Crossroads with 8 being recorded since 2007, 2 of which are defined as serious. Notwithstanding the greater number of incidents recorded at this junction the increased vehicle movements are not considered to be significant and therefore would not give rise to greater numbers of incidents. It should also be noted that WCC has undertaken some alterations at this location in the past and it is difficult to see what could reasonably be undertaken at this location. WCC's accident studies team does not raise any concerns about the developments impact on this junction and have also confirmed that there have

been no incidents recorded from Station Road to Houndsfield Crossroads from July 2010 until the end of 2010, this being the most up to date record.

Lea Green Lane Speed Survey

M-EC have undertaken speed surveys on Lea Green Lane to confirm the suitability of the Selsdon Close junction. 85th percentile speeds are recorded at 37mph Northbound and 38.2% Southbound. Whilst is should be noted that the limit is 30mph and enforcement of speed limits are a matter for the police authority the junction has been assessed on the 85th percentile regardless of the speed limit. The required visibility splays are therefore 58m and 96m and the available visibility splay exceeds 100m. It can be seen that visibility splays exceeding the minimum levels can be provided.

Sustainability

M-EC have undertaken an analysis of alternative means of access and considered the availability of local amenity. This allows WCC to consider whether walking, cycling, bus and rail access can be provided as a realistic alternative to car travel. There are clearly local facilities available within short walking distances on Station Road which will assist in reducing short distance car trips and whilst there are no specific bicycle facilities Wythall village centre and the Maypole area are easily accessible and can be considered for shopping, employment and social reasons. Walking and cycling are considered to be realistic alternatives to short car journeys, this is well documented in government policy and WCC seeks further improvements through a Section 106 agreement which is explained later.

Bus access is undeniably less frequent than desirably would be, but the fact remains that whilst services are presently limited and WCC is reviewing service provision that the development site seeks to make the best use of what is available by providing a footway/cycleway link to gain access to the nearby stops and through soft measures in the travel plan.

The site is well located to take advantage of Wythall Railway station which provides connection to Birmingham and the strong transport links that are available from there onwards. The proximity of the site to the railway station offers significant opportunity for model shift away from car trips.

M-EC has prepared a Travel Plan which has been agreed with WCC's travel plans officer subject to some minor alterations which can be addressed through a planning condition. This will result in each resident being provided with a "welcome pack" which highlights the alternative transport choices that are available. They will also provide residents with a temporary pass for the public transport network to encourage them to use that instead of their cars. Finally an onsite travel plan co-ordinator will be provided to assist in encouraging sustainable travel patterns, this will be a sales representative whilst they are on site. Whilst some measures can only be provided in the short term due to the application being residential these options are seen to offer benefits to residents and reduce movements in the longer term as well.

Conclusions and Mitigation

M-EC has made some recommendations as part of the TA, some are agreed others are not, but it is felt that with a Section 106 agreement that the short comings can be adequately addressed.

The areas of disagreement are to do with WCC's policies. There is a suggestion to improve bus stops in the local vicinity, but considering the financial viability of the site WCC considers the existing stops

to be acceptable and the saved cost would see greater improvements if spent elsewhere. These are detailed below.
Also speed activated warning signs were proposed on Lea Green Lane. WCC has a policy for these features and it is considered that in this particular instance they are not appropriate to install them in this instance as they did not meet the requirement of that policy. Consequently WCC does not accept that these signs should be installed as they do not meet the policy criteria.
All other conclusions are agreed with.

Section 106 Agreement
WCC in this instance requires a Section 106 agreement to allow contributions to be made to improve access for sustainable access means.
In considering the appropriateness of any contributions WCC compares requirements against circular 05/2005 and the five key tests which all must be met to allow the Section 106 agreement to proceed, these are:

i. relevant to planning;
ii. necessary to make the development acceptable in planning terms;
iii. directly related to the proposed development;
iv. fair and reasonably related in scale and kind to the proposed development; and
v. reasonable in all other respects.

This application is not considered to be a significant trip generator and does have potential to reduce car movements, it is considered that the most significant improvements could be achieved by ensuring that walking and cycling links where strong and this would encourage these movements as an alternative to short distance car trips. Consequently a contribution towards providing safe uncontrolled pedestrian points and footway improvements to connect the site better to the Wythall Station and the Station Road parade of shops, and to provide better cycle connection to Drakes Cross parade and the supermarket at the Maypole was considered to be appropriate. Through WCC's own assessment it was concluded that a contribution of £40000 was appropriate and through negotiation this has been agreed with the applicant.
With this contribution WCC considers that appropriate mitigation has been provided and the justification for this can be robustly defended.

Reflection on the comments raised by Members
At the planning committee held on Monday 7th February 2011 members deferred this application to allow for further consideration of the impact of the development on the highway network with specific concerns raised about highway capacity, road widths, accident history and bus access.

The TA prepared by M-EC demonstrates that there will be no adverse impact on highway capacity as a result of the development and that the only junction which has capacity failing is not significantly impacted on, there are no strategic infrastructure proposals identified in the LTP3 document for this area and therefore no deficiencies in the strategic network. Accident analysis of the network indicates no problems at the key junctions for this site and this is agreed by WCC and specifically the expert staff who consider accident data.
The road width accords with WCC's adopted design guide and outside the application site, the Lea Green Lane cannot be widened due to the constraints of the existing highway limits. Bus access is

limited and is under review by WCC, the outcome of the review cannot be foreseen but there is an existing service and efforts are being made to encourage its use which is considered to be an appropriate solution.

The suggestion of greater road widths being required cannot be substantiated as the applicant has demonstrated that there is no capacity related problems and the accident history for the area of Lea Green Lane where members were concerned shows no accidents recorded.
The Section 106 package is considered to comply with circular 05/2005, members did suggest greater levels of contributions should be provided to provide major infrastructure improvements, but the TA shows that this is not required and therefore would not comply with the circular.

WCC's position is therefore unchanged, and it is considered that the development will not adversely impact on the highway network subject to the introduction of the conditions recommended and the signing of a section 106 agreement for the purposes stated.

Stephen Hawley
BSc (Hons) IEng FIHE MCIHT Certmgmt(Open)
Development Control Engineer
Worcestershire County Council

17th February 2011

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
A. and S. Brittain 'A'	Formation of 1 No. fishing lake, Forest School and car park - Land at Burcot Lane, Bromsgrove, B60 1PH	GB	**10/1098-DK** 21.03.2011

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH — Consulted 30.12.2010. Response received: 11.01.2011.
No objection subject to the following conditions:
HC5 (Visibility Splays)
HC8 Vehicle access construction
HC25 Access, turning and parking
HC30 Disabled Parking Need
HC38 - MODIFIED Turning/parking COU commercial No spaces
HC40 - MODIFIED Highway improvements / offsite works
HC51 Parking for Site Operatives
and the following informatives:
HN1 Mud on Highway,
HN4 Private Apparatus within the Highway
HN6 Section 278 Agreement
HN12 Protection of Visibility Splays
HN16 Design of Street Lighting for Section 278

ENG — Consulted 30.12.2010. Response received: 04.01.2011.
No objection subject to conditions.

NE — Consulted 30.12.2010. Response received: 13.01.2011.
Objection. There is insufficient information to demonstrate whether or not the proposal would have an adverse impact on legally protected species. The application is not supported by any ecological surveys/information and it is therefore impossible to assess its impacts.

Additional Comments Received: 19.01.2011.
Following our recent correspondence on this planning application, further concerns regarding the Burcot Lane Cutting Site of Special Scientific Interest (SSSI) have come to our attention.

The 'Proposed Site Plan' submitted as a part of the application shows the SSSI in the wrong location. The SSSI is in fact located further west, starting in the approximate location of the existing site entrance.

The construction, removal or destruction of roads and tracks is considered to be an operation likely to damage this SSSI. We recommend securing this point through a suitably worded planning condition. This must be agreed with the Highways Agency prior to granting planning permission, to ensure health and safety considerations do not conflict with the protection of the SSSI.

	Burcot Lane is narrow and the large vehicles travelling up and down it could damage the SSSI's rock face through direct contact or vibration. There needs to be evidence presented to show that site re-profiling will not impact the SSSI, either directly through land take or the modification of the cutting or indirectly through the dumping, spreading, discharge or storage of materials, all of which are operations likely to damage the SSSI. The applicant has submitted an amended scheme (Received 02.02.2011) NE Re-consulted: 08.02.2011. No response to date.
WWT	Consulted: 17.01.2011. Response received: 17.01.2011. The photograph presented indicates that the hole could have been made by a badger and an Extended Phase 1 Habitat Survey would be necessary to demonstrate that there would be no harm to protected species from the proposal.
WCC Countryside Service	Consulted: 30.12.2010. Response received 17.01.2011 The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Bromsgrove Footpath 549 (BM-549). No objection to the proposal provided that it does not encroach or result in vehicle movements on the public right of way.
Ramblers Association	Consulted 30.12.2010. No response to date.
WCC Minerals and Waste	Consulted 30.12.2010. No response to date.
EDO	Consulted 30.12.2010. No response to date.
EHM (Contaminated Land)	Consulted 30.12.2010. No response to date.
Forestry Commission	Consulted 30.12.2010. Response received: 04.01.2011. No objection.
STW	Consulted 30.12.2010. No response to date. No objections subject to conditions relating to the drainage of the site.
Tree Officer	Consulted 30.12.2010. No response to date.
Publicity	Site Notice posted: 13.01.2011. Expires 03.02.2011. Press Notice posted 13.01.2011. Expires 03.02.2011. Scheme amended additional publicity conducted. Site Notice posted 10.02.2011. Expires 03.03.2011. Press Notice 17.02.2011. Expires 10.03.2011. No responses to date.

The site and its surroundings

The application site is a large open field in the Green Belt to the east of the A38 and south of Old Burcot Lane and extends to 9Ha in area. The land is currently in arable use with a central drainage ditch and a number of existing ponds. The topography is varied and generally higher on the Old Burcot Lane side. There is a well used public footpath running along this northern boundary. The land slopes steeply on the southern side of the site leaving it with a central valley. The site is immediately adjacent to Burcot Lane Cutting Site of Special Scientific Interest (SSSI), which is designated for its geological interest.

Proposal

The proposal is the formation of 1 No. fishing lake, a Forest School and Car Park. The proposed fishing lake would be located in the SW corner of the site and comprise 31 fishing pegs. The Forest School is proposed in a newly planted area of woodland in the western and central part of the site. There is provision for 40 car parking spaces on the site, a coach turning area, a lay by for two coaches, a portable eco toilet and access from Old Burcot Lane. The application is accompanied by a Transport Statement.

Relevant Policies

WMSS	PA14
WCSP	CTC.1, CTC7, CTC11, CTC.14, SD2, D38, D39
BDLP	DS2, C17, C11, C20, RAT2, RAT22, ES1, ES14, ES16
DCS2	CP3, CP14,CP17,CP19
Others	PPG2, PPG13, PPS11, PPS9

Relevant Planning History

B/2009/0990	Formation of 2 No. fishing lakes, forest school, car park, toilets and corn barn. Withdrawn 26.03.2010.
B/1995/0037	Change of use from fruit farm to golf course and fruit farm. Extension to existing buildings to form clubhouse and ancillary buildings and provision of car parking (As amended by plans received 11.05.1995). Refused 06.06.1995.

Notes

A Forest School is an innovative educational approach to outdoor play and learning. The philosophy of Forest Schools is to encourage and inspire individuals of any age through positive outdoor experiences. The outdoor recreation usually takes place in a cleared area of woodland and involves a range of tasks and activities such as hide and seek, shelter building, tool skills, lighting fires or environmental art.

The site is located in the Green Belt. I consider the main issues in the determination of this application are:

(i) whether the proposal represents appropriate development in the Green Belt; and if not
(ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm;
(iii) Impact of the proposal on the SSSI;
(iv) highway safety;
(v) impact on the rural character and amenity of the site.

The main policies against which the proposal should be assessed are therefore policies CTC.1, and D.39 of the WCSP; and policies DS2, RAT2 and ES16 of the BDLP. The advice contained within PPG2 and PPS9 is also relevant.

(i) Green Belt

As the proposal is development in the Green Belt, it must be considered whether the proposal is appropriate or inappropriate. The fishing lake and forest school which comprises a proposed area of forestry would amount to appropriate development in the Green Belt. Members should note that policy RAT11 (d) supports the provision of informal recreation facilities at a number of locations in the District but this does not include the application site.

It is noted that the car park, turning area and access amount to inappropriate development. The proposal must be considered in its totality.

The development does not directly fall into any of the exceptions of policy DS2. The concept of a Forest School is outlined above and this sort of recreational facility would be welcome. However, the ancillary development in terms of car parking and servicing is not appropriate in the Green Belt. At present, the lands are entirely in arable agricultural use without woodland and the concept of a Forest School appears to depend on at least some existing woodland. Members must carefully weigh up the harm caused, by reason of inappropriateness arising from the development with the benefits in terms of recreation for young people.

There is an absence of services on the site (with the exception of the eco toilet). Members of the public may come to expect a minimum provision in terms of refreshments, etc. This may lead to a requirement for additional development on the site.

The proposal involves the building of a lake 80m long and 30m wide in the SW corner of the application site. The application drawings show a transect running on a N/S axis through the site. There are changes in the levels of the land proposed of approximately 3m depth along a section 60m in length. This amounts to an engineering operation and falls to be assessed under policy ES16 of the BDLP.

Members must consider that relative benefits and disbenefits of the proposal taking the following criteria into account:

(i) the number of vehicle movements;
(ii) the quantity and type of the proposed infill material;
(iii) the effect on the landscape;

(iv) the impact on the amenities of local residents;
(v) regard for general safety.

The proposal may involve the movement of material onto the site and additional information in this respect has been requested from the applicant. The Transport Statement provided makes no reference to this and only considers access by the schools and other users of the recreational facility. The precise levels changes need to be confirmed with the applicant but taking all of the development into account, there would be a reduction in the openness and visual amenity of the site and this amounts to inappropriate development.

(ii) Very Special Circumstances

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

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

Members are aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and this must be weighed up against the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm. A key deficiency in this application is the absence of an established woodland to facilitate the recreation use in the short to medium term.

In terms of policies RAT2 and DS16, the benefits of the proposal are unclear and without substantial positive benefits, the harm caused to the openness and visual amenity of the Green Belt are not outweighed. The applicant has been invited to present a case for very special circumstances and Members will be updated on this matter.

(iii) Impact of the proposal on the SSSI

Policy RAT2 requires protection of ecological, environmental and archaeological interests. This site is adjoining Burcot Lane Cutting Site of Special Scientific Interest (SSSI) and is geologically sensitive. Members should note that Natural England have objected to the proposal. The application is not supported by a detailed ecological survey so its impact cannot be assessed at present. Natural England also raised additional concerns about the impact of the proposal on the geology of the site and arising from large vehicles travelling up and down Burcot Lane potentially damaging the SSSI's rock face.

The applicant has presented an amended scheme (received 02.02.2011) to address these concerns including a reduction of the number of lakes from two to one and the creation of an exclusion zone in the central section and northern boundary of the site.

Natural England have been re-consulted on the amended plans and Members will be updated on their views.

(iv) Highways

The application is accompanied by a Transport Statement to address the concerns raised by WH in terms of safe access and egress from the site. The likely trip generation of the proposal was also examined against the junction capacity of the A38 and Old Burcot Lane. The Statement addresses the issues of visibility, remodeling of the access from Burcot Lane at the entrance and a right turning lane off the A38 onto Old Burcot Lane. These are outlined in Appendices 2 and 3 of the Transport Statement. There is no objection from WH subject to conditions, one of which includes the installation of a right turning lane in the northerly direction of the A38.

(v) Character and Amenity

The site is currently a large open field with a central valley. There would be a negative urbanizing effect arising from the provision of car parking for 40 vehicles, a coach lay by and turning head. Members should note the scale of the proposal with an access road 220m in length along the southern boundary and the parking area is 50m x 20m. The car park would be visible from the A38. The only residential property in the vicinity is White House Farm but this is in an enclosed position and a considerable distance away from the proposal. There is a well used public footpath on the northern boundary with a panoramic view of the entire site. The comments of the WCC Footpaths Officer are noted and whilst the proposal will not interfere with the footpath, the access to the footpath for pedestrians from Bromsgrove utilizes a section of Burcot Lane and the additional traffic will conflict with this.

Other issues

The applicant has confirmed that it is unlikely that material will be imported. There have been additional requests for information from the Drainage Engineer and the Environment Agency have been notified of the application. The application amounts to operational development larger than one hectare and a Flood Risk Assessment is required and has been requested from the applicant. It is noted that application B/1995/0037 was refused on the basis of the irreversible loss of the best and most versatile agricultural land. This land is considered to be the best and most versatile farmland (within Grades 1, 2 and 3a). Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistence with other sustainability considerations (paragraph 28). The proposal would result in the loss of the best and most versatile agricultural land to a vague recreational use contrary to policy CTC.7 of the WCSP.

Conclusion

Whilst the principle behind the application is supported, there are a number of deficiencies in the scheme, notably the lack of woodland. The proposed access, parking and general urbanization of the site are not appropriate in the Green Belt. There are

significant ecological issues because of the location of the site adjoining a SSSI. The proposal would result in the loss of the best and most versatile agricultural land.

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

1. The proposal amounts to inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location. 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. The proposal would not respect the character and amenity of the site contrary to policies DS13 and ES16 of the Bromsgrove District Local Plan 2004.

3. There is insufficient information to demonstrate that the proposal would not have a detrimental impact on the ecological and geological resources of importance in the adjoining Site of Special Scientific Interest (SSSI). As such the proposal is contrary to policy CTC.11 of the Worcestershire County Structure Plan, policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 and Circular 06/2005.

4. The proposal would result in the loss of the best and most versatile agricultural land contrary to policy CTC.7 of the Worcestershire County Structure Plan 2001 and the advice of PPS7 (Sustainable Development in Rural Areas).

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. R. Distefano 'A'	Removal of Condition 3 in relation to B/2001/0835 - 2 Ingeva drive (formerly known as 42 Mearse Lane), Barnt Green, B45 8FD	RES	**10/1179-SG** 21.03.2011

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 **GRANTED**.

Consultations

Lickey and Blackwell PC — Consulted - views received 18.02.2011:
Lickey and Blackwell PC objects to this application. The reasons why Condition 3 was imposed, when the original application was granted, have not changed. Therefore Condition 3 should be retained.

Publicity — 5 letters sent 04.02.2011 expires 25.02.2011. 2 objections received:

- Inaccuracies on the block plan and location plan are misleading representations.
- The mature conifers along the boundary between 1 Ingeva Drive and 2 Ingeva Drive do not cover the area noted on the diagram. Where they exist, they are not all "mature", with many having been planted during the week commencing 14 February 2011. There are far fewer in number and not all in the positions identified on the plan.
- The outlook of the two windows is directly across the rear of our property and across the full extent of our back garden. Removal of the condition would remove a substantial element of the privacy afforded to us, an our family, to the rear of our property - something that we greatly value.
- The window looks directly over our patio and hot tub area.
- This situation is exacerbated as a result of the elevation of the land whereby No. 42 is built some five or six feet above the level of our property.
- There have been no alterations to the external art of the front of 2 Ingeva Drive since the work done in response to the 2001 planning application. The trees in the line of sight from 2 Ingeva Drive into our garden remains in situ. Once again the only thing that has changed is the ownership of the property.
- The applicant has recently planted a number of leylandii against our fence to the rear of our garden. These trees are set about half a metre apart and, based on the height of our fence, are approximately 2 to 3 metres in height. As easily as the applicant can plant trees they can cut them down. Similarly, any future new owner could also remove the trees. In these circumstances, if the application is granted, then there would again be full line of sight across our garden and we would have no redress whatsoever. In essence the trees can only be regarded as temporary.

- There was a condition of a previous planning application that it would now appear the current occupants are attempting to change, what is the point of having conditions if they are not enforced and are subject to change.

The site and its surroundings

The application site relates to a large detached house located at the eastern end of Ingeva Drive, Barnt Green. The property is mainly two storey with a single storey garage extension on the south side. The road has a fairly steep incline which slopes upwards away from Mearse Lane. As such, the application site occupies an elevated position on higher ground than the adjoining property to the west (No. 1 Ingeva Drive). The site is designated in an established residential area.

Proposal

This application is seeking to remove Condition 3 attached to B/2001/0835 relating to the first floor windows of the extension on the front elevation and rear elevation of the property to be obscure glazed.

Condition 3 on B/2001/0835 states:

The property first floor windows of the extension hereby approved on the front elevation of the property and rear elevation shall be obscure glazed and shall be retained as such. Details of the glazing shall be submitted to and approved in writing by the Local Planning Authority before any work on site commences.

