



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 18TH APRIL 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 28th March 2011 (Pages 1 - 6)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 10/0953-DMB - Outline planning permission for up to 212 dwellings with associated open space infrastructure including a new vehicular access via Rutherford Road - Land at St. Godwalds Road, Bromsgrove, B60 3SA - Maplebrom LLP (Pages 7 - 58)
6. 10/1099-DK - Permanent erection of marquee, to replace temporary marquee - Grafton Manor Hotel, Grafton Lane, Bromsgrove, B61 7HA - Mr. J. Morris (Pages 59 - 66)
7. 11/0025-DK - Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works - Rose Cottage, Seafield Lane, Portway, Birmingham, B48 7HN - A. E. Beckett and Sons Ltd. (Pages 67 - 74)
8. 11/0199-SC - Construction of detached garage - Foxhill House Barn, Foxhill Lane, Alvechurch, B48 7BY - Mr. C. Woodwiss (Pages 75 - 82)
9. St. Johns Conservation Area (Pages 83 - 116)
10. Tree Preservation Order (No. 15) 2010 - Trees on land at Aldi / former BGW site, Sherwood Road, Bromsgrove (Pages 117 - 128)
11. Appeal Decisions (Pages 129 - 142)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

7th April 2011

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 28TH MARCH 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, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck (during minute nos. 157/10 to 162/10), E. J. Murray (during minute nos. 157/10 to 162/10), S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors Mrs. R. L. Dent and L. J. Turner

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

157/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

158/10 **DECLARATIONS OF INTEREST**

Councillor R. J. Deeming declared a personal interest in planning application reference 10/0931-DK (Land at Norton Lane, Wythall) and stated that he knew the applicant.

159/10 **MINUTES**

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

RESOLVED that the minutes be approved as a correct record.

160/10 **10/0931-DK - OUTLINE APPLICATION FOR APPROXIMATELY 50 CAR PARKING SPACES FOR WYTHALL RAILWAY STATION WITH ASSOCIATED PROVISION OF APPROXIMATELY 2.1 HECTARES OF OPEN SPACE WITH UP TO 65 MARKET AND AFFORDABLE DWELLINGS - LAND AT NORTON LANE, WYTHALL, B47 6HA - MR. A. PLANT / ST. FRANCIS GROUP**

The Head of Planning and Regeneration Services reported the views of Severn Trent Water and Sport England, and also stated that two additional comments had been received. She also stated that a draft Agreement under Section 106 of the Town and Country Planning Act 1990 had been prepared but had not yet been formally completed.

At the invitation of the Chairman, Mr. A. Plant addressed the Committee and spoke in support of the application.

RESOLVED that permission be refused for the reason set out on page 32 of the report.

161/10 **11/0054-TC - REMOVAL OR VARIATION OF CONDITION 2 FOR APPLICATION 09/0353 TO EXTEND OPENING HOURS FROM 7.00 A.M. TO 11.00 P.M. SEVEN DAYS A WEEK - 33 WORCESTER ROAD, BROMSGROVE, B61 7DN - MR. M. ALI**

The Head of Planning and Regeneration Services informed the Committee of a few examples of hot food takeaway premises' opening times in the locality close to the application site by way of reference to the proposed operating hours sought as part of the application.

At the invitation of the Chairman, Mr. M. Ali addressed the Committee and spoke in support of the application, whilst Councillor Mrs. R. L. Dent also addressed the Committee in her capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that authority to refuse permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 31st March 2011.

162/10 **11/0111-TC - SIDE FIRST STOREY BEDROOM EXTENSION - 4 BROCKHILL LANE, BEOLEY, REDDITCH, B98 9BU - MR. D. JONES**

The Head of Planning and Regeneration Services reported that, in the light of SPG7 Extensions to Dwellings in the Green Belt and issues in respect of the floorspace of the proposed building, her recommendation quoted on pages 37 and 40 of the report had been amended to one of approval.

RESOLVED that permission be granted subject to the following conditions and notes:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the Approved Plans / Drawings listed in this notice:

Location Plan (1:1250) - received 09.02.2011

Block Plan (1:500) - received 09.02.2011

Existing elevations and floorplans (1:50) - received 09.02.2011

Proposed elevation and floorplans (1:50) - received 24.12.2010

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

3. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

Notes

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

WMRSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS13, S11
Draft CS2	CP3, CP18, CP22, CS2
Others	PPS1, PPG2, SPG1, SPG7

It is the Council's view that the proposed development does not comply with the provisions of the development plan. However, specific circumstances exist that outweigh the harm caused and that, on balance, there are no justifiable reasons to refuse planning permission.