The reason for the Condition is stated as:

To protect the privacy of adjoining occupiers.

For the reference of Members, the property was previously known as 42 Mearse Lane.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10
DCS2	CP3
Others	PPS1, SPG1

Relevant Planning History

10/0824	Proposed entry gates and railings. Approved 26.10.2010.
10/0825	Proposed orangery. Approved 26.10.2010.
10/0826	Proposed roof terrace. Refused 26.10.2010.

Relevant Planning History (cont'd)

B/2001/0835 Extension and alterations to form additional bedroom and guest suite (as amended by plans received 24.08.2001, and letter dated 24.08.2001). Approved 03.09.2001.

Notes

The main issue relating to this application relates to whether the deletion of Condition 3 on B/2001/0835 is acceptable given the implications for privacy of adjoining occupiers.

Circular 11/95 sets out a number of 'tests' which Conditions are required to comply with as part of their use in planning legislation. These are that Conditions must be:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other aspects.

With respect to the current application, paragraph 15 of this Circular states that in dealing with an application to remove a condition, that a condition should not be retained, unless there are sound and clear cut reasons for doing so.

Residential amenity is detailed in policy S10 of the Bromsgrove District Local Plan. This policy requires that all extensions should not adversely affect the existing amenities of adjoining occupiers.

The Committee Report from the 2001 application states that 'there is a significant difference in levels between the application site and the curtilage of No. 1 Ingeva Drive'. I agree with this statement and do not consider there to have been any changes to the ground levels since the 2001 application.

Members will note that the report to the Committee in 2001 did not refer to the context of the site with regard to the boundary treatment between the application site and No. 1 Ingeva Drive. In the absence of this detail, and without any supporting photographs, it is difficult to ascertain the level of screening across the common boundary that was present at the site in 2001. I note the comments from the occupiers of No. 1 Ingeva Drive dated 12th August 2001 with regard to the original 2001 application. This states that "we are currently in the process of screening this off, to give greater privacy by means of landscaping work being performed on our behalf." This assertion would suggest that there has been a degree of change in the surroundings of the site since the 2001 application.

In light of the above, however, I do not consider it possible to determine whether the levels of landscaping along the neighbouring boundaries have changed significantly since the original 2001 application. On this basis, I consider the most practical approach for determining the application is to consider the level and mass of landscaping along the adjoining boundaries in their current form.

Members will note the views of third parties relating to screening. I note there to be substantial landscaping adjacent to the front windows of the extension along the western boundary with property No. 1. The landscaping consists of a row of recently planted leylandii in addition to other large coniferous trees and shrubs. I note the applicant's admission that the leylandii and three additional shrubs had been planted along the boundary during the week commencing 14th February 2011. I am mindful of the fact that the planting of these trees/shrubs, in addition to the landscaping works carried out by the occupiers of No. 1 (as detailed in the letter of objection in 2001) would amount to a material change to the context of the site.

By virtue of their scale, siting, and the type of landscaping currently *in situ*, I consider the landscaping to be adequate for the purposes of protecting residential amenity from the first floor windows that serve the bedroom extension on the front elevation.

With regards to the first floor window on the rear elevation, I note there to be a substantial conifer hedge and shrubs along the boundary adjoining No. 7 Merriemont Drive. I am of the view that the landscaping adequately screens views from the first floor bedroom window into the neighbours rear garden.

Members will note that SPG1: Residential Design Guide was adopted in January 2004 subsequent to the determination of the original 2001 application. As such, I consider more weight can be attached to this document as a material planning consideration. I refer to paragraph 8.5 of SPG1 that states "As a general guide new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area." Whilst I appreciate that SPG1 provides guidance only and can be used flexibly with consideration to the site specifics, it is noteworthy that the windows in the extension are positioned some 12.5 meters from the common boundary thereby meeting this criterion.

Taking all matters into account, on balance, I consider there to be sufficient landscaping along the boundaries with No. 1 Ingeva Drive and No. 7 Merriemont Drive to protect the privacy of adjoining occupiers.

For this reason, and with regard to the contents of paragraph 15 attached to Circular 11/95a, I consider the deletion of Condition 3 attached to B/2001/0835 to be reasonable.

RECOMMENDATION: that permission be **GRANTED**.

No Conditions required.

Notes

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

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10

DCS2 CP3
Others PPS1, SPG1

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

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Corbett **'B'**	Change of use from B2 to D2 Swimming Pool - Unit 12 Sherwood House, Sherwood Road, Bromsgrove, B60 3DR	Emp	**10/1216-DK** 01.02.2011

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

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

Consultations

WH — Consulted 15.12.2010. Response received: 21.12.2010.
Recommends that the permission be deferred for the following reasons:-

> There is insufficient information submitted to consider the application. The applicant should offer explanation of what the pool is to be used for and whether it is for private or public use. This is in order to gauge the vehicle movements and the extent of footfall to the site.

EDO — Consulted 15.12.2010. No response to date.

EHO — Consulted 15.12.2010. Response received: 16.12.2010.

This section has no objections in principle to the above application. The premises and business will be required to comply with Health and Safety legislation which will be enforced by this Council. The business and premises will be subject to routine inspection to assess compliance. Advice may be obtained on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434).

If food is to be supplied it is a legal requirement that the premises be registered with this Department at least 28 days before starting the food business.

LP — Consulted 15.12.2010.

The above site is designated as an employment area in the Bromsgrove District Local Plan 2004. Policy D19 (Employment Land Requirements of Worcester Structure Plan) and Policy PA6A (Employment Land Provision of WMRSS) (December 2007) apply. The latest Panel's Report for the Phase 2 WMRSS revision states that Bromsgrove District has to provide around 30 hectares of employment land for its own growth.

In the recently completed Employment Land Review (ELR) all of the Districts main employment sites were assessed both qualitatively and quantitively. The proposed site falls within the Aston Fields Industrial and Trading Estate and Silver Birches Business Park which was

assessed as a 'good' quality employment site and therefore no units should be released for any non-employment uses. The ELR states that sites ranked as 'best' or 'good' should be retained as they are considered to be valuable employment sites which should be protected against loss and gradual erosion through the encroachment of alternative uses.

PPG17 requires local authorities to "undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities." The Open Space, Sport and Recreation Facilities (PPG17) Assessment shows that there are four swimming pools in the District and all of them are located within the Bromsgrove Central area. In terms of accessibility, only one offers unrestricted public access, the rest are only accessible to registered members or clubs. The distribution of facilities also indicates that the majority of residents located in the rural areas have to travel to access a swimming pool. Quantitatively, there is sufficient pool space to meet the needs of the local resident population. Qualitatively, the commercial facilities are considered higher in quality than the only publicly accessible pool. The lack of information about the accessibility and quality of the swimming pool makes it difficult to assess whether the proposal will contribute towards meeting the needs of local residents.

Should you be minded to recommend approval of the application, the following issues should be addressed:

PPS1 promotes the prudent use of natural resources. The Water Cycle Study states that there is a negative supply demand balance in the Severn Water Resource Zone. To ensure new development is sustainable, water efficient fittings should be incorporated in the development.

Supplement to PPS1 states that design of new development should be planned to limit carbon dioxide emissions and make good use of opportunities for decentralised and renewable or low carbon energy. The Planning for Climate Change Technical Paper by Worcestershire County Council shows that Bromsgrove has good solar irradiance, hence solar hot water should be encouraged in the development.

Publicity

2 letters sent 15.12.2010, expired 05.01.2011
1 letter sent 06.01.2011, expired 27.01.2011.

Site Notice posted 04.01.2011, expired 25.01.2011.

No responses received.

<u>The site and its surroundings</u>

The application site comprises a modern industrial building which extends to some 330sqm including a 48sqm mezzanine area. It is located to the south of Sherwood House

and adjoins units 4a and 4c both of which it is slightly set forward of. The site is relatively enclosed with parking for the units provided in a small number of spaces in front of them.

Proposal

The proposal is a change of use from B2 to D2 for a swimming pool.

Relevant Policies

WMSS	QE3, PA6
WCSP	CTC.1, SD.9, T.1
BDLP	DS13, E6, E10, RAT3, TR8, TR11, BROM8
DCS2	CP12, CP14
Others	PPS1, PPG4, PPS4

Relevant Planning History

There is no relevant planning history.

Notes

There has been limited information submitted with the application. The area of the unit is 242sqm and it is proposed to have a swimming pool (9m x 6m) and associated heating and air conditioning. The pool is proposed to occupy the rear half of the building and there will be showers and a plant room also installed in the building. No changes to the elevations are proposed.

Assessment

The application is for the conversion of employment space into a swimming pool which falls onto the D2 use class category. The main considerations in the determination of this application are:

(i) the designated use of the land;
(ii) the principle of leisure uses outside of the town centre;
(iii) the adequacy of the existing access and parking facilities.

In this context policies SD9 of the WCSP, BROM8, E6 and E10 of the BDLP are most relevant in determining the application. I consider that the guidance of PPS4 and PPG13 are relevant material considerations in the determination of the application.

(i) Land use

The site is designated for employment purposes on the BDLP Proposals Map (Brom8) and policy E6 seeks to avoid land uses other than employment on such sites. The availability of employment land would be a material consideration. Policy E10 makes it clear that proposals for the use of industrial buildings for retail and recreational purposes will not be allowed. I am mindful of the Employment Land Review (2008) (p. 5.61) makes it clear that the Aston Fields Estates remain good quality employment sites with ability to

deliver economic development objectives. The Review also makes it clear that these sites should be safeguarded from erosion to alternative uses. Members should note the views of Local Plans in this respect. Whilst the unit has been vacant for some time, the applicant has not provided evidence of marketing of the site. It is evident that the proposal would not be for an employment use and would clearly conflict with the provisions of policies E6 and E10.

A Supporting Statement has been received from the applicant's agent (17.02.2010). There is an analysis of the number of employment units which are vacant in the area.

- It is considered that the scale of the proposal would not undermine the employment base of the area and would complement the employment activities there
- There are a number of vacant employment units in the area
- The business may require 3 full time and 6 part time employees
- The Elite Performing Arts and Curves gym are located in the area

Members should note the clear requirements of policy E10 and the precedent for the loss of employment land that the proposal would set. The floorspace of the building is 242sqm and would represent the loss of a dedicated employment unit. I do not consider that a swimming pool at this location would necessarily be complementary to the established office and warehousing uses in the area.

Whilst it is accepted that there are a number of vacant units in the Aston Fields Estates, this is in the context of the current economic climate and may cease to be material in future. The generation of some employment through the proposal is welcome but comes at a high price in terms of prevailing policy and advice. The erosion of the number of employment uses would have negative long term consequences for the local economy and the conclusions of the Employment Land Review (outlined above) are important and recommend the retention of the complement of good quality employment units.

There are some other leisure uses in the area referred to by the applicant. In terms of the 'Curves' gym, this was permitted under application B/2004/0110 and comprised a much smaller floor area than the current proposal (132sqm). This would be below the threshold for sequential testing even in respect of the current PPS4. In the case of the Elite Performing Arts (B/2003/0799), this was considered with emerging LP policies in the absence of PPS4 and PPS6. The Officer considered that the unusual nature of the proposal would not set a precedent for future incompatible land use proposals.

(ii) Principle of leisure use at this location

Policy E10 makes it clear that recreational uses of land allocated or zoned for industrial use will not be permitted. This position is augmented in Planning Policy Statement 4: (Planning for Sustainable Economic Growth).

Policy EC14.3 of PPS4 states: 'A sequential assessment (under policy EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to

extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres'.

In considering sequential assessments required under policy EC14.3, local planning authorities should:

(a) ensure that sites are assessed for their availability, suitability and viability.
(b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered
(c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
(d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of
    (i) scale: reducing the floorspace of their development;
    (ii) format: more innovative site layouts and store configurations such as multi storey developments with smaller footprints;
    (iii) car parking provision; reduced or reconfigured car parking areas; and
    (iv) the scope for disaggregating specific parts of a retail or leisure development

    including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

The proposal (at 242sqm) requires a sequential test in accordance with PPS4. The supporting statement (received 17.02.2010) also addresses this requirement (pages 15 - 19).

- The applicant has specific requirements in terms of space including roof height and facilities for the storage of chlorine and ozone
- The site is accessible to the railway station and bus routes 140, 141, 142 and 143.
- The Dolphin Centre is not available for hire
- The applicant proposes a hydrotherapy teaching pool, more lessons and training for swimming instructors
- There are no suitable or available sites in the town centre. Unlike a gym, a pool requires a substantial amount of space as shown by existing pool facilities in the town
- The only possible sites are the retail units on Birmingham Rd. Bromsgrove Members Club is inadequate in terms of height. There is an industrial unit in Redditch but it is too remote with inadequate parking
- The site has been vacant for four years and has been marketed with little interest.

It is understood that the provision of a swimming pool requires a building of a certain size and configuration. However, the sequential assessment provided is inadequate. PPS4 is outlined in a policy section but the requirements of policy EC14.3 have not been examined in the context of this specific application. As a minimum, a sequential assessment should set out a matrix outlining all of the alternative sites considered. This should include the existing use of these properties, their relationship to the town centre, any current development proposal, any physical constraints and accessibility. The absence of this indicates that alternative town centre or edge of centre sites have not

been properly considered. I understand from the estate agent that the unit has been vacant for 18 months and not the four years referred to in the statement.

(iii) the adequacy of the existing access and parking facilities

The response received from WH is noted. The applicant has provided a revised plan outlining parking provision and the additional views of WH are awaited. Policy RAT3 states that proposals for indoor recreation facilities need to be appropriately located in terms of public transport and has arrangements for satisfactory access to the highway network. The location of the site generally weighs against access by means other than the private car.

Conclusion

The proposal is out of centre in an area is designated for employment purposes and the proposal conflicts with policy E10. The sequential assessment is inadequate to demonstrate that the proposal would not have an impact on the viability and viability of the Town Centre.

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

1. The proposed leisure of the building is contrary to employment designation of the site and the allowing of such alternative uses on zoned industrial land would mitigate against the priority of the Local Planning Authority in maintaining a range and choice of readily available employment sites contrary to policy E10 of the Bromsgrove District Local Plan 2004 and policy PA6 of the West Midlands Regional Spatial Strategy 2004.

2. The proposed location of the development is not within or on the edge of an established town centre and the sequential test provided is not conclusive in respect of the availability of more sequentially preferable sites. As such, the proposal is contrary to policies RAT3 and DS13 of the Bromsgrove District Local Plan 2004 and the advice of PPS4 (Planning for Sustainable Economic Growth).

3. There is insufficient information to demonstrate that the proposal can provide adequate parking and a safe means of access and egress from the site and therefore the proposal is contrary to policy TR11 of the Bromsgrove District Local Plan 2004.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. R. FLAVELL 'A'	Demolition of existing garage and construction of two-storey side extension - 120 Redditch Road, Alvechurch	GB	**10/1230-TC** 07.03.2011

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

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	Consulted - views received 04.01.2011: ▪ No objection
FC	Consulted - views received 04.01.2011: ▪ No objection
Alvechurch PC	Consulted - views received ▪ No objection
Publicity	2 letters sent 29.12.2010 (expired 19.01.2011): no views received. 1 site notice posted 04.01.2011 (expired 25.01.2011): no views received.

The site and its surroundings

The application site relates to detached property which is located in a ribbon of residential development alongside the west of the Redditch Road. There is a decrease in level from the Redditch Road to the frontage of the property. The site is to the south of Alvechurch village and lies within the Green Belt. The houses along this ribbon of development vary in size and position and there are established trees and shrubs around the site.

Proposal

The application relates to the demolition of the existing single storey garage and the construction of a two-storey side extension.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D38, D39
BDLP	DS1, DS2, DS13, S11
DCS2	CP3, CP18, CP22
Others	PPS1, PPG2, SPG1, SPG7, Alvechurch VDS

Relevant Planning History

B/2010/0885	Demolition of existing garage and construction of two storey side extension: refused 10.11.2010

B/2003/0499 Single storey extension to rear of property to create enlarged kitchen and dining area: approved 16.06.03

Notes

This application relates to a resubmission following the refusal of a similar scheme under delegated powers in November 2010.

The crucial issue in the determination of this application is to ascertain whether the proposal adequately addresses the reasons for refusal in planning application B/2010/0885.

The reason for refusal on this application is as follows:

"*By virtue of the position and overbearing nature of the proposed extension, the scheme would cause an unacceptable loss of residential amenity to adjoining occupiers contrary to policies S11 and DS13 of the Bromsgrove District Local Plan and the guidance in PPS1 Delivering Sustainable Development and SPG1Residential Design Guide.*"

In addition it will be important to determine whether any changes to the proposal complies with policy S11 of the Bromsgrove District Local Plan and whether the two-storey side extension will affect the existing amenity of adjoining occupiers and design of the compound building. As such policies DS2 and S11 of the BDLP, policy D39 of the WCSP and SPG1 and SPG7 are most relevant in determining the application.

Given the location of the site within the Green Belt, the application raises the following issues:

Green Belt

Having regard to SPG7, a maximum extension of up to 40% of the original dwelling is regarded as a proportionate addition over and above the size of the original dwelling; unless there are very special circumstances. The following calculations have been made giving regard to application B/2003/0499:

Original dwelling	106.6m^2
Existing additions (including side utility)	29.98m^2
Existing dwelling	136.58m^2
Existing additions over original	28.12%
Proposed extension (minus demolished part of garage/utility)	26.35m^2
Proposed increase above existing	19.29%
Proposed increase above original	24.72%
Total house as proposed	162.93m^2
Proposed extension and existing additions	
% of proposed and existing additions above original	**52.84%**

The proposed extension would create an increase in size of 24.72% over and above the original dwelling, and 19.29% over and above the existing dwelling. Overall, this proposal together with the existing additions would create an increase in size of 52.84% over and above the original dwelling, with total floor space of 162.93m^2.

The proposed extension and existing additions are over the proportionate 40% addition; however it is now necessary to ascertain whether very special circumstances are applicable. I am mindful of the location of the site in a ribbon of residential development to the west of the Redditch Road, and the more built up character of these areas in contrast to the isolated location of some dwellings within other areas of the Green Belt. Given the location of the dwelling within an established run of properties, I do not consider that the principle of the extension would be damaging to the openness of the Green Belt or the purposes of including land within that designation. The proposal is over the recommended addition; however, I do not consider the proposal would unduly prejudice the purposes of Green Belt policy and I consider very special circumstances exist in this case to allow an extension over and above the size limits advocated by SPG7.

Design / Street Scene

I do not consider the proposal would have a detrimental impact on the character of the street scene since other existing properties have a similar width notably 124 Redditch Road. The design and access statement notes (p1, 2.6) that: "*the separation between the adjacent property (118 Redditch Road) is improved at ground floor as the existing garage is built directly onto the boundary line. The proposed extension is 300mm inside the property boundary which improves the current position.*" I would concur that terracing would not be an issue given that 120 Redditch Road is stepped forward to 118 Redditch Road.

To comply with Bromsgrove District Council's Residential Guidelines (SPG1), it is suggested that proposed extensions are set down from the height of the roof and set back from the front of the original dwelling. The Guidelines also refer to the need to set two-storey or first floor extensions at least one metre off the common boundary to ensure that semi-detached or detached houses do not become terraced. I will deal with these aspects of the application in turn:

Set down - The side extension would be set down from between 0.3m at its highest point to 3 metres at the frontage of the dwellinghouse.

Set off - the extension would be set off by 300mm. I note currently the garage is set on the curtilage of the boundary thus the repositioning would be beneficial to this proposal.

Set back - the first floor extension would be set back between 0.9 and 2.5 metres from the principal elevation.

I also note that the proposed materials for the side extension would be in keeping with the existing dwelling and the proposals would be of a similar style with a pitched roof.

Residential Amenity

Due to the set forward nature of 120 Redditch Road the proposal would have an adverse impact on 118 Redditch Road. The previous reasons for refusal were due to the position

and resultant overbearing impact of the proposed extension. By virtue of the location of the proposal the scheme was considered to detrimentally impact 118 Redditch Road contrary to SPG1 and Policy S11 of the Bromsgrove District Local Plan.

I consider the revised application to goes some way to address the concerns noted in application B/2010/0885 due to the following:

- The extension roof ridgeline is set lower than the existing roofline from 3 metres at the front to 0.3 metres at the top of the roof.
- The proposal would not be set back at ground floor. At first floor the proposal from the frontage is stepped back at an angle at a maximum of 2.5 metres. It is stepped back 0.9 metres to the dormer window.
- The side extension would be stepped away from the curtilage of the dwellinghouse from the boundary line by 0.3 metres.