163/10 **CONSTITUTIONAL AMENDMENTS TO SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL**

Consideration was given to a report which sought the approval of the Council to several changes to the Scheme of Delegation insofar as it affected Development Control, Planning Enforcement and arrangements for the 'call-in' of applications to be considered with by the Planning Committee. However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

The Committee was informed that the amendments would align the Council's Scheme of Delegation with that of Redditch Borough Council and, thereby, assist in the process of shared services.

RESOLVED that it be recommended to Council that the amendments to the Scheme of Delegation, as set out in Appendices 1, 2 and 3 of the report, be approved.

(NOTE: During consideration of this item, Councillor E. J. Murray left the meeting before this decision was reached.)

164/10 **CONSTITUTIONAL AMENDMENT AND PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT**

Consideration was given to a report which sought the approval of the Council to adopt a formal protocol relating to the engagement of Members in pre-application discussions, with a view to providing clarity and fairness to the process and, thereby, seek to make it accountable. Members were also informed that this would enable the Council to operate in accordance with current good practice.

However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

RESOLVED that it be recommended to Council that:-

- (a) the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development, as set out in Appendix 1 to the report, be approved and implemented with effect from 1st October 2011;
- (b) any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must complete appropriate training;
- (c) the implementation of the protocol be reviewed jointly by Members and officers after twelve months of implementation; and
- (d) authority be delegated to the Head of Legal, Equalities and Democratic Services to make the necessary amendments to the Council's Constitution in respect of the implementation of the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development.

165/10 **ADOPTION OF THE PLANNING ENFORCEMENT POLICY**

Consideration was given to a report which sought the approval of the Council to adopt a Planning Enforcement Policy in order to provide a consistent and uniform approach as a result of the move towards shared services between the Council and Redditch Borough Council. The Committee was informed that such a policy would effectively be a customer charter for the planning enforcement service.

However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

In respect of the third item in section 7 of the proposed Planning Enforcement Policy (Council's Commitment to Complainants - "The confidentiality of those reporting incidents will be maintained"), Members expressed concern about how the policy would ensure the confidentiality of a complainant could be maintained, especially in the event of an appeal by anyone who had been served with an Enforcement Notice. However, the Head of Planning and

Regeneration Services confirmed that the addition of an appropriate proviso could be added to ensure confidentiality would not be compromised.

RESOLVED that the Council be recommended to adopt the Planning Enforcement Policy, subject to the deletion of the third item in section 7 of the proposed Enforcement Policy, attached at Appendix 1 to the report, and replacement with the following text:-

- The confidentiality of those reporting incidents will be maintained and no information will be disclosed to any other party without the written consent of the complainant.

166/10 **APPEAL DECISION**

Consideration was given to a report which outlined the result of a planning appeal, the details of which had been received since the last meeting of the Committee.

RESOLVED that the report be noted.

The meeting closed at 3.45 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MAPLEBROM LLP "A"	Outline application for up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road (as amended by site plan received 17.11.2010, Masterplan received 07.12.2010 and letter received 11.02.2011 and augmented by highway technical notes received 07.12.2010, letter received 17.01.2011 and email and plans received 18.02.2011) Land off St Godwald's Road, Bromsgrove	ADR TPO	10/0953 01.05.2011

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

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
- (a) Play space provision
 - (b) Education provision
 - (c) Public transport enhancement measures
 - (d) Improvements to the local Public Right of Way network
 - (e) Air quality mitigation measures in the Stoke Heath Air Quality Management Area (AQMA2)
- And (f) the securing of 74 affordable housing units
- (ii) the expiration of the consultation period for Finstall Parish Council on 20 April 2011

MINDED TO APPROVE

COMMITTEE SITE VISIT: 14 APRIL 2011

Consultations

WH

Consulted - views received 12.11.2010:

- Recommends that the permission be **deferred**
- The applicant should submit further information and revised details to address the following points.
- It would appear that not all residential dwellings are within 400m of the public transport network, the applicant should address this point and demonstrate that all properties are accessible to the public transport network.
- The RFC at the junction of St Godwald's Road and Finstall Road in worsened to above acceptable thresholds. No mitigation is proposed to make neutral impact or betterment to the network.