I note that a ground floor extension could be built 4 metres in height under permitted development rights which would impact no. 118 Redditch Road; however, the proposal would be 3.5 metres higher at the proposed apex. I consider the impact of the two storey side extension would be lessened by the aspects noted above and goes some way to lessen the impact caused to 118 Redditch Road.

Members will note the current scheme has not addressed the unacceptable 45 degree impact to 118 Redditch Road which is approximately 7 metres from the front of the dwellinghouse, meaning 6 metres behind the front of the dormer window would conflict with the 45 degree rule. As such, due to the stepped forward nature of 120 Redditch Road and the resultant overbearing impact, I consider the proposal to be detrimental to residential amenity, contrary to policy S11c of the Bromsgrove District Local Plan.

Conclusions

It is considered that the application for demolition of a garage and two storey side extension has special circumstances in the Green Belt in relation to SPG7, would be in keeping with the design of the property and streetscape. However, the proposal would not address the issues of residential amenity in terms of the position and overbearing impact of the proposed extension in relation to 118 Redditch Road. The proposal thus conflicts with the policies in the Bromsgrove District Local Plan, the advice contained in SPG1 and therefore I recommend that planning permission be refused.

RECOMMENDATION: that permission be **REFUSED**.

Due to the position and resultant overbearing impact of the proposed extension, the scheme would cause an unacceptable loss of residential amenity to adjoining occupiers contrary to policies S11 and DS13 of the Bromsgrove District Local Plan and the guidance in PPS1 *Delivering Sustainable Development* and SPG1 the Council's *Residential Design Guide*.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE **7TH MARCH 2011**

BROMSGROVE TOWN CONSERVATION AREA

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

1. **SUMMARY OF PROPOSALS**

1.1 The Bromsgrove Town Conservation Area was originally designated by Worcestershire County Council in 1968 and was extended in 1983 and again in 1989. No formal review of the Conservation Area has been carried out since then, although a brief report on the merits of the area was prepared in 2007.

1.2 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, 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.

1.3 A character appraisal and a set of management proposals including potential changes to the Conservation Area boundary, have now been produced in accordance with the guidance given by English Heritage. Although published by the Council, local amenity societies and residents are encouraged to contribute to and comment on the draft document and proposed boundary amendments during the formal consultation process which ends on 4th March 2011.

2. **RECOMMENDATIONS**

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

3. **BACKGROUND**

3.1 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 areas 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. It is not unusual for the boundary of a Conservation Area to fluctuate over time as the

area evolves, and an assessment of the current and potential boundaries is normally part of the appraisal process.

3.2 The Conservation Area review has highlighted some potential boundary changes to focus on the main retail area and the alleyways leading beyond. The first proposed amendment would remove the western section of Worcester Road beyond the Hanover Street junction, from the Conservation Area. This amendment is proposed because that section has a limited relationship with the centre of the Conservation Area and the few surviving historic buildings already have listed building status.

The second proposed amendment is to designate a separate St. Johns Conservation Area (which is currently included in the Bromsgrove Town Conservation Area boundary) in recognition of its unique character. A character appraisal for the proposed new St. John's Conservation Area is currently being prepared and shall be published for public consultation along with details of the proposed boundary extensions in March 2011.

3.3 A copy of the draft character appraisal has been attached to this report and includes a set of management and enhancement proposals under Appendix C. This is not an absolute list but outlines the main issues which need to be addressed and possible tasks and timescales. The main management issues it is felt need to be addressed are:

- Quality of the public realm
- Quality of shopfronts and signage
- Effective maintenance of historic buildings
- The increasing number of vacant retail units
- Vacant upper floors of historic buildings
- Advertising of the street market
- Marketing of the town's heritage
- Environmental improvements to Spadesbourne Brook

Policies TC4 and TC5 of the draft Town Centre Area Action Plan incorporate proposals to address some of these issues. The draft AAP is currently out for public consultation until 15th April.

4. KEY ISSUES

4.1 The Strategic Planning team is currently carrying out a public consultation exercise to gather views on the proposed boundary amendments and the draft character appraisal. Consultation letters have been sent to every resident who would be removed from the boundary, and an exhibition displayed in the Customer Service Centre, the Council House and at 125 High Street in conjunction with the draft Town Centre Area Action Plan consultation. The deadline for comments to be submitted is Friday 4th March.

5. FINANCIAL IMPLICATIONS

5.1 The cost of producing and consulting on the Conservation Area character appraisal, and future costs involved in advertising the boundary amendments is being met by the existing Strategic Planning team budget.

6. LEGAL IMPLICATIONS

6.1 The proposed boundary changes to the Bromsgrove Town Conservation Area and the designation of a new St. John's Conservation Area requires formal approval by the Council's Cabinet. These changes would then need to be advertised in the Bromsgrove Advertiser and in the London Gazette, and notifications sent to DCLG, English Heritage and the Land Registry.

7. POLICY IMPLICATIONS

7.1 The Council has a statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the preservation or enhancement of the character or appearance of a designated Conservation Area when assessing applications for development.

8. COUNCIL OBJECTIVES

8.1 **Objective 1 Regeneration: Priority 2 Town Centre**

The Bromsgrove Town character appraisal shall be used as part of the evidence base for Policy CP16 of the draft Core Strategy 2 and the draft Town Centre Area Action Plan, which in turn supports the Council objective to regenerate the town centre.

8.2 **Objective 2 Improvement: Priority 3 Customer Satisfaction**

The character appraisal will demonstrate the willingness of the Council to promote the regeneration of the town centre and will help address some of the negative comments received during the AAP Issues and Options consultation in 2008.

8.3 **Objective 3 Sense of Community: Priority 8 Community Engagement**

The main purpose of an 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 and at 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 AND SAFETY CONSIDERATIONS**

9.1 **Risk Register**: Planning and Regeneration
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: 5.6, Carry out Town Centre and Belbroughton Conservation Area appraisals

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 boundary amendments, character appraisal 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 conservation area review and public consultation 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 residents of those properties which would be removed from the Conservation Area boundary, to English Heritage and the local amenity societies. An exhibition on the proposals was also displayed at the Customer Service Centre, the Council House and 125 High Street in conjunction with a wider consultation on the draft Town Centre Area Action Plan.

20. **OTHERS CONSULTED ON THE REPORT**

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

21. **WARDS AFFECTED**

21.1 St. Johns.

22. **APPENDICES**

Appendix A - Draft Bromsgrove Town Conservation Area Character Appraisal
Appendix B - Bromsgrove Town Conservation Area Leaflet

CONTACT OFFICER

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APPENDIX A

Bromsgrove Town Conservation Area Appraisal

CONSULTATION DRAFT
NOVEMBER 2010



Bromsgrove District Council

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Appendix 2	*List of Listed Buildings in the Conservation Area*
Appendix 3	*Management and Enhancement Proposals*
Appendix 4	*Relevant Local Plan Policies*
Appendix 5	*Glossary*

List of Maps

Map 1	*Proposed Revised Boundary of the Conservation Area*
Map 2	*Positive, neutral and negative buildings*

This is a consultation draft of the Bromsgrove Town Conservation Area Character Appraisal. Comments are welcome and should be sent to the Strategic Planning Team, Bromsgrove District Council, Burcot Lane, Bromsgrove, B60 1AA. Email conservation@bromsgrove.gov.uk or telephone 01527 881326

1.0 Introduction

1.1 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. It is not unusual for the boundary of a Conservation Area to fluctuate over time as the area evolves, and an assessment of the current and potential boundaries is normally part of the appraisal process.



1.2 The Bromsgrove Town Conservation Area was originally designated by Worcestershire County Council in 1968 containing "Area A High Street" and "Area B St John's" The boundary was extended in 1983 and again in 1989 to include the Spadesbourne Brook, the Strand, Crown Close, 9-15 New Road, 64-78 Worcester Road and Hanover Street. At some point the use of Areas A and B ceased and the area is formally designated as one complete Conservation Area.



1.3 This appraisal of the Bromsgrove Town Conservation Area was carried out in July 2009 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 appraisal will be made available on the Council's website, in the local library, 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 the main foyer of the local library to explain the purpose of the document and collect local comments.





Aerial view of Bromsgrove Town Centre

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.



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 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 special interest of the wider Conservation Area. Specific guidance relating to development within Conservation Areas can be found within PPS5 Planning and the Historic Environment.



2.5 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. The Council is also in the process of producing an Area Action Plan (AAP) for the town centre which will set out the Council objectives for housing, employment, transport, retail etc over the next 15-20 years. This Conservation Area Character Appraisal will form a key part of the evidence supporting the AAP.



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 Bromsgrove Town Conservation Area contains an assortment of notable historic buildings dating from predominantly the 18th and 19th centuries but with some earlier surviving timber framed buildings. A range of architectural styles is represented from English vernacular, to restrained Georgian and more elaborate Victorian Gothic buildings. This variety of elevational treatments and styles demonstrate high quality construction and craftsmanship, giving a rich texture to the town centre, and are tangible reminders of the town's past prosperity.



3.3 The narrowness of the historic building plots, varied rooflines and the overall height of the buildings give an overall impression of vertical emphasis, and a strong sense of enclosure. The more modern developments unfortunately detract from this being generally set back from the established building line, sometimes a storey lower and include detailing which gives a horizontal rather than vertical emphasis. These infill sites do at least give opportunities for redevelopment in the future without requiring the loss of more historic buildings.

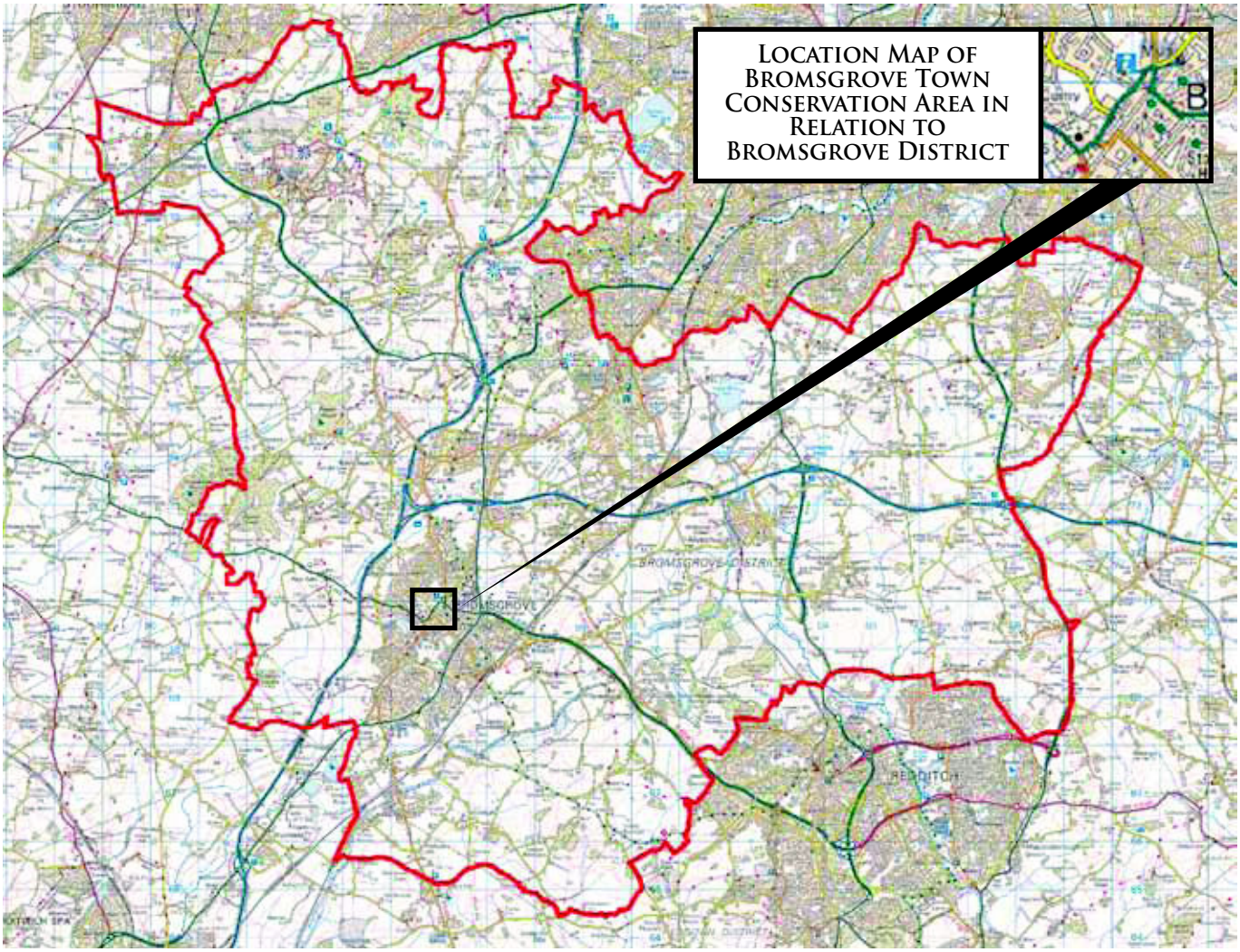


4.0 Assessment of Special Interest

4.1 Location and Setting

The Bromsgrove Town Conservation Area is located in the centre of the town, which itself lies in the South West of the District of Bromsgrove, approximately 15 miles South West of Birmingham and 15 miles North East of Worcester. The High Street follows the medieval plan comprising the main South-West/North-East route between Worcester and Birmingham. The Spadesbourne Brook defines the boundary to the West (although the more recently realigned Market Street is now the more obvious boundary) and the predominately 20th Century Windsor Street is the boundary to the East.

The medieval street pattern, including burgage plots and the Market Place (where the High Street is noticeably wider) are still visible, and define the later phases of expansion in the town centre.



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4.2 Historic Development and Archaeology

The main axis of the town is the Roman Road between Droitwich and Wall, and Bromsgrove was probably the site of an Anglo Saxon Minster. A 'reeve' (an official elected annually by the serfs to supervise lands for a lord) and a 'beadle' (a parish constable of the Anglican Church often charged with duties of charity) are recorded as being employed in 1086 which indicates that Bromsgrove was an important Royal manor. The town of Bromsgrove developed in the second half of the 12th Century, with the right to have a weekly market being granted in 1200. The town would seem to have been very prosperous at this time, however this prosperity diminished shortly afterwards.



In 1533 records show that Bromsgrove had an established trade in narrow cloth and friezes, which thrived into the 18th century. From the 17th century the manufacture of nails became the predominant industry. Bromsgrove continued to flourish in the 19th century, with nail production and button making being the main industries. The Birmingham and Gloucester Railway Company's line from Cheltenham to Gloucester opened in 1840, and later that year the completion of the Lickey Incline Plane allowed the town to be connected to Birmingham by rail.



Historic maps taken from Council archives

The High Street and immediate vicinity clearly exhibit a number of medieval elements. The churchyard lies immediately to the West of the town on an area of raised ground overlooking the main road. This area may have been the site of an earlier Anglo Saxon Church, but the earliest remnants in the existing Church date from the 12th century. The street system in and around the High Street is very clearly medieval, consisting of the main South West/North East route between Worcester and Birmingham which is the High Street itself. From this road two roads go off to the West (Kidderminster Road and Stourbridge Road) and one to the East (Stratford Road). These roads are probably of medieval date along with Hanover Street and St John Street, which lead to the Church. The 1839 tithe map shows many small lanes leading from the High Street to the backs of burgage plots, many of which are medieval in origin, with narrow frontages to the High Street.

The weekly market, originally granted in 1200, was likely to have been held in the wider part of the High Street, a common feature of medieval high streets. The street market was re-established in 2008, located along the High Street with occasional specialist farmers' and continental markets.



4.3 Key Views

The elongated pattern of development within the town centre means that it is not possible to view the Conservation Area in its entirety from any one point. Key views can be identified however within each character zone, and from outside the Conservation Area boundary through to the main retail areas (see Map 2). Views of the Grade I listed St John's Church are also possible from gaps between the buildings on Worcester Road and from the Market Place. Unfortunately, the poorly landscaped area on Mill Lane detracts from views through to the Spadesbourne Brook. The view from High Street to Market Place has been spoilt by the loss of the old Town Hall in the 1930s and its replacement with a bulky modern office building.



4.4 Prevailing and Former Uses

The original medieval burgage plots resulted in a number of narrow units, with significant ancillary accommodation to the rear, some now in unconnected uses. The rear workshops were originally part of the nailmaking industry in Bromsgrove. The upper floors of some buildings (particularly at the Southern end of the High Street) are relatively grand indicating that they were originally constructed as houses for wealthy merchants. Unfortunately many of the ground floors have been altered extensively and often unsympathetically to accommodate modern retail uses.



The buildings within the Bromsgrove Town Conservation Area are now predominately in retail use with a mixture of A1, A2, A3, A4 and A5 uses - traditional retail, financial institutions and some pubs and cafes. Some upper floors are in ancillary use, office space and storage; many others are vacant which has led to some condition and maintenance problems. Worcester Road is very much a secondary street to the High Street, with smaller local retail units.



4.5 Character Zones



Although the area has an overall character as a complete Conservation Area, five main character zones can be identified.

Zone 1 is centred on The Strand, which is physically separated from the rest of the Conservation Area by the busy junction at Stratford Road. Zone 2 contains the primary shopping area along the High Street. Zone 3 stretches along Worcester Road from the junction with Market Place and has a tighter building line with narrower building plots than along High Street. (Zones 2 and 3 do blur together on the Eastern side of the High Street). Zone 4 is centred in and around St. John's Church and it is suggested that this should be re-designated as a separate Conservation Area. Finally Zone 5 is the two small areas to the East of Windsor Street on Chapel Street and New Road.

Some examples of key buildings are identified in the assessment of each character zone and also in Map 2 attached as an appendix. It should be made clear that this is not a definitive list and as trends in conservation change some buildings which are now identified as having a neutral or negative impact could be more valued in the future. The identification of specific buildings in this document will not prejudice the determination of an application for Conservation Area Consent or redevelopment by the Local Planning Authority.

4.6 Architectural Character and Key Buildings



Zone 1: The Strand
Architectural Character

This character zone terminates the Conservation Area boundary and is notable in views through and into the wider Conservation Area, contributing to its setting. The buildings around The Strand are almost all historic and date from the 18th and 19th centuries with various later additions and alterations. The varied roofline and use of dormer windows adds interest to this group of notable historic buildings, many of which retain their original timber sliding sash windows.

Unfortunately the road layout has undermined this group value significantly although the retention of the island containing the Grade II listed building, adds some coherence and connection between the two sides of the Strand. The small public space created in front of 2 Stourbridge Road with the reinstated 'Sanders Horse Trough' is underused because of the lack of pedestrian links and unattractive position in the centre of a busy road. Overall this section of the Conservation Area is unfriendly to pedestrians. Improvements to the pavement widths, parking layout, road markings and surface materials would soften the appearance and enhance the setting of the surrounding historic buildings.



Proliferation of signage is also a problem in this part of the Conservation Area, particularly on the corner of Stratford Road, and a balance needs to be sought to adequately advertise retail businesses on the edge of the town centre with preserving the character and appearance of the Conservation Area.



Zone 1: The Strand
Key Buildings

The Queens Head PH is Grade II listed and dates from the early 19th century with a later extension to left hand side. The central stone doorcase with pediment and carved woman's head are interesting features at ground floor level with recessed 16 pane sliding sashes above with rather heavy rusticated lintels. The row of buildings next to the Queens Head (beyond the 1970s pastiche infills) at No. 25-27 The Strand are also Grade II listed, and were once timber framed but have been now re-fronted in red brick. Remnants of the timber frame have been found at the former Mitre Inn, a 19th century cider house which has now been converted to offices.



2 Stourbridge Road, in an island in the centre of the Strand, is now the offices of Thomas Horton but was originally built in 1701 as a gentleman's residence known as Cock Hall. In 1723 the building became the town's first workhouse and then a tannery - possibly the reason why this part of the town was once known as Rotten Row. The horse trough in front of the building was recently reinstated to its original position, after several years in Sanders Park.





On the other side of The Strand is a range of listed and unlisted historic buildings dating from the 18th, 19th and 20th centuries, unfortunately let down by the blank frontage to No's 22-24 and poor quality signage to the retail units. The Grade II listed building at No's 6 to 12 The Strand dates from the 18th century with added Victorian dormers and surviving timber sliding sash windows. The adjacent building at No's 2 to 4 The Strand (now the Strand Centre) is a 20th century mock classical building, which wraps around the corner into Stratford Road terminating views out of the High Street.



Further past The Strand facing onto Birmingham Road is the former Town Museum and the Grade II listed building at No. 28 which is now a dentist's surgery. The Museum closed earlier this year and a new use for the building has yet to be found. This area was looked at for removal from the Conservation Area boundary, but discounted as there is still a historic connection with The Strand.



Zone 2: High Street
Architectural Character

Many of the High Street buildings are of extremely good architectural quality with a high number of statutorily listed buildings and an equally significant number of unlisted buildings that make a positive contribution to the Conservation Area. Although this quality is rarely evident at ground floor level, it is still evident when looking at the upper floors.

Several historic styles and periods are represented in this part of the Conservation Area. The oldest buildings date from the 17th Century and are timber framed, some of which have been re-fronted at a later date - but evidence of the earlier structure remains internally or to the rear. There are numerous good examples of later periods of architecture such as Georgian, Victorian and Edwardian. There are also a significant number of vernacular buildings characterised by being two or three stories high, the upper storey comprising an attic space with a dormer window.

From the rear of the High Street evidence of the original burgage plots can be seen in various places. Backland redevelopment has destroyed many of these plots, and where there has been significant redevelopment on the High Street several plots have been completely lost. The modern buildings present generally do not make a positive contribution to the High Street. On the East side the building line has been set back, probably to achieve a road widening scheme prior to the pedestrianisation of the High Street. No's 62 to 68 High Street is a typical 1950's scheme that can be described as having a neutral impact on the High Street. Other poor modern developments have been added around Mill Lane and at the North East end of the High Street.



Apart from the disruption noted above, the building line is generally consistent along the High Street, widening out at the St John's Street/Market Place end. Buildings are also of a generally consistent height being largely 3 storeys but there are several examples of ground floors with a first floor and attic, with a dormer window. There are rare examples of older two storey buildings as most of the two storey buildings are modern.



Zone 2: High Street
Key Buildings

The High Street character zone contains a high number of notable listed and unlisted historic buildings. 126-130 High Street (Grade II listed) was built in 1851 in blue brick with pale buff diaper pattern brickwork, tiled roof and stone mullioned windows. The timber bargeboards have both trefoil and quatrefoils patterns, and add significant interest to the upper level of the building. 120 High Street (Grade II listed) is an 18th century building in the Georgian style with a low pitched pediment, moulded cornice and camber headed dormers. The ground floor has unfortunately been compromised by the addition of a modern shopfront which is not in keeping with the character of the building



The Lloyds TSB Bank at 112 High Street (Grade II listed) dates from the early 19th century and is in a Regency style with classical stone portico and Doric columns. This building forms a key group with No's 104-112 High Street including the timber framed 16th century building at No's 108-110 High Street. This was constructed in 1533 and is the oldest building in the Conservation Area, although it has some later 19th century alterations including the shopfronts. This building was once the Unicorn Inn and the horn details can still be seen on the gables now adorned by Victorian bargeboards



Opposite the bank is a fine collection of 18th and 19th century buildings which have significant group value as well as being individually Grade II listed. The Red Lion PH at No.77 includes what was once the Roper Nail Warehouse to the rear, which originally formed part of a historic courtyard bordered by nail workers' cottages.



The timber framed former Hop Pole Inn on New Road (Grade II listed) now known as Tudor House, was originally built in the High Street in 1572 but was later dismantled and relocated to this site in 1865. The upper floors retain the original framing with central jettied gable and carved bargeboards, but various features were added upon its reconstruction including the Gothic style porch and the chimneys.



The Golden Cross, 20 High Street (unlisted) was originally a 19th century coaching inn, but was substantially rebuilt in 1932. The brass menu holders on the front elevation were designed by the Bromsgrove Guild.

1 High Street (Grade II listed) dates from the early 17th century, as evident in its fine timber framing with fleur-de-lis motifs, but has been altered throughout the 19th and 20th centuries. The shopfront is particularly unsympathetic and the building's new position adjacent to a major road junction has seriously compromised its setting.



Zone 3: Worcester Road Architectural Character

Worcester Road is a continuation of the High Street running South West, after Market Place/St John Street. The West side of Worcester Road is predominately Victorian with mainly three storey buildings of brick construction beneath pitched tiled roofs. There are some simple decorative details to the windows, including some projecting first floor bay windows. Ground floors are predominantly retail including takeaway restaurants, whilst the upper floors are mostly used for storage or vacant.



The poor quality 1950's building on the corner of Worcester Road and St John's Street is highly visible given the prominent location where the High Street is at its widest, and where it turns the corner into St John's Street. To the East side of Worcester Road is a mix of older listed buildings, unlisted Victorian buildings (similar to those on the West side) the 'Lurve' nightclub and a Hyundai Garage. Overall the feel of Worcester Road is very much of a secondary/tertiary commercial street, but with the potential to be improved. There are various important views here through to the Market Hall Site and the St John's Church beyond.



It is proposed that No's 57-63 and 85-87 Worcester Road (odd) including Bromsgrove School, No's 62-78 Worcester Road (even), No's 1-3 Hanover Street and No's 1-12 Hanover Place be omitted from the Conservation Area boundary. Apart from a few listed buildings, the rest of the properties at this far end of the Conservation Area are of limited architectural quality having been extensively altered and make no contribution to the special interest of the wider area. This part of the Conservation Area has also been severed visually by the addition of the main road junction at Hanover Place, providing an obvious end stop to a revised Conservation Area boundary.



Zone 3: Worcester Road
Key Buildings

There are only a few listed buildings in this part of the Conservation Area, interspersed with attractive unlisted historic buildings and some more neutral additions.

No.7 Worcester Road is Grade II listed and forms a notable group with 3 and 5 Worcester Road which are Grade II listed. No.7 is now known as Kembrey House and converted to offices. The building dates from the late 18th century and has interesting curved windowheads with fluted keystones and a pedimented doorpiece with Doric columns to the ground floor.*



The group of unlisted buildings at No's 4 to 16 Worcester Road are mostly three storeys with a variety of architectural detailing at upper levels. Unfortunately the character of some of these buildings has been undermined by the poor quality shopfronts below, but they do retain sufficient architectural interest above ground floor to be worthy of retention.





No's 33, 35 and 37 Worcester Road are Grade II listed and date from the 18th century. The fine timber shopfronts date from the early 20th century and add interest to the wider streetscene. Consent has recently been granted to link No's 33 and 35 into one restaurant unit, preserving the external appearance of two individual units whilst bringing the building back into economic use.



The larger terrace of unlisted buildings towards the end of the Conservation Area have been harmed by the introduction of PVC windows to the upper floors and a series of inappropriate modern shopfronts and poor quality signage. There are a few surviving timber bay windows but these properties make a limited contribution to the character or appearance of the wider Conservation Area

Zone 4: St. John's

The area around St. John's Church has a distinct character from the rest of the town centre as well as being physically divorced from it by a busy road. It is therefore proposed that this character zone be re-designated as an independent Conservation Area, with its own separate appraisal document.



Zone 5: New Road/Chapel Street

The two small areas around New Road and Chapel Street were considered for removal from the Conservation Area boundary but discounted as they do contain some interesting historic buildings. The area beyond Tudor House on New Road includes two detached Victorian villas which retain their original sliding sash windows. These properties could potentially be at risk of demolition if the conservation area protection was removed. On Chapel Street can be found two Grade II listed buildings - the Congregational Chapel and associated Sunday School plus an unlisted 19th century terrace unfortunately undermined by the addition of PVC windows. The Congregational Chapel dates from 1833 and is in the Greek Revival style with a stuccoed façade and large arched windows. The former Sunday School (now the United Reform Church Hall) was built in 1852 and is a single storey, red brick building with blue brick dressings and tall arched windows similar in style to the church windows.





4.7 Building Materials

The predominant building materials within the Conservation Area are red brick and clay tiles with a number of notable timber framed buildings – some with wattle and daub, some with brick infill panels. There are also a number of buildings to the rear of the High Street constructed in sandstone and a few painted brick buildings.



A large number of buildings have decorative detailing in stone including keystones, quoins and window detailing, notably on the high status buildings at the Market Place end of the High Street, but even the later Victorian buildings have stone cills and lintels to break up their elevations. There are some examples of decorative brickwork, notably the Slug and Lettuce PH which is constructed in blue brick with light brick polychromatic detailing (unusual for the area). The Lloyds Bank in the High Street makes use of sandstone but only in detailing, it is predominately red brick.



Window frames are generally timber. Some buildings have frames that are flush with the external brickwork, typical in early Georgian architecture. There are also examples of vernacular buildings with dormer windows in the attic space, as at 89 to 93 High Street.



Roofs are almost without exception covered in clay tiles and are steeply pitched; some of the Georgian buildings have parapets, whilst the more modern buildings are flat roofed.

4.8 Public Realm



The existing poor quality public realm affects both the character and appearance of the Conservation Area and detracts from its historic setting. At present there is a mix of brick paviors and concrete paving slabs throughout the Conservation Area and some oddly random strips of buff concrete paving. There is no obvious pattern or delineation between 'pavement' and 'road space', and a lack of maintenance has resulted in a rather shabby appearance. Vehicles still use the High Street for deliveries which has resulted in a proliferation of protective barriers and bollards, to the detriment of the wider streetscene.



The existing street furniture appears to be randomly located, with street signage, bins, seating and trees obscuring some of the possible views through the Conservation Area. Most of this was installed in 1995 and has been poorly maintained adding to the run down appearance of what should be an attractive retail area.

At intermittent intervals, particularly on the West side of the High Street, are alleyways of varying width leading to the rear of the buildings. This is a remnant of the historic burgage plots and courts to the rear of buildings once used as workshops etc. Some small areas of cobbles survive here and should be preserved as part of any future resurfacing project.



In general the public spaces within the Conservation Area have a tired feel that detracts from the appearance of the historic buildings. Changes to the basic surface material, the legibility and hierarchy of spaces, working with pedestrian desire lines rather than thwarting them as part of a wider 'wayfinding' strategy and removing traffic from the High Street would greatly enhance the Conservation Area.

4.9 Important Trees and Green Spaces

The Conservation Area only has one significant green space around the Bus Station area and the adjacent section running along Crown Close/Market Street to the Market Place junction. Whilst this area is of considerable amenity value relative to the built environment of the rest of the town centre, the effect is reduced considerably at times due to the close proximity of the busy traffic running along Market Street and the considerable noise and dust that results.



The Spadesbourne Brook runs along the whole length of the Conservation Area from the rear of properties on The Strand down to Hanover Street in the South-East. The larger part of the brook course has been heavily canalised and culverted with several sections disappearing completely. Despite this, the brook still retains considerable value for biodiversity and provides an essential wildlife corridor through the town centre for a number of species including Brown Trout and Water Voles, both of which have been recorded where the course passes through the Bus Station site.



Only about 10% of the channel within the Conservation Area is naturalized and of both wildlife and amenity value. 30% of the course is hidden within closed culverts beneath roads & buildings and 60% in steep sided canal sections providing little opportunity for wildlife habitat other than that 'passing through'. Within this, the naturalized area at the Bus Station site provides an important 'stepping stone' for wildlife using the corridor but this 1km section still forms fairly hostile territory for most species. Naturalization of additional sections of the brook course would greatly improve this situation and increase the biodiversity value both locally and for wildlife habitats further up and down the brook. In particular, aiding and allowing Water Vole colonies to intermix can be a vital factor in their survival.





Three other areas within the Conservation Area boundary are notable for their amenity value as a result of their possession of both some tree cover together with seating areas. These are the area adjacent to Strand House and Cupitts Jewellers, a small area on the corner of Market Place and Market Street, and the High Street itself. At the two sites at The Strand and the Market Place, the presence of large mature trees provides a contrast with the built environment and a shading and cooling effect on hot summer days. The trees also contribute significantly to improved local air quality. The amenity of all three sites suffers considerably however, from traffic noise & dust as a result of their close proximity to major roads through the town centre.

Along the High Street itself, a number of trees have been planted over the last 30 years as part of past improvements. Although nearly 50% of those trees originally planted have been lost and not replaced, those that remain contribute to the amenity of the area by providing shading and improved air quality in summer, a medium for Christmas lights in winter, and visual amenity all year round. The current trees do cause a few problems, however, such as the obscuring of site lines for both amenity value and CCTV purposes, maintenance and issues of encroachment close to nearby buildings, and the effects of roots on paving and surfacing. For the most part, these problems are the consequence of poor planning, design and tree species selection in previous years which has resulted in incompatible positioning of trees, CCTV cameras and other street furniture. Unsuitable positioning and surfacing around trees has directly led to trees damaging paving and also tree loss. All of these problems can be reduced or avoided by correct selection, siting & design of new replacement trees.

4.10 General Condition of the Area and Buildings

There are 2 buildings in the Conservation Area which could be classified as 'at risk', 22-24 High Street and 73-75 High Street and generally the condition of the historic buildings in the area can be described as fair to good. The main condition issues arise from the disuse of upper floors leading to deterioration of windows, rainwater goods and roof materials.



The condition of the area as a whole as previously discussed is let down by the poor quality and ill maintained public realm.

4.11 Challenges and Opportunities

The main challenge facing the Conservation Area is the continuing deterioration of the public realm, which has had a consequential impact on the retail offer within the Town Centre. Local users and visitors expect an attractive wandering space coupled with a varied high quality retail mix - neither of which Bromsgrove is currently providing. The negative perceptions of the town centre as a run down, unattractive place to visit must be addressed if Bromsgrove is to compete with surrounding market towns in the future.



The groundscape requires to be completely reconsidered and a homogeneous scheme conceived. As part of this the street furniture should also be rethought, removing excessive visual clutter, and grouping bins, seating, telephone booths etc in a more considered way. As a minimum the removal of some of the redundant poles for CCTV and unnecessary signage to reduce street clutter should be undertaken - this would require minimal expenditure. A more comprehensive public realm improvement programme would be required to have a more dramatic impact on the atmosphere of the town centre, possibly funded through a Townscape Heritage Initiative.





The challenge of improving the quality of the shopfronts and signage should be addressed in conjunction with improvements to the public realm. This would require a tighter adherence to the Council's adopted guidance on shopfronts - raising the bar on the quality of works expected. The designation of an area of special advertisement control should also be explored to remove permitted rights for any signage in certain parts of the Conservation Area. Most of the modern shopfronts bear little relationship to the historic buildings above, and a lack of consistency in style, proportions of signage, materials and colour schemes is evident. Few historic shopfronts survive and the possibility of offering grants for their repair should also be explored.



The number of infill modern developments in the town provides an opportunity for redevelopment without sacrificing any surviving important historic buildings. For example, the 1970s retail development around Mill Lane, the block on the East side of the High Street at the junction with Stratford Road, and 80-102 High Street which are all of a poor architectural quality.
The redevelopment of the Market Hall site, although outside the Conservation Area, could set the tone for high quality contemporary design which complements the wider historic context of Bromsgrove.

5.0 Conservation Area Boundary



The proposed revised boundary for the Town Centre Conservation Area removes the area west of Worcester Road beyond Hanover Street as this area has a limited relationship with the rest of the town centre and all the valuable historic buildings are already listed. It is also proposed that the St. Johns area be redesignated as an individual conservation area, in recognition of its unique and distinctive character and physical severance from the rest of the town centre.

Map 1 showing the areas to be removed from the boundary of the Conservation Area is included as an appendix to this report.

6.0 Management 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:

- *Quality of the public realm*
- *Quality of shopfronts and signage*
- *Effective maintenance of historic buildings*
- *The increasing number of vacant retail units*
- *Vacant upper floors of historic buildings*
- *Advertising of the street market*
- *Marketing of the town's heritage*
- *Environmental improvements to Spadesbourne Brook*



It is anticipated that the Council would explore partnership funding schemes with Worcestershire County Council, English Heritage or the Heritage Lottery Fund to pursue some of these issues and challenges in a coordinated way.

7.0 Public Consultation

Before final publication this document will be subject to a six week public consultation period to gather views on the assessment of the area, the proposed boundary changes and the draft management plan. The comments received shall be summarised and included in the final document for public interest.



Appendices



Appendix 1

List of properties within the revised Conservation Area Boundary

Davenal House Surgery, 28 Birmingham Road
Former Bromsgrove Museum, Birmingham Road
St. James Court, The Strand
1-27 The Strand (odds)
2-26 The Strand (evens)
Strand House, 2 Stourbridge Road
18-22 Market Street (evens)
1-135 High Street (odds)
2-140 High Street (evens)
2-12 Mill Lane
1-6 Chapel Street
1-15 Church Street (odds)
4-12 Church Street (evens)
1,2,4,5,6 New Road
Cleggs Entry (to rear of 15 High Street)
2-6 Market Place
1 George Street
1-55 Worcester Road (odds)
2-60 Worcester Road (evens)

Appendix 2

Listed buildings within the revised Conservation Area Boundary

1 High Street (Grade II)
2 & 4 High Street (Grade II)
7 & 9 High Street (Grade II)
14 & 16 High Street (Grade II)
18 High Street (Grade II)
22 & 24 High Street (Grade II)
25 & 27 High Street (Grade II)
29 & 31 High Street (Grade II)
33 & 35 High Street (Grade II)
46 High Street (Grade II)
47 High Street (Grade II)
48 & 50 High Street (Grade II)
49 High Street (Grade II)
52 High Street (Grade II)
67 High Street (Grade II)
69 & 71 High Street (Grade II)
Red Lion PH, 73 & 75 High Street (Grade II)
85 High Street (Grade II)
87a High Street (Grade II)
89 High Street (Grade II)
89a High Street (Grade II)
91 & 93 High Street (Grade II)
95 High Street (Grade II)
104, 104a & 106 High Street (Grade II)
108 &110 High Street (Grade II)
112 High Street (Grade II)
120 High Street (Grade II)
126-130 High Street (Grade II)
1 & 3 New Road (Grade II)
The Queens Head PH, 1 The Strand (Grade II)
6 to 12 The Strand (Grade II) officially listed as 146-148 High Street
21 & 23 The Strand (Grade II) officially listed as 141 & 143 High Street
25 & 27 The Strand (Grade II) officially listed as 145 & 145a High Street
Strand House, 2 Stourbridge Road (Grade II)
3 Worcester Road (Grade II)
5 Worcester Road (Grade II)
7 Worcester Road (Grade II)*
33, 35 & 37 Worcester Road (Grade II)

Appendix 3

Management and Enhancement Proposals

Priority	Task	Timescale
Public Realm Improvements	*Better maintenance of existing street furniture*	*Ongoing*
	Remove any redundant lighting/CCTV poles and signage	*By April 2011*
	Seek funding for wider public realm improvements through the Townscape Heritage Initiative (HLF)	*Deadline for application November 2010*
	Develop a wayfinding or signage strategy to better address pedestrian needs and improve links to the train and bus stations	*By end of 2011*
Shopfront Improvements	*Manage Frontage Improvement Scheme in High Street*	*To be completed by April 2011*
	Investigate designation of area of special advertisement control	*By April 2011*
	Explore possibility of a local development order to allow easier changes of use	*By April 2011*
	Investigate any unauthorised shopfronts and signage, and take enforcement action where appropriate	*Ongoing*
Improve condition of historic buildings	*Identify Buildings at Risk and develop a strategy for their repair*	*Identify buildings by April 2011 and prepare strategy by end of 2011*
Improve retail offer	*Work with owners of vacant retail units to find new tenants*	*Ongoing*
	Develop joint working with the Strategic Housing team to make use of the vacant upper floors such as 'Living Above the Shop'	*Ongoing*
Improve marketing of Bromsgrove's heritage	*Find new home for Tourist Information Centre*	*To be investigated as part of the Town Centre AAP production*
	Improve interpretation panels and reproduce town trail leaflets	*Investigate by April 2010 to introduce in next 12 months*
	Take part in Heritage Open Days	*Annual event in September*
	Foster better links with the Bromsgrove and Victorian Societies	*Ongoing*
Environmental Improvements to Spadesbourne Brook	*Arrange volunteer clean up day - possibly linked with Youth Offending Service*	*By April 2011*

APPENDIX 4

Bromsgrove District Local Plan - adopted January 2004

S20 *Main Shopping Location*
S23 *Shopfront Enhancement*
S24 *Retention of Traditional Shopfronts*
S24A *Original Features on 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*
S41 *Listed Buildings in Shopping Areas*
S42 *Shopfronts in Conservation Areas*
S43 *Traffic Calming Schemes*
S44 *Reinstatement of Features in Conservation Areas*
S45 *Improvements to Conservation Areas*
S46 *Areas of Special Advertisement Control*
S47 *Advertisement Control*
C17 *Retention of existing trees*
C19 *Tree Preservation Orders*
C36 *Preservation of Archaeological Resources*
C37 *Excavation around Archaeological Remains*
C38 *Development Criteria for Archaeological Sites*
C39 *Site access for Archaeologists*
E4 *Extension to existing Commercial Uses*
E9 *Criteria for New Employment Development*
E10 *Retail or Recreational Uses on Employment Land*
RAT4 *Retention of Open Space*
RAT33 *Visitor Facilities*
ES2 *Restrictions on Development where Risk of Flooding*
ES11 *Energy Efficiency in Buildings*