- The Stoke Road mini roundabout will be adversely affected with RFCs exceeding the acceptable levels. The application is reliant on the travel plan resulting in a 10% modal shift which will reduce the number of vehicle movements. This cannot be accepted as the travel plan is a management tool to help reduce trips, for sensitivity testing purposes the travel plans impact must be discounted as it cannot be guaranteed. No other mitigation is proposed. This does not mean that a travel plan will not be required.
- The proposed new junction on the south of Rutherford Road is excessively close to the junction with St Godwald's Road, whilst there no prescribed separation distance it is considered that the proximity will create capacity and safety problems, therefore a 40m centre line to junction separation is considered appropriate. This will also resolve concerns of the alignment of the road and the need for vehicles to access Rutherford Road at 90 degrees. The proposed radii is also excessively tight as 3m radii are proposed, but 6m is required to satisfy WCC's design guide.
- Whilst it is noted that the layout is a matter for future consideration the indicated design speed is excessive and does not promote an environment that encourages walking and cycling as the preferred means of travel.
- The applicant is required to undertake additional transport modeling to comply with the requirements, the applicant agent has been sent the requirements of this model and should submit additional information indicating the developments impact in accordance with this policy.

Additional work required

- The existing transport conditions indicate that the peak times are 8am - 9am and 5pm - 6pm but there is no evidence presented to support this. The County Council need this evidence to tailor any highways interventions or additional bus services correctly. No suggestion is made of the Saturday peak - roads can be particularly busy from 10am to 2pm on Saturdays and again we need to understand what impact the development is going to have so that we can improve our network accordingly.
- No evidence is given of where people are likely to travel to and from during the peak periods or other periods of the day. The document does not give sufficient evidence that the existing bus network is sufficient to meet travel requirements. There are no details of journey times, fare details, network coverage etc. This is needed so that we can work with bus operating companies to provide bus services that are of use to the residents of the proposed development.
- There are two air quality management areas in close proximity to the development, both on the A38 road (A38/M42 Junction1 and A38 Redditch Road, Stoke Heath). Evidence should be provided of the impact the additional traffic generated by this development will have on the air quality management areas. This analysis will

allow the County Council to plan traffic management measures to resolve the air quality management area.

- Much more evidence and discussion needs to be made about evening and Sunday travel patterns. Is there sufficient network capacity to handle Sunday traffic flows?
- The applicant should address the above points and submit revised proposals to account for them.

Additional views received 14.01.2011:

- Following my previous comment of 12th November 2010, I have been discussing the proposal with JMP who are Maplebrom LLP's highway engineers and significant progress has been made to resolve the previous identified deficiencies. There are now only a few matters left to be resolved which are detailed below.
- The Fininstall Road / St Godwald's Road junction and the New Road/Stoke Road/ Fininstall Road mini roundabout. The capacity of these junctions is adversely impacted on due to the increase trip generation. Drawings have been submitted to Worcestershire County Council to resolve these issues which are presently be considered and a revised capacity analysis is expected shortly.
- Assuming the junction designs are acceptable off site mitigation for sustainable transport access in the form of a section 106 agreement needs to be resolved, which heads of terms are generally accepted the scale of contributions are still under discussion.
- It is therefore recommended that this application be deferred until a point where a conclusion is reached on the suitability of the junction improvements and section 106 mitigation strategy.
- I consider that all other matters have been resolved and note that environmental health have considered the AQMA. I have also advised JMP to discuss their proposals with the Highways Agency in light of the results of the Bromsgrove Transportation Model results.