Worcestershire County Structure Plan

CTC.5 *Trees and Woodlands*
CTC.6 *Green Open Spaces and Corridors*
CTC.8 *Flood Risk and Surface Water Drainage*
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*
D13 *Mixed Use Developments*
D26 *Office Development*
D31 *Retail Hierarchy*
D43 *Crime Prevention and Community Safety*

Appendix 5

Glossary

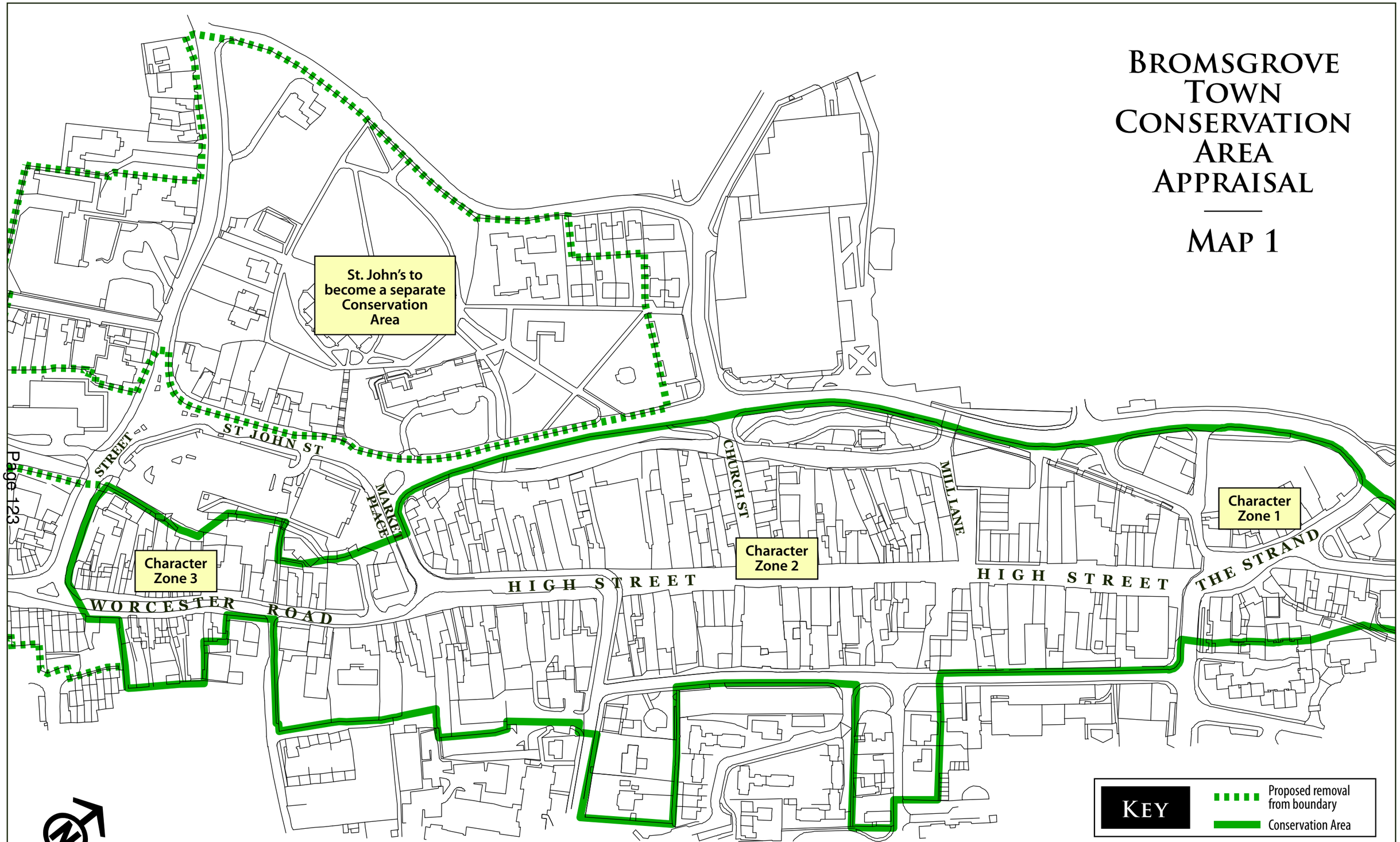
Listed Building	*A building of special architectural or historic interest included on a national register. English Heritage is responsible for adding new entries to the statutory list.*
Conservation Area	*An area of special architectural or historic interest, the character or appearance of which, it is desirable to preserve or enhance. Local authorities are responsible for designating new Conservation Areas.*
Bargeboards	*An angled decorative timber board at eaves level (see Slug and Lettuce, 126-130 High Street)*
Burgage plot	*A medieval term describing a long strip of land, with the narrowest section facing the street*
Camber headed	*A slightly curved window head*
Canalized	*Contained with artificial man-made sides*
Classical	*An architectural style from ancient Rome and Greece, revived in the Georgian period. Detailing is simple and refined with columns, moulded doorcases and sash windows. (see Davenal House, 28 Birmingham Road)*
Cornice	*Projecting moulding often found at eaves level, or as part of a pediment*
Culvert	*A man-made channel beneath a road or building*
Diaper pattern	*Repetitive decorative arrangement of bricks, often in diamond shapes or squares.*
Doorcase	*A moulded case or frame lining a doorway*
Doric columns	*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)*
Dormer	*A window projecting from the roof (see 33-37 Worcester Road)*
Edwardian	*Dates from 1901-1910*
Fleur-de-lis	*A stylised lily with three pointed leaves (see 1 High Street)*
Georgian	*Dates from 1714-1830*
Gothic	*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.*
Jettied gable	*Projecting upper storey overhanging the lower floors, often a feature of timber framed buildings (see former Hop Pole Inn, New Road)*
Keystones	*A wedge shaped block found at the centre of an arch (see 120 High Street)*

Glossary continued

Medieval	*Dates from 950-1547*
Mullioned windows	*Vertical posts separating the sections of a window, usually in stone or timber*
Naturalize	*Make more natural*
Pediment	*Low pitched moulded triangle often found over doorways or windows and at roof level. (see Strand Centre, 14-18 The Strand)*
Polychromatic brickwork	*A feature of Victorian Gothic architecture, using a variety of alternating colours of brickwork*
Portico	*A feature of classical architecture, moulded projecting hood on supporting columns to form an open sided porch (see Lloyds TSB Bank, 112 High Street)*
Quatrefoil	*A tracery detail in the shape of a flower with four lobes separated by cusps. A trefoil has three lobes.*
Quoins	*Angular often slightly raised stones added to the corner of a building (see 18 High Street)*
Regency	*Dates from 1810-1820*
Rusticated	*Roughened texture added to stonework with sunken joints (see The Queens Head PH, The Strand)*
Stucco	*An external plaster finish, often finely textured*
Tannery	*A building where animal skin and hide is tanned*
Victorian	*Dates from 1837-1901*
Wattle and daub	*Sticks and twigs interwoven to form a panel packed with plaster and then limewashed. Commonly found in timber framed or thatched buildings.*

Bromsgrove Town Conservation Area Appraisal

Map 1

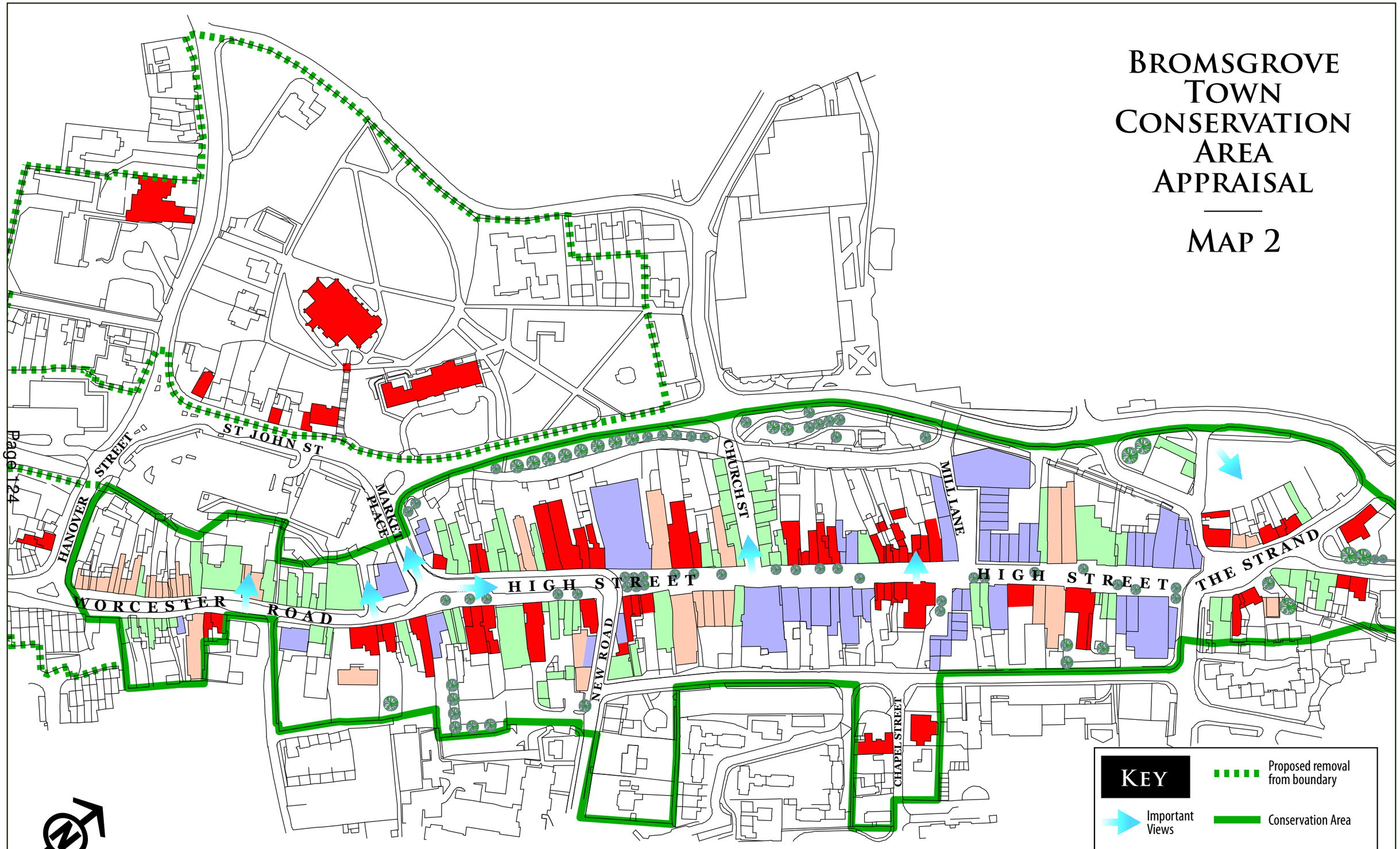


Map not to scale

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Bromsgrove Town Conservation Area Appraisal

Map 2



Map not to scale

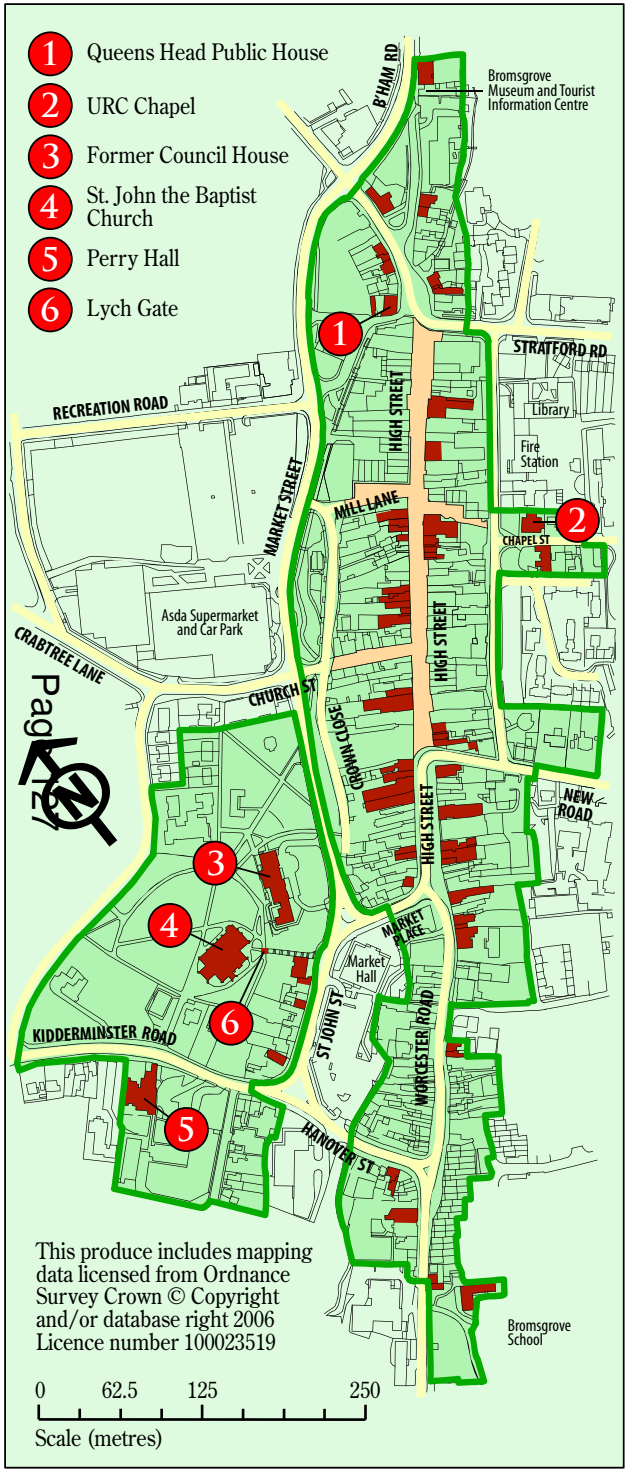
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This appraisal can be provided in large print, braille, CD, audio tape and computer disc.

BROMSGROVE DISTRICT COUNCIL
HEAD OF PLANNING AND REGENERATION
THE COUNCIL HOUSE,
BURCOT LANE,
BROMSGROVE B60 1AA

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Bromsgrove Town Centre Conservation Area

Key

Conservation Area Boundary

Listed Buildings

Pedestrianised Area

Grants

The Council can make grants available for the repairs of buildings of historic importance. Subject to funding, eligible work would include conservation repairs to the external structure, including the reinstatement of authentic architectural details. The Council also has provision to make grants available for conservation area enhancement schemes.

Further Information

Advice can be obtained from the Planning and Environmental Services Department of Bromsgrove District Council and Worcestershire County Council.

Conservation Officer - Tel: (01527) 881326 Conservation Area consent, planning, listed building matters and historic building grants.

Tree Officers - Tel: (01527) 881321/1320 Tree matters including tree protection, consent and tree preservation orders.

Archaeology Officer - Tel: (01905) 855454 Archaeology protection/ recording.

REFERENCES AND PUBLICATIONS

Bromsgrove District Local Plan
Worcestershire Structure Plan 1966 - 2011
West Midlands Regional Spatial Strategy 2001 - 2021
The Emerging Bromsgrove District Local Development Framework
Planning Policy Guidance No 15 - Planning and the Historic Environment
Planning Policy Guidance No 16 - Planning and Archaeology
The Planning (Listed Buildings and Conservation Areas) Act 1990
Guide to the Principles of the Conservation of Historic Buildings. BS 1793

A Town Trail has also been produced by Bromsgrove District Council



Bromsgrove District Council
Head of Planning and Environment Services
The Council House, Burcot Lane, Bromsgrove B60 1AA

APPENDIX B

Bromsgrove Town Centre Conservation Area

Designated 1968
Amalgamated & Extended 1983
Extended 1989



Bromsgrove District Council

Historical Context





The Market Place is the ancient centre of the town and has been the focus of trade for centuries. Many of the buildings date from the 16th, 17th and 18th Centuries and contribute to the areas character despite later additions. During the 20th Century most of the nail makers' courts, leading off the High Street, have been cleared away since the decline of the industry which they served. The principal buildings which front the High Street and which make up its general character have largely remained. In the 1960's significant retail redevelopment took place, much of which detracts from the historic character of the town centre. Two adjacent areas were designated in 1968, the High Street/Worcester Road and St Johns separated by Market Street. Together they comprise 'Bromsgrove Town Centre Conservation Area'. They have since been reviewed and extended. The High Street was the route of a Roman Road, the most direct route between Gloucester and York. This was a branch of Ryknild Street. The original line has since been encroached on giving it a distinct curve between The Strand at the northern end and Market Place where it opens out. At one time the street focused on the Town Hall, now the site of a modern office building. Several groups and individual buildings located at strategic points along the High Street are noteworthy such as Lloyds Bank, Rainscourt and 89 High Street at the junction with Mill Lane and Chapel Street. Local red brick facades of Georgian proportion predominate, though many structures are older, with several fine examples of 17th Century timber-framed buildings. Pedestrianisation has helped to protect the street pattern giving a safe environment to explore the old courtyards and alleys where a few sandstone cottages can be seen. More recent buildings and shopfronts in the modern idiom are firmly contained within the overall appearance.



The area to the west of Market Street has a distinct character which contrasts with the centre.
It is dominated by the sandstone church of St John the Baptist.
The former Council House, which previously was the vicarage, stands to the east of the church, overlooking Crown Close and the Market Place. Mature lime trees line the paths around these buildings adding to the peaceful atmosphere away from the hustle and bustle of the High Street.

What is a Conservation Area





Conservation areas are designated by the District Council as areas of special architectural or historic interest, the character and appearance of which the Council considers desirable to preserve or enhance.
Designation gives additional planning controls, but the success of measures to protect and enhance an area depends on there being community support, particularly from property occupiers.
It is the special quality and interest of the area, rather than the merit of individual buildings that is the prime consideration in identifying conservation areas.
It may be the group value of listed buildings, their relationship to each other, property boundaries, archaeology, spaces and landscape between the buildings and their materials and craftsmanship that are important.
The interest often extends beyond the physical character since the social and economic history is usually instrumental in how the area still appears today.

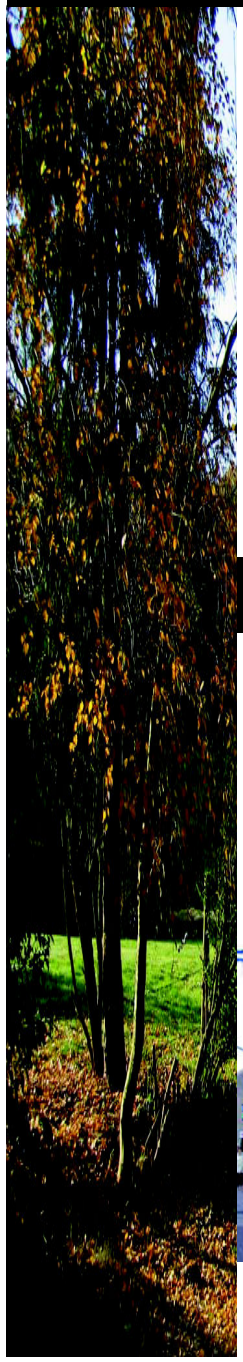
Council Conservation Area Responsibilities

The Council has other duties in respect of conservation areas. These include the preparation of character appraisals, which say what is historically and architecturally special about the area and what detracts from it.
These are necessary before proceeding to the preparation of policies and proposal for preserving and enhancing the conservation area, which are a statutory requirement.
These measures require public support and consultation is implicit.
Where the character of an area is threatened by development that is normally permitted, such as replacement of original windows with UPVC ones, the Council can instigate additional controls requiring planning permission for such changes.

Conservation Planning Policy

Planning policies effecting how the Council will deal with development proposals will be included within The Local Development Framework. Any policies affecting conservation areas will be produced in consultation with the public.

What Does Designation Mean



The Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas and their settings when determining planning applications.

The applications have to be advertised and the Council must take account of material objections in their decision.

Conservation area consent is required for the demolition or substantial demolition of buildings and complete boundary walls and gates.

Additional planning controls apply in conservation areas, which would normally be permitted in other areas. These relate to the size of extensions, the type of external cladding permitted, inserting dormer windows and satellite dishes.