Additional views received 24.02.2011:

- **No objection subject to Conditions**
- The applicant should enter into a section 106 agreement to provide financial contributions towards the following:
 - The redevelopment of Bromsgrove Railway Station
 - To upgrade the existing bus stop on Fininstall Road to a Gold Standard
 - To upgrade the existing bus stop on New Road to a Gold Standard
 - To provide 2 new bus stops in Breme Park near the junction of Railway Walk and Bridge Road
 - To provide improvements to public rights of way 508, 532 & 534

Highways Agency Views received 04.02.2011:

- A number of motorway junctions are located nearby including M42 junction 1, M5 Junction 4a and M5 Junction 5. Therefore, we require the applicant demonstrates that the proposals will not have a detrimental impact on the aforementioned junctions.
- From reviewing the planning application, minimal attention has been paid to assessing the impact of the development on the strategic road network. We require the applicant to confirm the likely number of trips associated with the proposals which will impact on each junction. Justification should be provided in relation to the trip distribution/assignment assumptions. Depending on the number of trips, it may be necessary to undertake capacity assessments.
- Please find attached a TR110 form directing non-approval of the application for a period of three months in order to give the applicant time to submit the information required

Additional views received 17.02.2011:

- In our previous response we noted the applicant had paid minimal attention to assessing the impact on the strategic road network. We requested the applicant demonstrated the impact of the development on M42 junction 1, M5 Junction 4a and M5 Junction 5
- The HA has since received trip distribution forecasts from the applicant's transport consultant, JMP Consulting. Using this information we have been able to review the impact of the development on the strategic road network
- The trip distribution forecasts provided by JMP appear to provide a reasonably robust approach to identifying potential traffic changes at the aforementioned junction. The forecasts are based on the Census 2001 journey to work data and distribution of vehicle trips associated with the proposed development. The trip generation figures from the Transport Assessment for the site have been applied to the ward data to provide the number of peak hour trips. This is understood to represent a worst case scenario not taking into account potential modal shift associated with the Residential Travel Plan for the site
- In terms of the strategic road network the trip generation forecasts show the number of new trips generated by the development to be relatively small. In the AM peak the largest impact is around 20 trips accessing M5 Junction 4 (also passing through M42 Junction 1) and accessing M32 Junction 2. The M5 Junction 5 is forecast to have a lower impact of 14 vehicles in the Am peak. In the AM peak the largest overall impact is 30 two-way trips at M42 Junction 2. The PM peak hours are forecast to be marginally lower at all junctions. The trip distributions also show that M5 Junction 4a is not forecast to be impacted by the development
- Based on these figures the Highways Agency does not consider the impact of the proposed development sufficient to justify full

capacity assessments. The impact of the development on the aforementioned junctions are likely to be limited and not require specific mitigation by the developer

- The Highways Agency has also reviewed the information relating to the framework Residential Travel Plan submitted as part of the Transport Assessment. The proposed Travel Plan will be vital in further reducing the already limited impact of the development on the strategic road network. We welcome the initial work on the inclusion of measures and targets to achieve a modal shift. However, we consider that a greater modal shift could be achieved by using a wider range of measures and targets. We understand the Travel Plan currently has limited information as the applicant is seeking to deal with the issue via a Condition. Therefore we look forward to being consulted on the Residential Travel Plan once this becomes available
- In view of the above I attach a TR110 confirming our position as no objection. The attached TR110 supersedes any earlier directions in relation to the above development.

Drainage
Engineer

Consulted - views received 03.11.2010:

- The fairly concise report accompanying this application is sound in its observations in regard to drainage
- It has been known that the existing foul pumping station belonging to Severn Trent Water lacks both capacity in storage and in pump rating, whilst its rising main discharges to a gravity sewer in St Godwald's Road which prone to surcharge
- Both the pumping station and gravity outfall need upgrading and this is discussed in the report itself
- Disposal of storm water generated by the proposed development will require a combination of the application of SUDS to the drainage infrastructure and appropriate attenuation. Again the report covers this in reasonable detail.
- The one restriction point for the storm outfall being the culvert beneath the railway line and this will be exposed and maintained by this development to the advantage of all respective riparian owners.
- The attenuation is designed in part as a swale/pond which should remain in private hands and an appropriate maintenance schedule needs to be made and explained by the applicant.

EA

Consulted - views received

- No objection subject to Conditions.
- A small part of the south west area of the site (adjacent to the railway line) is shown to be located within Flood Zones 2 and 3 (Medium and High Probability) of an ordinary watercourse, based on our 'indicative' Flood Zone Map. This is illustrated in Figure 4 of the Flood Risk Assessment (FRA) undertaken by RSK Group PLC (Project No. 251014-04 (00), dated June 2010).
- Our Flood Zone Map appears to be inaccurate in this location for this ordinary watercourse (to the north of the site, entering into culvert under St Godwald's Road). However it has been

produced from a national, generalised mapping technique, which does not take into account the impacts of structures such as culverts. In addition, there is an ordinary watercourse running along the southern boundary of the site, which does not have a floodplain associated with it due to its catchment size (<3km²).