Trees

Trees can make a significant contribution to the character of Conservation Areas. You must give the Council six weeks' notice in writing if you want to carry out work on trees, which are more than 7.5 centimetres in diameter (measured 1.5 metres above the ground).

Non-compliance with this provision is an offence under the Town and Country Planning Act 1990.



These provisions are only a summary and full details of the exact legal wording can be obtained from the Council.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE **7TH MARCH 2011**

HEWELL GRANGE ARTICLE 4 DIRECTIONS

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

1. **SUMMARY OF PROPOSALS**

1.1 The Hewell Grange Conservation Area was formally designated by the Council's Cabinet on 6th October 2010, following a six week public consultation period. The designation was subsequently advertised in the local and national press on 22nd October 2010 and notifications sent to all residents.

1.2 During our consultation phase it was suggested by a number of consultees that a special planning control called an Article 4 Direction be considered for those historic buildings which still retain historic windows and other traditional features. This special control would mean that formal Planning Permission would be required from the Council before alterations were made to these features, but no fee would be charged for this process. At the moment these types of works are included within Permitted Development rights and are outside the Council's control.

2. **RECOMMENDATIONS**

2.1 This report is for information only, as approval of the Article 4 Directions under the Town and Country Planning (General Development Order) 1995 (as amended) would be given at Cabinet level. Planning Committee Members are welcome however to make comments on the proposals.

3. **BACKGROUND**

3.1 An Article 4 Direction is a special planning control commonly used in Conservation Areas to protect historic features, which contribute to the character and appearance of the wider area. A 2008 survey by the Historic Towns Forum found that 81% of Local Planning Authorities had Article 4 Directions in place. Policy HE4.1 of PPS5 Planning for the Historic Environment advises that Local Planning Authorities should consider the use of Article 4 Directions where the exercise of Permitted Development rights would undermine their aims for the historic environment.

3.2 Two different types of direction would be required for the Hewell Grange Conservation Area called an Article 4(1) and an Article 4(2). This is because only properties fronting the highway can be covered by an Article 4(2), and some properties within Hewell Grange Conservation Area are accessed only from

private roads. Procedurally the Article 4(1) must be referred to DCLG prior to serving, the Council has authority to serve an Article 4(2) without any referral.

3.3 It is proposed that only those historic houses within the Conservation Area boundary which retain important features such as traditional windows and ornate chimneys would be the subject of the Direction including the following properties:

- Hewell Kennels, Hewell Lane
- Old Papermill Cottage, Hewell Lane
- 1-6 Papermill Cottages, Hewell Lane
- Papermill Lodge, Hewell Lane
- Southwest Lodge, Hewell Lane
- Hewell Dairy Cottage, Hewell Lane
- 1, 2 and 3 Rose Cottages, Hewell Close
- 1-4 Park Cottages, Hewell Lane

3.4 There are various types of work which can be included within an Article 4 Direction and it is proposed that the following items could be applied to these historic houses within the Hewell Grange Conservation Area:

- Any enlargement or improvement or alteration such as an extension or conservatory
- Any change to doors or windows, including changed materials, details and designs and types of decorative finish.
- Any alteration to a roof, including changes to roof coverings, or the installation of roof lights and solar panels.
- Removing, building or altering chimneys.
- Building new or altering existing walls, gates, fences or other means of enclosure.

4. KEY ISSUES

4.1 The Strategic Planning team is currently carrying out a public consultation exercise to gather views on the proposed special controls. Consultation letters have been sent to every resident who would be affected, and to local and national amenity societies including the Victorian Society. The deadline for comments to be submitted is Friday 4th March.

5. FINANCIAL IMPLICATIONS

5.1 The cost of consulting on the Article 4 Direction is being met by the existing Strategic Planning team budget. No planning application fee can be charged for works which require Planning Permission only because of an Article 4 Direction. However as only 18 properties would be covered by the proposed directions the financial impact of this is likely to be minimal. An application fee would still be charged for any works which would have required Planning Permission prior to the special controls.

6. LEGAL IMPLICATIONS

6.1 The Article 4 direction must first be approved by the Council's Cabinet because of the impact upon householders permitted development rights. A draft of the Article 4(1) Direction must then be sent to DCLG for consultation before the Direction comes into effect, followed by a public notification period. DCLG may choose to either cancel or amend the Direction. The authority to serve an Article 4(2) Direction is held by the Council and must be advertised in the local press and a notification served on all affected residents, it must then be officially confirmed within six months or the control will lapse. The Directions will come into force on the date on which they are served, or the date of the press advertisement. There is no right of appeal against an Article 4 Direction.

6.2 The withdrawal of permitted development rights may give rise to a claim for compensation if Planning Permission is either refused or granted conditional consent. Compensation could only be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of permitted development rights. The 2008 Historic Towns Forum study found that no claims for compensation had ever been made, aside from isolated cases related to Sunday markets and car boot sales prohibited by an Article 4(1) Direction.

7. POLICY IMPLICATIONS

7.1 The Conservation Area designation is a material consideration in the determination of planning applications. Any applications for works covered by the Article 4 Directions would need to preserve or enhance the character of the area, as would any other form of development.

8. COUNCIL OBJECTIVES

8.1 Objective 2 Improvement

The designation of a Hewell Grange Conservation Area had been promoted by the Victorian Society and the Hereford and Worcester Gardens Trust for several years, prior to its designation in October 2010. As part of the designation process a character appraisal and set of management proposals were prepared and included future reviews of the necessity for special planning controls in this area. Taking a more proactive approach to the protection and management of the historic built environment, will also support the Historic Environment policy of the draft Core Strategy 2.

9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

9.1 These risks are being managed as follows:

Risk Register: Planning and Regeneration
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 Article 4 directions 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 residents of the 18 properties which would be covered by the Article 4 directions with comments requested by 4th March 2011. English Heritage, the Victorian Society and the Hereford and Worcester Gardens Trust have also been consulted and information on the proposals advertised on the Council's website.

20. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Planning, Regeneration and Housing Services	No
Executive Director - Section 51	No
Executive Director and Deputy Chief Executive	No
Director of Policy, Performance and Partnerships	No
Head of Planning and Regeneration	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**

Appendix A Copies of the draft Article 4(1) and Article 4(2) Directions
Appendix B Map showing which properties would be covered by the Directions
Appendix C 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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APPENDIX A

ARTICLE 4(1) DIRECTION

BROMSGROVE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
GENERAL PERMITTED DEVELOPMENT ORDER 1995

Direction under Article 4 (1) of the General Permitted Development Order 1995 Restricting Permitted Development.

RECITALS

1. BROMSGROVE DISTRICT COUNCIL ("the Authority") is the local planning authority in respect of the area of land specified in this direction.

2. The Authority is satisfied that it is expedient that the development described in schedule 2 to the General Permitted Development Order 1995 ("the Order") and specified in this Direction should not be carried out unless permission is granted for it on application.

NOW THEREFORE the Authority in pursuance of Article 4 of the Order and all other powers thereby enabling

DIRECTS THAT

1. The permission granted by Article 3 of the Order shall not apply to development specified in the First Schedule to this Direction in the area specified in the Second Schedule to this Direction ("the Land").

2. It is expressly provided that this Direction shall apply to:

(a). **Part 1 Class A**
The enlargement, improvement or other alteration of a dwelling house where any part of the enlargement, improvement or alteration would front the relevant location.

(b). **Part 1 Class C**
Any alteration to the roof of a dwelling house where the relevant roof slope fronts the relevant location.

(c) **Part 1 Schedule 2**
The erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house.

(d). **Part 2 Class A**
The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwelling house and would front the relevant location.

In this article "relevant location" means a highway, waterway or open space.

3. Pursuant to Article 5(4) of the Order, this direction does not require the approval of the Secretary of State because it relates only to development permitted by Parts 1 to 4 of Schedule 2 to the Order and the authority consider that the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The Direction shall expire at the end of six months from the date upon which it is made unless disallowed or approved by the Secretary of State. The Direction shall, in accordance with Article 5(10) of the order, come into force in respect of any part of the Land or, if there is no occupier, the owner. If the Authority consider that individual service on the owners or occupiers of the Land is impracticable because the number of them makes such service impracticable or because it is difficult to identify or locate one or more of them, the Authority shall publish a notice of making of the Direction in a newspaper circulating in the locality in which the Land is situated and, in accordance with Article 5(15) of the Order, the Direction shall come into effect on the date on which the notice is first published.

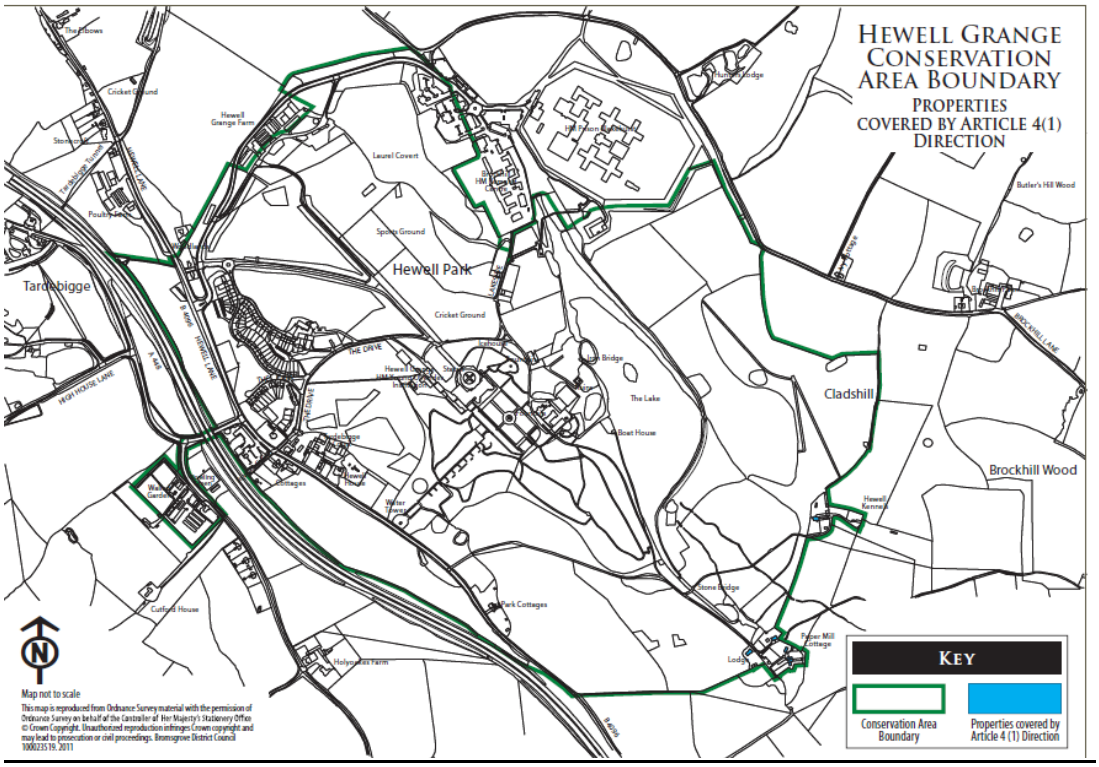
Ruth Bamford
Head of Planning and Regeneration

FIRST SCHEDULE

ARTICLE 4(1) DIRECTION – HEWELL GRANGE

This direction applies only to the following properties within the Hewell Grange Conservation Area, as designated on 6th October 2010:

Hewell Kennels, Hewell Lane
Old Papermill Cottage, Hewell Lane
1-6 Papermill Cottages, Hewell Lane
Papermill Lodge, Hewell Lane



SECOND SCHEDULE

ARTICLE 4(1) DIRECTION – HEWELL GRANGE

This direction removes Permitted Development under Article 3 of the General Development Order for any building within the Hewell Grange Conservation Area fronting a highway, river, watercourse or open space. The following works will require formal planning permission from the date of this Direction:

1. Any enlargement or improvement or alteration such as an extension or conservatory
2. Any change to doors or windows, including changed materials, details and designs and types of decorative finish.
3. Any alteration to a roof, including changes to roof coverings, or the installation of roof lights and solar panels.
4. Removing, building or altering chimneys.
5. Building new or altering existing walls, gates, fences or other means of enclosure.

ARTICLE 4(2) DIRECTION

BROMSGROVE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
GENERAL PERMITTED DEVELOPMENT ORDER 1995

Direction under Article 4 (2) of the General Permitted Development Order 1995 Restricting Permitted Development.

RECITALS

1. BROMSGROVE DISTRICT COUNCIL ("the Authority") is the local planning authority in respect of the area of land specified in this direction.

2. The Authority is satisfied that it is expedient that the development described in schedule 2 to the General Permitted Development Order 1995 ("the Order") and specified in this Direction should not be carried out unless permission is granted for it on application.

NOW THEREFORE the Authority in pursuance of Article 4 of the Order and all other powers thereby enabling

DIRECTS THAT

1. The permission granted by Article 3 of the Order shall not apply to development specified in the First Schedule to this Direction in the area specified in the Second Schedule to this Direction ("the Land").

2. It is expressly provided that this Direction shall apply to:

(a). **Part 1 Class A**
The enlargement, improvement or other alteration of a dwelling house where any part of the enlargement, improvement or alteration would front the relevant location.

(b). **Part 1 Class C**
Any alteration to the roof of a dwelling house where the relevant roof slope fronts the relevant location.

(c) **Part 1 Schedule 2**
The erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house.

(d). **Part 2 Class A**

The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwelling house and would front the relevant location.

In this article "relevant location" means a highway, waterway or open space.

3. Pursuant to Article 5(4) of the Order, this direction does not require the approval of the Secretary of State because it relates only to development permitted by Parts 1 to 4 of Schedule 2 to the Order and the authority consider that the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The Direction shall expire at the end of six months from the date upon which it is made unless disallowed or approved by the Secretary of State. The Direction shall, in accordance with Article 5(10) of the order, come into force in respect of any part of the Land or, if there is no occupier, the owner. If the Authority consider that individual service on the owners or occupiers of the Land is impracticable because the number of them makes such service impracticable or because it is difficult to identify or locate one or more of them, the Authority shall publish a notice of making of the Direction in a newspaper circulating in the locality in which the Land is situated and, in accordance with Article 5(15) of the Order, the Direction shall come into effect on the date on which the notice is first published.

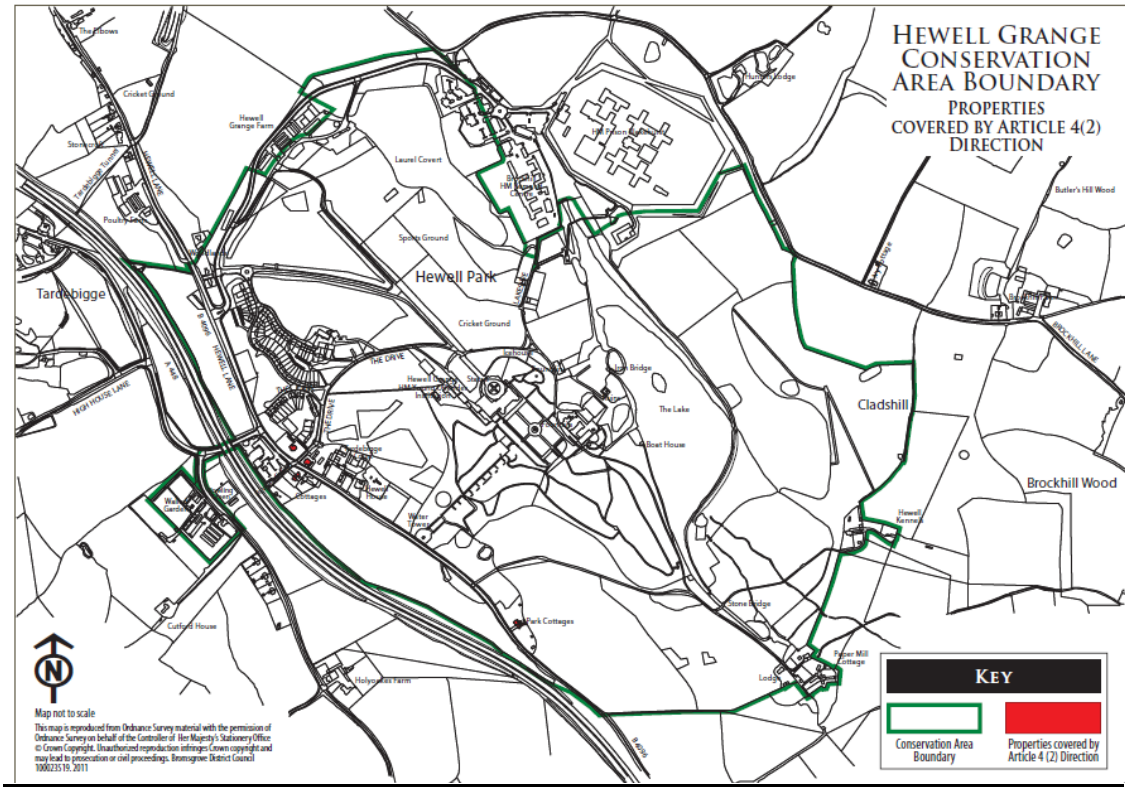
Ruth Bamford
Head of Planning and Regeneration

FIRST SCHEDULE

ARTICLE 4(2) DIRECTION – HEWELL GRANGE

This direction applies only to the following properties within the Hewell Grange Conservation Area, as designated on 6th October 2010:

Southwest Lodge, Hewell Lane
Hewell Dairy Cottage, Hewell Lane
1, 2 and 3 Rose Cottages, Hewell Close
1-4 Park Cottages, Hewell Lane



SECOND SCHEDULE

ARTICLE 4(2) DIRECTION – HEWELL GRANGE

This direction removes Permitted Development under Article 3 of the General Development Order for any building within the Hewell Grange Conservation Area fronting a highway, river, watercourse or open space. The following works will require formal planning permission from the date of this Direction:

6. Any enlargement or improvement or alteration such as an extension or conservatory
7. Any change to doors or windows, including changed materials, details and designs and types of decorative finish.
8. Any alteration to a roof, including changes to roof coverings, or the installation of roof lights and solar panels.
9. Removing, building or altering chimneys.
10. Building new or altering existing walls, gates, fences or other means of enclosure.

APPENDIX B

Hewell Grange Conservation Area Boundary

Properties covered by Article 4(1) and 4(2) Direction

The Elbows
Cricket Ground
Hewell Grange Farm
Stonecroft
Tardebigge Tunnel
HEWELL LANE
Poultry Farm
Laurel Covert
Brockhill HM Remand Centre
HM Prison Blakenhurst
Hunters Lodge
Butler's Hill Wood
Sports Ground
Woodlands
Hewell Park
Tardebigge
B 4096
HEWELL LANE
LAKESIDE
Cricket Ground
Brockhill Farm
BROCKHILL LANE
THE DRIVE
Icehouse
Fountain
Iron Bridge
A 448
HIGH HOUSE LANE
THE PARK
Hewell Grange HM Young Offender Institution
Statue
Ruins
The Lake
Cladshill
Fountain
Boat House
Tardebigge Court
Cottages
Hewell House
Bowling Green
Walled Garden
Water Tower
Brockhill Wood
Hewell Kennels
Stone Bridge
Park Cottages
Cutford House
Paper Mill Cottage
Lodge
Holyoakes Farm
B 4096

Map not to scale

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Key

- Conservation Area Boundary
- Properties covered by Article 4 (1) Direction
- Properties covered by Article 4 (2) Direction

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APPENDIX C



Hewell Grange

Conservation Area Character Appraisal

AUGUST 2010



Bromsgrove District Council

Contents



View from water tower towards Tardebigge PH



Hewell Grange garden front c.1910, Arthur E Morton



Hewell Grange garden front 1995. © Crown copyright.NMR

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4.0	*Assessment of Special Interest* *Location and Setting* *Historic Development and Archaeology* *Key Views* *Prevailing and Former Uses* *Architectural Character and Key Buildings* *Building Materials* *Public Realm* *Important Trees and Green Spaces* *General Condition of the Area* *Challenges and Opportunities*
5.0	*Proposed Conservation Area Boundary*
6.0	*Management Proposals*
7.0	*Public Consultation*

Appendices

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Appendix 3	*Management and Enhancement Proposals*
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Map 1	*Proposed Conservation Area Boundary*
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This document was prepared with kind assistance from the Victorian Society and Parklands Consortium.

1.0 Introduction

1.1 The Hewell Grange Conservation Area is centred on the historic Hewell estate including what is now HMP Hewell Grange and Tardebigge village. A large section of the Conservation Area is also 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.