Flood Risk Assessment (FRA)

- We are satisfied with the FRA, in line with Planning Policy Statement (PPS) 25 'Development and Flood Risk'. Section 4 of the FRA has assessed flood risk to the site by modelling the two ordinary watercourses and in considering other forms of flooding. Climate change and blockage scenarios of the culvert under the railway line downstream have also been considered. The FRA concludes that the site is effectively located within Flood Zone 1 (Low Probability).
- Whilst the FRA has concluded that the 1 in 1000 year flow on the ordinary watercourse along the southern boundary of the site is contained within the bank, it also confirms that residential properties will not be built on land which is 500mm or less above the top of bank level. In addition, we note that finished floor levels will be set 800mm above the top of bank level in considering residual risks. We are satisfied that this will protect the development from extreme flood events, in addition to providing a green river corridor (marked as a wildflower meadow in the Design and Access Statement), and access to the watercourse to undertake maintenance works on the channel. Your Land Drainage Officer should be consulted, as the watercourse is classified as an 'ordinary watercourse' under your Council's jurisdiction.

Surface Water Drainage

- We are satisfied, in principle, with the surface water drainage strategy proposed in Section 5 of the FRA. Sustainable drainage (SuDS) in the form of an attenuation pond has been proposed to maintain greenfield run-off rates post development, including an allowance for climate change of 30% on peak rainfall intensity, in line with Table B2 of PPS25. Given the size of the site, we would expect that swales, infiltration trenches and permeable paving, recommended in Section 5.4 of the FRA, are also incorporated into the drainage strategy. The storage volumes of the pond seem reasonable given the size of the development and increase in impermeable area proposed. We acknowledge that the use of shallow soakaways will not be possible at this location given the clay content of the soils, described in the Initial Ground Investigation and Soakaway Report (dated June 2010, Ref: 251014-02 (00)). Consideration should be given to maintenance and adoption requirements, (including SuDS features) and you may seek clarification on this matter. I attach a copy of our West Area FRA guidance note for development over 1ha within Flood Zone 1, which contains further information for your consideration, in consultation with your Land Drainage Officer.

Contaminated Land

- I refer to the three June 2010 reports submitted with the application titled: 'Phase 1 Geo-environmental Report' (ref. 251014-01 (00)), 'Geo-environmental Summary Report' (ref. 251114-01 (01)) and 'Initial Ground Investigation and Soakaway Report' (ref. 251014-02 (00)) by RSK Group PLC. We have reviewed the reports and have the following comments to make in relation to controlled waters:
- This site is particularly sensitive to any groundwater issues as it is situated on the Bromsgrove Sandstone Formation, which is Principal aquifer, and within Source Protection Zone 2 (900m from the Sugarbrook public water supply borehole). An ordinary watercourse also runs along the southern edge of the site.
- We note that the exploratory investigation undertaken was targeted, with areas of expected source contamination being concentrated upon by a higher density of intrusive investigation. We are satisfied that the work included both shallow and deeper sampling to enable a conceptual model to be established and to assess the risk more confidently.
- Across the site there appears to be less contamination than would have been expected in the areas of the former gasometer and railway sidings. However, we consider the investigation and geochemical analysis was comprehensive enough to address the historic use.
- Of most concern to groundwater would be Area D, based on the soil analysis results. The investigation was restricted back to 4 boreholes for groundwater sampling across the site, which meant not having a groundwater sample location in Area D. Having said this, the soil results are not elevated to an extent that would warrant a borehole to be drilled for groundwater quality in this area. In addition, further work has been proposed to delineate the lead hotspots within this vicinity, which will ultimately progress to a strategy outlining remedial options.
- We are satisfied with the current recommendations made within the report and await the submission of results from the hot spot delineation and a detailed Remediation Method Statement.

Foul Drainage

- We note that the applicant has discussed a connection to the mains foul sewer with Severn Trent Water Ltd, which is the preferred most sustainable option in line with Planning Circular 3/99 - 'Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development'.
- The Utilities and Drainage Report submitted with the application details a preferred option of connecting to mains, subject to the applicant commissioning a detailed survey of the existing infrastructure. In relation to environmental capacity, Severn Trent Water Ltd should confirm that there is sufficient capacity at the sewage treatment works i.e. that they can accept the flow from this new development and remain within the limits of their

discharge consent, in considering impacts on water quality and the Water Framework Directive.