Tardebigge PH

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 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 were encouraged to contribute to and comment on the draft document.



Dairy Cottage and Tardebigge Court

1.4 The character appraisal and a map of the Conservation Area was made available on the Council's website, at the Customer Service centre in the Dolphin Centre and the Council House to ensure that it reached a wide audience. There was also a public meeting in a local venue to explain the purpose of the document and collect local comments prior to designation.

1.5 Map 1 identifies positive and neutral buildings within the Hewell Grange Conservation Area - this is not an exclusive list and omission of any particular building should not be taken as an indication that it has no value. Positive buildings make a notable contribution to the character and appearance of the Conservation Area and are usually good examples of historic buildings with only minor alterations or additions. Neutral buildings make a limited contribution and are generally the much altered historic buildings, but may provide opportunities for enhancement. Negative buildings are those properties which detract from the character and appearance of the Conservation Area, where replacement with a new building would be encouraged, subject to compliance with other planning policies.



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 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.

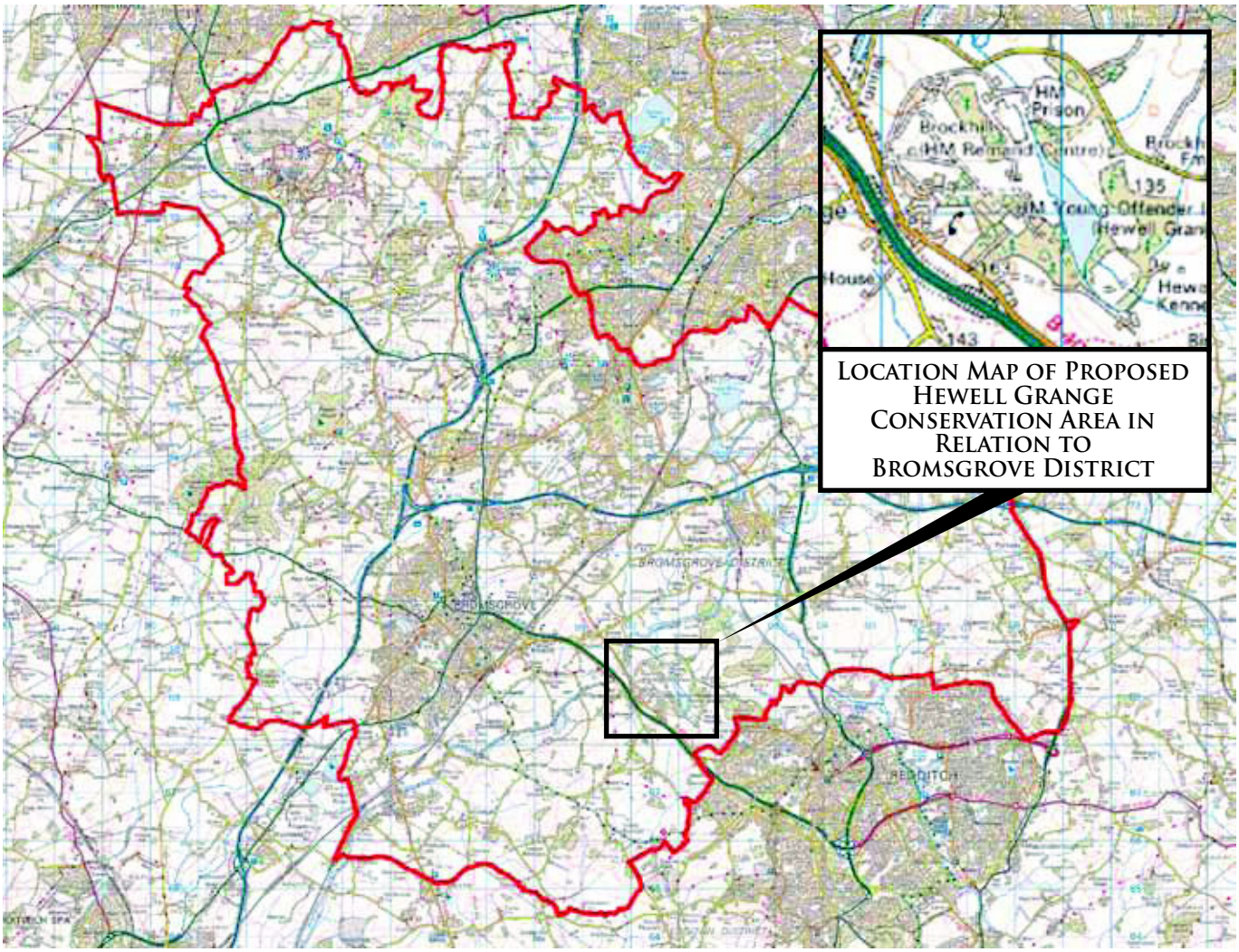
3.2 The Hewell Grange Conservation Area is significant because of the high number of listed and unlisted historic buildings, and the connection between the wider landscape and the built environment. As a historic entity the inter-relationship between the setting of the listed buildings and the registered 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 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 850acres 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.



Location Map of Proposed Hewell Grange Conservation Area in Relation to Bromsgrove District

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4.2 Historic Development and Archaeology



View across The Forge to St. Bartholomew's

Tardebigge 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.

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.



Windsor family coat of arms

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 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



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

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.

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 pyramidical 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



Papermill Lodge, off Hewell Lane



Gamekeepers larder at Hewell Kennels



Hewell House, Hewell Lane

Details of all the listed buildings within the 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 HMP Hewell Grange

The area to the southeast of the prison contains several notable historic buildings including the former estate kennels and papermill buildings.

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.

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.

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. The windows are important features of the building and contribute to the character and appearance of the Conservation Area. 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 costructed 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 Hewell 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 Melon Pit, an 1840s Root House and a series of single storey outbuildings also dating from the1840s. 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.

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 1856 estate cottages (now 4 properties) in yellow brick with mock timber framing, ornate gables and chimneys. This building retains historic leaded windows which are an important feature.

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.



Tardebigge Court

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.



Wall to Tardebigge Court

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.



Signage at Tardebigge Court



Hewell Grange garden front 1995. ©Crown copyright NMR

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



Hewell Grange garden front c.1910, Arthur E Morton

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



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

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 1865, 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 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 are being 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.



The Icehouse, Hewell Park

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.



South Lodge, Hewell Lane

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. 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.



Leaded window, Hewell Lane

5.0 Conservation Area Boundary

The 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 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 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 was subject to a six week public consultation period. The designation of the Conservation Area was approved by the Council's Cabinet and advertised within the national and local press. Following designation, details of the Conservation Area boundary and the character appraisal document were made 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

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

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

APPENDIX 4

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

C17 Retention of existing trees

C19 Tree Preservation Orders

C36 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

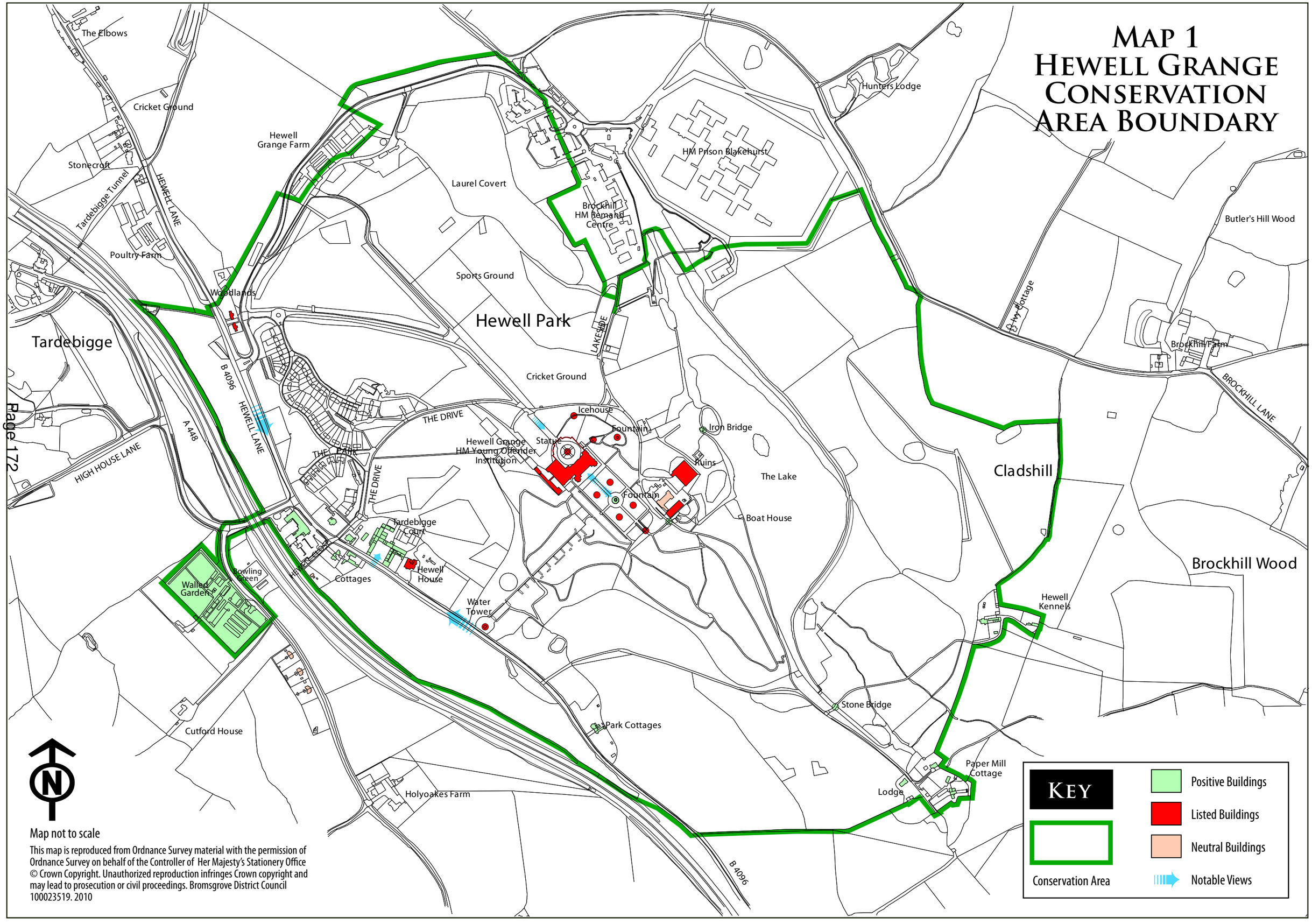
Glossary of Architectural and Planning Terms

Article 4 direction	*Removal of permitted development rights so that planning permission is required for external alterations to a building*
Ashlar	*Dressed stone with squared sides, laid regular courses with fine joints and a smoothed or polished surface*
Balustrade	*Stone balcony or parapet with a top rail, bottom rail and balusters in between*
Bodley and Garner	*Prominent Gothic revival architects in partnership from 1869 until 1897, designed Hewell Grange*
Capability Brown	*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*
Caryatids	*A carved female figure in Grecian style often supporting a roof or pediment above*
Classical	*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.*
Coade stone	*A waterproof, fine textured artificial stone produced from 1769 and often used for architectural ornaments and statuary*
Conservation Area	*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.*
Cornice	*Projecting moulding often found at eaves level, or as part of a pediment*
Thomas Cundy Snr	*Prominent 19th century architect, known for his picturesque Gothic style.*
Cupola	*Small dome shaped structure on a roof*
Curtilage listed	*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.*
Doorcase	*A moulded case or frame lining a doorway*
Doric	*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)*
Dormer	*A window projecting from the roof*
Ecclesiastical	*A building designed for use as a place of worship*
Georgian	*Dates from 1714-1830*
Gothic	*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.*

Glossary continued

Ha-ha	*A trench formed to contain livestock, vertical on one side and sloping on the other*
Italianate	*An architectural style popular from 1840 to 1880. Key features are arched windows and pronounced mouldings*
Jacobethan	*An architectural style popular in the late 19th century and early 20th century mixing Jacobean and Elizabethan forms and details*
Listed Building	*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.*
Mullioned	*Upright which divides the lights of a window*
Pediment	*Low pitched moulded triangle often found over doorways or windows and at roof level.*
Portico	*A feature of classical architecture, a moulded projecting hood on supporting columns to form an open sided porch*
Registered Park	*Historic park or garden included on the national register prepared by English Heritage*
Humphry Repton	*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.*
Vestibule	*An enclosed or partially enclosed space forming an entrance*
Victorian	*Dates from 1837-1901*
William Shenstone	*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.*

Map 1
Hewell Grange Conservation Area Boundary



Map not to scale

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Map 2
Hewell Grange
Boundary of Registered Historic Park

The Elbows
Cricket Ground
Stonecroft
Tardebigge Tunnel
HEWELL LANE
Hewell Grange Farm
Laurel Covert
Hunters Lodge
HM Prison Blakenhurst
Brockhill HM Remand Centre
Butler's Hill Wood
Poultry Farm
Sports Ground
Woodlands
Hewell Park
Tardebigge
B 4096
HEWELL LANE
LAKE RIDE
Cricket Ground
Brockhill Farm
BROCKHILL LANE
THE DRIVE
Icehouse
Fountain
Iron Bridge
Hewell Grange HM Young Offender Institution
Statue
THE PARK
Ruins
Cladshill
A 448
HIGH HOUSE LANE
The Lake
Fountain
Boat House
Tardebigge Court
Bowling Green
Walled Garden
Cottages
Hewell House
Water Tower
Brockhill Wood
Hewell Kennels
Stone Bridge
Park Cottages
Cutford House
Paper Mill Cottage
Lodge
Holyoakes Farm
B 4096

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KEY

Boundary of Registered Historic Park



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"ইংরাজির জন্য সাহায্য চাই ?" 01527 881288 নম্বরে উস্টাশায়ার হাব [HUB] ব্রমস্‌গ্রুভ [Bromsgrove]-এ টেলিফোন করুন

''ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਮੱਦਦ ਚਾਹੁੰਦੇ ਹੋ?'' ਵੁਰਸੈਸਟਰਸ਼ਾਇਰ ਹੱਬ [HUB] ਨੂੰ ਬਰੋਮਸਗ੍ਰੋ [Bromsgrove] ਵਿਖੇ 01527 881288 'ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ

"انگریزی میں مدد چاہتے ہیں؟" ورسیسٹر شائر ہب [HUB]، برومزگرو [Bromsgrove] میں 01527 881288 پر رابطہ کریں



BROMSGROVE DISTRICT COUNCIL

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

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 7th March 2011

TREE PRESERVATION ORDER (NO. 14) 2010 - TREES ON LAND TO THE SOUTH OF POPLAR CLOSE AND WOODBANK DRIVE, CATSHILL, BROMSGROVE

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 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 14) 2010 relating to trees on land to the south of Poplar Close and Woodbank Drive, Catshill.

2. **RECOMMENDATION**

2.1 It is recommended that Tree Preservation Order (No. 14) 2010 is confirmed without amendment.

3. **BACKGROUND**

3.1 On the 24th September 2010 a provisional Tree Preservation Order was made in relation to trees on land to the south of Poplar Close and Woodbank Drive, Catshill.

3.2 The Order was made to protect the trees as they contributed significantly to the amenity in the area.

3.3 Notification of the Order was given to all persons in the surrounding area and all who could be affected by the making of the order.

3.4 The Tree Preservation order was made on a temporary basis on the 24th September 2010 and remains in force until the 24th March 2011.

3.5 Three letters of objection have been received. The first objection (copy is attached as Appendix A) is from the land owner and comprises of the following elements:

(1) That the landowner intends to allow the area to remain the same and undisturbed as much as possible. Any work to be done to the trees will be sought through professional advice and the permission of the Council.

(2) The main reason for the purchase of the land is to avoid any planning for construction where they live and to use and maintain the field that can be accessed through it and also the woodland.

(3) The landowner recommends that if the Tree Preservation Order is made permanent it is amended to protect only selected trees as opposed to the woodland order.

3.6 The Tree and Woodland Officer's comments are as follows:

(1) The new owners have stated an intention to maintain the woodland as wildlife habitat and use the field which can only be accessed through it. While the intention to maintain the woodland is welcomed, woodland management is such a specialised area that this maintenance would be likely to result in considerable damage to the biodiversity and amenity value if not carried out correctly and in accordance with a considered woodland management plan. The continued presence of the TPO will ensure that works damaging to the woodland cannot be carried out without the advice and consent of the Council's Tree and Woodland Officers.

(2) In respect of the access through the woodland, due to the extremely soft and unstable ground of the site, regular access would only be possible after a solid trackway has been constructed. Attempting such access without such construction would cause considerable damage to both the woodland and the public footpath. The construction of a trackway could be done without causing undue damage providing that suitable methods of construction and tree protection are used but without the continued presence of a TPO such methods could not be enforced.

See appendix G for the Tree and Woodland Officers report.

3.7 The second objection is from an adjacent occupier and is as follows (attached at Appendix B):

"The protected trees grow outwards, across the boundary of the resident's property and into the garden. Therefore causing a hindrance and, without regular pruning back, would take over the garden and prevent the enjoyment of the property. The resident is requesting consent to cut back straying branches as the need arises.

The section of land adjacent to the resident's property which is part of the temporary tree preservation order is a steep bank. There are a variety of trees all of which are mature and of some considerable height. Many of these trees have branches that bow over, being too heavy to bare their own weight. This causes concern as to the risk to the property if they fall."

3.8 The Tree and Woodland Officer's comments as follows:

"While the continued presence of the TPO will require consent to be sought for the pruning back of overhanging branches, the growth rate of the species concerned is such that such consent should only be required every few years at most if the works are carried out correctly in accordance with British Standards of tree work as would be a requirement of any consent under the TPO. Carrying out works to these standards would also be expected to leave the trees in a condition where they were less prone to developing areas of disease and decay and thus improving the safety of adjacent residents.

In respect of the concerns raised regarding tree safety, as trees are self modifying structures, they adapt themselves to support their own weight as well as the normal working conditions to which they are exposed. Trees may fail as a result of factors such as natural disease or storm damage but the most common cause of tree failure results from human activities causing damage to roots or decay following incorrect pruning. Consequently the continued presence of the TPO will serve to ensure a higher quality of tree work where required rather than any inexpert 'judicious pruning'."

3.9 The third objection is from an adjacent occupier and is as follows (attached at Appendix C):

"The woodland area has not been managed or maintained for many years and this has resulted in a number of trees becoming unstable, weakened by disease or engulfed by ivy. On a number of occasions weakened trees or large fragments of them have snapped off during high winds and they have fallen into resident's gardens or across the public footpath which runs through the woodland.

Trees have overgrown and now formed dense hedges along resident's boundary lines which has caused lighting issues.

Residents are willing to work with the land owners in order to maintain the woodland."

3.10 The Tree and Woodland Officer responds as follows:

(1) As discussed above, the responsibility for trees lies with the owner of the land and this situation is unchanged by the continued presence of a TPO. The ongoing involvement of Council Officers as a result of a permanent TPO would, however, increase the likelihood of hazardous trees being detected and appropriate works to prevent damage or injury being carried out before failure occurs.

(2) With regard to the height of trees and the blocking of light, there is no maximum height of a tree or automatic right to light in such a situation. Given the sloping aspect of the site, only the clearance of the whole woodland would have any significant affect on light levels while the amenity and biodiversity value of the woodland would be destroyed.

(3) In respect of future maintenance of the woodland, the requirement for consultation and consent as a result of the woodland TPO will ensure that only the appropriate works are carried out and that these are carried out correctly by suitable trained, qualified, experienced and insured tree surgeons. In the absence of the TPO, the likely result of maintenance sympathetic to the desires of residents would be unsympathetic or highly damaging to the ecology of the woodland and reduce the amenity value of the site.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications relating to the confirmation of the TPO.

6. LEGAL IMPLICATIONS

6.1 Town and Country Planning (Trees) Regulations 1999, covers this procedure.

7. POLICY IMPLICATIONS

7.1 None

8. **COUNCIL OBJECTIVES**

8.1 Council objective 4 - Environment, Priority C04 Planning

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

9.1 There are no significant risks associated with the details included in this Report.

10. **CUSTOMER IMPLICATIONS**

10.1 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of this committee.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None.

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

12.1 None.

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

13.1 The proposal in relation to confirming the Tree Preservation Order can only be seen as having a positive impact on the environment.

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 None.

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 The provisional Tree Preservation Order was made in September 2010 and remains in force for 6 months; it was served upon all those affected by the Order. The documentation provides details of how and when objections and representations should be made. In this case the deadline for objections was the 11th November 2010.

20. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 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 Regeneration Services	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	Yes
Corporate Procurement Team	No

21. **WARD AFFECTED**

21.1 Catshill.

22. **APPENDICES**

Appendix A Letter of Objection from Land Owner dated 1st November 2010

Appendix B Letter of Objection from adjacent occupier dated 1st November 2010

Appendix C Letter of Objection from adjacent occupier dated 11th November 2010

Appendix D Letter received from local resident dated 20th September 2010 - Tree and Woodland Officer has made no comments.

Appendix E Photos of the site taken on the 24th September 2010

Appendix F Plan of woodland attached to the provisional Tree Preservation Order

Appendix G Report from the Tree and Woodland Officer dated 16th February 2011

23. **BACKGROUND PAPERS**

23.1 None.

24. **KEY**

24.1 N/A

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APPENDIX A

[redacted]

1st November 2010

Head of Legal
Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire, B60 1AA

Dear Sir / Madam

Appeal Against :-
Tree Preservation Order (No 14) 2010, dated 24th September 2010.

Further to your letter confirming that the small woodlands area behind Stourbridge Road is subject to a temporary TPO we would like to clarify our position with purchasing this land and our intentions.

The area indicated on your schedule is a natural habit for wildlife and has the benefit of a public right of way. Our intention is to allow this area to remain the same and undisturbed as much as possible. We will also seek advice from a specialised tree surgeon which trees are dangerous and are cause for concern which may lead to endanger the public or damage surrounding buildings; and with permission from the council take the necessary action in due course.

We believe there has never been a TPO on this land and our main reason for purchasing this land associated with this woodland is to avoid any planning for construction behind the Stourbridge Road where we live. We believe the previous owner [redacted] sought and obtained permission to gain access through the woodland to cultivate the land behind Stourbridge Road as this is the only access to the land at the side. We will also need to use this to maintain the field.

We have also contacted all the residents whose properties are linked to the land giving them our contact details if there are any concerns. All residents are aware of the TPO and know that no work can be carried out on trees of concern until approval from the council is sought and granted or the TPO is lifted.

With the details above we do hope there is no need to make this preservation order permanent and we can work together as before. As we intend to cultivate the land behind our house giving us direct access to the woodlands and surrounding area, the land will therefore be used regularly, giving the public the peace of mind that the woodlands are now being maintained and cared for rather than been neglected as previous.

If you strongly feel that the TPO should remain in force as a caution, can we suggest that only selected trees have the TPO and not the entire woodlands. This will enable us to keep the woodlands maintained and deal with any trees of concern promptly when necessary without the additional expense for further reports and time involved arranging meetings etc before any work can be carried out. This will in the long term benefit the well established trees giving them the chance to thrive and keep healthy.

If you require any further information before you make your decision please do not hesitate to contact us.

Yours faithfully

[redacted]

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[redacted]

[redacted]



Equalities and Democratic Services
Bromsgrove District Council,
The Council House,
Burcot Lane,
Bromsgrove,
Worcestershire,
B60 1AA

Dear Sir/Madam,

Town and Country Planning Act 1990
The district council of Bromsgrove tree preservation order (No.14) 2010
The trees on the land south of Poplar Close & Woodbank Drive, Catshill

I wish to raise an objection to the above order and seek clarification concerning the pruning and lopping of trees adjacent to my property.

[redacted] The boundary of my property running adjacent to the land which this order relates is marked as centre of Battlefield Brook, south of my property. The trees that face my property on this land grow plentifully, given the southern exposure and the availability of water from the brook. This means that the trees grow outwards, across my boundary and into my garden, thereby causing a hindrance and without regular pruning back, would take over my garden and prevent the enjoyment of my own property. I am therefore asking for some sort of proportionate permission or clarification that I can still cut back branches straying onto my property. If this request is not given consent then the preservation order would in due course prevent me from accessing areas on my boundary or worse, my garden.

The second issue that I raise is that the section of land adjacent to my property where in part this order relates is a steep bank. There is a variety of trees all of which are mature and of some considerable height. Many of these trees have branches that bow over, being too heavy to bare their own weight. This causes me some concern, given the height of the trees and their proximity to my building, there is a strong likelihood that eventually; or sooner in strong winds; the trees will present a risk to my home. This is exacerbated by the fact that they are sited on the bank, which will mean the roots will be less anchored than if they were on the flat. Again, I see the issue that if I, or the land owners, are to be prevented from judicious pruning then my property will be at risk.

I would be more than happy to meet with your representatives at my address, so that they view the problem and have a clear understanding of the situation prior to making any decisions.




Crown Inn
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POPLAR
DRIVE
21
9
11
13
15
17
19
3m
GIBBRIDGE ROAD
242
Nursing Home
Path (um)
Vicarage
BM
124.80m
120.4m
226

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11/01/11

[redacted]

Head of Legal
Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire, B60 1AA



Dear Sir,

Appeal Against:-
Tree Preservation Order (No 14) 2010, dated 24th September 2010.

The rear garden of my home backs onto the small woodland area which is subject of the Tree Preservation Order (No 14).

The woodland area has not been managed or maintained for many years and this has resulted in a number of trees becoming unstable, weakened by disease or engulfed by ivy. On a number of occasions weakened trees or large fragments of them have snapped off during high winds and they have fallen into resident's gardens or across the public footpath which runs through the woodland. Fortunately no one has yet been injured and only minimal damage has been inflicted on resident's gardens.

Trees such as Hazel and Sycamore have been allowed to re seed annually and they are so overgrown that they form a dense hedge along our boundary lines. This hedge is a minimum of 3 meters in height and it obstructs the natural light to a number of homes and gardens, including my own. If these trees/hedge was growing in a neighbour's garden their height **would be considered illegal**. Our gardens are small and the hedge (tree line) is a maximum of 4 meters from the back of our properties. In addition to the hedge a large Cherry Tree overhangs my garden by up to 3 meters and it is now dangerously close to my building line.

During the last three years the area of woodland in question has been the subject of numerous complaints from residents of Poplar Close and Woodbank Drive. These complaints have been made to the previous owner [redacted], to Bromsgrove District Council and issues have also been raised with local Councillors and the MP. In 2009 a number of site visits were made by the Tree Officer [redacted] who advised that the land was subject of a Preservation Order. He apparently gave [redacted] permission for some works to be carried out, but to date nothing has been done to **make the area safe** or to improve the light to our homes.

Whilst the residents of Poplar Close enjoy the privacy of the Woodland and the wildlife attracted to the area I do not believe that a full preservation order is necessary to conserve it. I have spoken to the current land owners who have shown a willingness to manage the land for the future enjoyment and safety of everyone living in the area. Local residents are prepared to work with them in order to keep management costs to a minimum; however if the whole area is made subject of a Preservation Order, full consultation and licences will be required before any work can be carried out. This will prove to be time consuming and costly for both the Council and the present land owners. With that in mind it may be more prudent and beneficial for all, if consideration were given to making some of the trees (such as large Oaks) subject of individual Tree Preservation Orders – TPO's. These orders could be strategically located so as to make any development of the area difficult. This would then allow the sympathetic management of other trees and would provide a solution to the problems of residents.

Local residents feel strongly about preserving this land and we would robustly object to any building development on it, now or at any time in the future.

Yours sincerely



copy to legal

TPO (14) 2010

APPENDIX D

[redacted]

[redacted]

[redacted]

Tree Conservation Officer,
Bromsgrove District.

Dear [redacted]

You were so helpful spending time explaining to me last Thursday the difficulties and intricacies of Tree Preservation Orders.

I am particularly concerned about the trees - oak, horse chestnut and ash - along the skyline on land adjacent to the Crown Public House on the Stourbridge Road, Catshill. Apart from their visual impact for many houses in lower Catshill, they do lessen the noise from the motorway. I understand there is a Confirmed Order on the entire wooded area, but it is especially the sky line trees I am concerned for.

The land was auctioned on 23rd September by Bigwood, guide price £30,000.

Is each case allocated a number, so that it would be easier to be specific when making an enquiry about progress? How many trees could one person nominate for a Preservation Order?

I realise you must be very busy, but I hope you would not object if I contacted you from time to time about these trees.

Thank you for your help

Yours sincerely,

[redacted]

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APPENDIX E

24/09/2010 13:47

The common seal of the District Council of Bromsgrove was affixed hereto this 24th day of September 2010 in the presence of [redacted]

Senior Solicitor on behalf of the Head of Legal, Equalities and Democratic Services.

APPENDIX F



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BROMSGROVE DISTRICT COUNCIL – STRATEGIC PLANS – TREES & LANDSCAPE

MEMORANDUM

APPENDIX G

From:	[redacted] **Tree & Woodland Officer**	To:	[redacted] **Legal Officer**
My Ref:	**TPO (14) 2010 Land south of Poplar Close & Woodbank Drive, Carshill**	Your Ref:	
Please ask for:	[redacted] Ext 1320	Date	16 February 2011

Further to our conversations regarding the abovementioned TPO's, please find my comments below.

Summary

This provisional Tree Preservation Order was made on 24th September 2010 and is now due to be either confirmed or revoked.

The Order covers an area of natural woodland of considerable biodiversity and amenity value to the locality and nearby residents. The Battlefield Brook runs along the northern edge of the site and a public footpath runs through from west to east.

The Order was made as changes in the ownership of the land and enquiries regarding it's possible use led Officers to consider that there was a risk of trees being unnecessarily felled. Prior to the making of the Order, the Council's Tree Officer had been in contact with the original owner regarding the carrying out of works to some trees to ensure the safety of adjacent residents and users of the public footpath which runs through the site. A number of works were subsequently carried out in respect of these safety concerns.

The woodland consists of numerous trees of various ages growing from a sloping site with a sandy soil undercut by the Battlefield Brook. As many of the trees thus overhang both the Brook course, the public footpath and adjacent residential gardens there is an ongoing possibility of damage, injury or flooding should trees along the northern boundary suffer failure. As with any trees or woodland, the responsibility for carrying out any specific safety works identified rests with the owner of the land as does the liability for any damage or injury which may occur as a direct result of failing to do those works.

Despite this possibility, I consider that the woodland is of sufficient merit and under such reasonably foreseeable threat to merit the continued protection of a TPO.

Although the Head of Planning & Environment has delegated authority to make new provisional Orders, their confirmation requires the approval of the Planning Committee.

My comments in respect of points raised within representations received are detailed as follows:

[redacted] **Catshill – New Site Owners**

The new owners have stated an intention to maintain the woodland as wildlife habitat and use the field which can only be accessed through it. While the intention to maintain the woodland is welcomed, woodland management is such a specialised area that this maintenance would be likely to result in considerable damage to the biodiversity and amenity value if not carried out correctly and in accordance with a considered woodland management plan. The continued presence of the TPO will ensure that works damaging to the woodland cannot be carried out without the advice and consent of the Council's Tree & Woodland Officers.

In respect of the access through the woodland, due to the extremely soft and unstable ground of the site, regular access would only be possible after a solid trackway has been constructed. Attempting such access without such construction would cause considerable damage to both the woodland and the public footpath. The construction of

a trackway could be done without causing undue damage providing that suitable methods of construction and tree protection are used but without the continued presence of a TPO such methods could not be enforced.

[redacted] **- adjacent occupier**

While the continued presence of the TPO will require consent to be sought for the pruning back of overhanging branches, the growth rate of the species concerned is such that such consent should only be required every few years at most if the works are carried out correctly in accordance with British Standards of tree work as would be a requirement of any consent under the TPO. Carrying out works to these standards would also be expected to leave the trees in a condition where they were less prone to developing areas of disease and decay and thus improving the safety of adjacent residents.

Applications for tree works under a TPO do not require the payment of a fee and by law must be determined within a set period of time and thus are not considered to place an undue burden on an applicant. Where trees are preventing access such applications would generally be looked upon favourably.

In respect of the concerns raised regarding tree safety, as trees are self modifying structures, they adapt themselves to support their own weight as well as the normal working conditions to which they are exposed. Trees may fail as a result of factors such as natural disease or storm damage but the most common cause of tree failure results from human activities causing damage to roots or decay following incorrect pruning. Consequently the continued presence of the TPO will serve to ensure a higher quality of tree work where required rather than any inexpert 'judicious pruning'.

[redacted] **adjacent occupier**

As discussed above, the responsibility for trees lies with the owner of the land and this situation is unchanged by the continued presence of a TPO. The ongoing involvement of Council Officers as a result of a permanent TPO would, however, increase the likelihood of hazardous trees being detected and appropriate works to prevent damage or injury being carried out before failure occurs.

With regard to the height of trees and the blocking of light, there is no maximum height of a tree or automatic right to light in such a situation. Given the sloping aspect of the site, only the clearance of the whole woodland would have any significantly affect on light levels while the amenity and biodiversity value of the woodland would be destroyed.

In respect of future maintenance of the woodland, the requirement for consultation and consent as a result of the woodland TPO, will ensure that only the appropriate works are carried out and that these are carried out correctly by suitable trained, qualified, experienced and insured tree surgeons. In the absence of the TPO, the likely result of maintenance sympathetic to the desires of residents would be unsympathetic or highly damaging to the ecology of the woodland and reduce the amenity value of the site.

Recommendation
That the Order is confirmed without amendment.

Appendices:
A – Objection [redacted]
B – Objection
C – Objection
D – Letter
E – Photos of Site
F – Plan of Woodland

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE 7TH MARCH 2011

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 the planning appeal decisions which have been received since the last meeting of the Committee.

2 **RECOMMENDATION**

2.1 Members are requested to note the report.

3. **BACKGROUND**

	Name of Appellant	Plan Ref. / Proposal / Decision
3.1	BAM Construction Ltd.	08/0675-HLP - Proposed erection of lighting - Meadows First and Parkside Middle School, Stourbridge Road, Bromsgrove, Worcestershire, B61 0AH - See **APPENDIX 1** Refused: 22nd July 2010 Appeal decision: **allowed** - 10th February 2011
3.2	Mr. Stuart Reeds	10/0981-RL - Proposed increase in size of garage from single to double - 33 Chestnut Drive, Hagley, DY9 0GH - See **APPENDIX 2** Refused: 22nd November 2010 Appeal decision: **allowed** - 11th February 2011
3.3	Billingham and Kite Ltd.	10/0378-JT - Proposed residential development of 38 dwellings - Land to the rear of Brook Crescent, Hagley, DY9 0QE - See **APPENDIX 3** Refused: 8th September 2010 Appeal decision: **allowed** - 21st February 2011

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.

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

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 Regeneration Services	Yes
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	No
	Corporate Procurement Team	No

21. **WARDS AFFECTED**

21.1 Sidemoor / St. Johns, Hagley

22. **APPENDICES**

Appendix 1 - Appeal report for Meadows First and Parkside Middle School, Stourbridge Road, Bromsgrove
Appendix 2 - Appeal report for 33 Chestnut Drive, Hagley
Appendix 3 - Appeal report for land to the rear of Brook Crescent, Hagley

23. **BACKGROUND PAPERS**

23.1 Appeal decision letters received from the Planning Inspectorate, dated 10th, 11th and 21st February 2011.

24. **KEY**

24.1 N/A

AUTHOR OF REPORT
Name: Andy C. Stephens
email: a.stephens@bromsgrove.gov.uk
Tel.: 01527 881410

Report for Information **APPENDIX 1**

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/10/2138988
Planning Application	08/0675-HLP
Proposal	Retrospective application for lighting columns
Location	Meadows First and Parkside Middle School, Stourbridge Road, Bromsgrove
Ward	Sidemoor
Decision	Refused against officer recommendation 22nd July 2010

The author of this report is Helena Plant who can be contacted on 01527 881335 (e-mail: h.plant@bromsgrove.gov.uk) for more information.

Discussion

This was a retrospective planning application. The proposal had been amended during its consideration and included bollard lighting in some parts of the site and taller 6m high lighting bollards in other parts of the site. The bulk head lights on the building did not form part of the application. The appeal was considered via the written representations procedure.

The Inspector considered that the main issue for consideration was the effect of the lighting on the living conditions of nearby residents.

A small group of 6m lighting columns had, in the Inspectors mind, the greatest potential to impact upon resident's amenity. These were sited near the entrance and adjacent to the northern boundary.

These lights were considered with respect to their visual intrusion. Whilst boundary planting and fencing screened the lower parts of these columns the upper parts and those columns in the distance were considered to be visible from the gardens and rear facing rooms of nearby dwellings. The Inspector concluded however that these columns did not look out of place in and around the car park and access road. The columns were not visually intrusive and their appearance would not worsen living conditions to an unacceptable degree. The remaining columns were considered to be too far away or too low to materially effect living conditions.

With respect to light spillage, the Inspector identified that the proposed replacement of columns with bollards would '*improve matters significantly*'. The use of louvers and the reduction in wattage in one lamp was also sited. The Inspector noted that with these controls the appellant's evidence showed that light spill into dwellings would be well below he 5 lux maximum advised by the

Institute of Lighting Engineers. Further comfort was provided by the appellant's acceptance of proposed hours limiting conditions.

The inspector concluded that the living conditions of nearby residents would not be harmed to an unacceptable extent as a result of visual intrusion or light spillage. It was noted that the Council's Environmental Health Officer shared this view.

In allowing the appeal the Inspector imposed conditions relating to louvers and bulb wattage as well as restricting hours of use of the lights and listing the approved plans.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED**.

Recommendation

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

Report for Information **APPENDIX 2**

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2143695
Planning application	10/0981-RL
Proposal	Increasing the size of the garage from single to double
Location	33 Chestnut Drive, Hagley
Ward	Hagley
Decision	Refused - 22nd November 2010

The author of this report is Ruth Lambert who can be contacted on 01527 881373 (e-mail: r.lambert@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to increase the size of the current garage from single to double.

Following comments from the County Highways Officer, the Council required that the appeal site provided two off street parking spaces excluding any garage provision. The proposed development would result in the loss of one existing parking space. The appeal site is situated on a curve in the road and immediately to the north is an access drive which serves three dwellings. In view of this arrangement, additional on street parking as a consequence of the proposed development could adversely affect the visibility lines for motorists in this part of Chestnut Drive leading to potential traffic conflict.

The appellant submitted a plan (091.02 rev A) at the appeal stage in order to demonstrate that two vehicles could be satisfactorily accommodated on the existing driveway within the curtilage of the appeal site even if the proposed garage extension was in place. The Inspector was satisfied therefore that, on this basis, the proposed development would not result in additional on street parking and would not therefore pose a hazard to highway safety in this part of the Chestnut Drive.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (11th February 2011).

Recommendation

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

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Report for information **APPENDIX 3**

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/10/2136206
Planning application	10/0378-JT
Proposal	Residential Development of 38 dwellings (outline)
Location	Land at Brook Crescent, Hagley, Worcestershire
Ward	Hagley
Decision	Refused by Planning Committee in accordance with officer recommendation. Appeal allowed

The author of this report is David Kelly who can be contacted on 01527 881335 (email: d.kelly@bromsgrove.gov.uk).

Discussion

The application site forms part of the Hagley Area of Development Restraint (HAG2) described as "Land off Kidderminster Road South and Western Road" and comprises 1.58Ha in area. The LPA accepted the principle of development on this site. However, the application was refused because of insufficient detail submitted with the outline application. It was not demonstrated how the proposal would deliver a well-designed development and contribute to the creation of a sustainable community in Hagley. It was considered to undermine the emerging Core Strategy. In particular, the application submission failed to adequately demonstrate how granting outline permission for the development of the site would deliver a suitable design and layout, which would allow for integration with any future development on the larger HAG2 Area of Development Restraint, secure an acceptable character and appearance and the retention of protected trees, prevent or minimise crime and disorder, and take account of climate change.

The proposal did not demonstrate how affordable housing would be delivered and made inadequate provision in terms of contributions to open space, highway and education infrastructure.

The Planning Inspector attached significantly less weight to these points and instead focused on the principle in favour of development, the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District. Paragraph 71 of PPS3 says that where local planning authorities cannot demonstrate an up-to-date 5 years' supply of deliverable sites; planning applications for housing should be favourably considered. The District has 2.19 years of supply and the Inspector attached significant weight to this shortfall.

In terms of the insufficient detail submitted with the outline application and the failure to meet the requirements in the 2010 *Guidance on Information Requirements and Validation* (GIRV) (DCLG), the Inspector considered that the application complied.

A Unilateral Undertaking was received 16th November 2010 during the appeal process. This included contributions towards the provision of public transport enhancement, play space, educational infrastructure, air quality mitigation and the

legal means to secure the provision of the proposed affordable housing. The Inspector considered that the UU was an adequate means of meeting the Community Infrastructure Levy Regulations. This removed the second reason for refusal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (21st February 2011).

Recommendation

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

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of the Local Government Act 1972.

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