- We would highlight that the site is identified as requiring a minor infrastructure improvement for capacity of waste water infrastructure, in your Council's joint Water Cycle Study with Redditch Borough Council, undertaken by Royal Haskoning (dated January 2009). Your Council has appointed MWH Ltd to undertake a more detailed Water Cycle Study for Bromsgrove and Redditch, which is currently being drafted.
- The above in consultation with Severn Trent Water Ltd, will further inform costs and timing of development.

EHM: Noise

Consulted - views received 25.11.2010:

- No objection
- Due to the night-time noise levels at position 4 being so close to the NEC B/C boundary I would recommend that to ensure appropriate internal noise levels in this area, mitigation measures, as agreed with the LPA, are put in place in the form of acoustic glazing and ventilation.
- This will also apply to any residential buildings with windows at 2nd floor or greater height with a direct line of sight to the railway over the bund.
- Due to predicted ground-floor day time railway noise levels in area 5 (southern part of the site) being above 55dB I would recommend that noise barriers should be used to protect garden areas in this area. The barriers shall be of a continuous construction with a density per unit area greater than or equal to at least 10kg/m² and shall block the line of site between the gardens and the railway.

EHM:
Air Quality

Consulted - views received 25.11.2010:

- No objection
- Although I agree that the impact on Air Quality in the immediate area surrounding the development will not be significant, because over 50% of residents in Bromsgrove work outside the District there would be an increase in the number of vehicles passing through two of the district Air Quality Management Areas therefore having an adverse impact on Air Quality in the District.
- Although this impact has not been assessed in the Air Quality report I would request that 106 agreement funding is agreed to help put measures in place to improve Air Quality in the district. I would also recommend that in order to facilitate the use of electric vehicles and thereby improving Air Quality across the district, electric vehicle charging points are installed into communal parking areas.

Urban Designer

Consulted - views received 01.11.2010:

Site Planning

- The site is a peculiar shape, with two developable parts joined by a thin strip of land. The site planning adopted, of two separate developments, accessed separately from either end of

Rutherford Road, and joined only by a pedestrian footpath, seems sensible.

Layout

- The Design and Access Statement seems to be stronger on landscape strategy associated matters than on built form. In the indicative Masterplan, the layout of the proposed housing is quite complicated, and it is difficult to identify a consistent principle which has determined the layout.
- One particular part where it is difficult to identify how the layout works is the terrace adjacent to the railway. Elsewhere there are some instances of fronts facing backs, and of back gardens addressing public space. These should not happen.
- Some back-to-back dimensions appear very small, although as there is no drawn scale on the Masterplan, it is difficult to quantify.
- Houses turn their back towards St Godwald's Road, even though there are fronts of existing houses immediately on the opposite side of the road. It is not clear why.

Built Form

- The aspirations for building design suggested by the Design and Access Statement are disappointingly modest. The Indicative Visuals show rather characterless streets and houses, with very little sense of street enclosure, and unsatisfactory-looking open areas of grass at back of pavement.
- In section 6.5, local vernacular is cited as a determining influence, but the photographic illustrations unconvincingly show not vernacular but poor quality modern pastiche.
- Section 6.4 states that the adjacent development at Rutherford Road has informed the proposed layout and house types, in order to "promote a high level of integration". But the adjacent development is an old-fashioned suburban pre-Manual for Streets layout with much SLOAP (space left over after planning). The houses have some nicest populist detailing, and the development is tidy and well maintained, but it is not an appropriate model for a new development in 2010.
- The appropriate policy should not be to integrate new development with a poor quality layout by matching it, but to build something better and more up-to-date
- Section 6.7 illustrates some schematic cross-sections, although it is not clear why those particular locations were chosen. However, there are no street sections illustrated. These would be useful in order to focus attention on street enclosure.

Density

- The stated density of 29 dwellings per hectare, considering the awkward geometry of the site, appears just about acceptable.

Sustainable Design

- Sustainable drainage is proposed, although the indicative Masterplan has no information on how it would be integrated into the layout of green space.

- There is however, no mention of passive or active solar energy collection. With an extensive south-facing boundary, this could be a major factor in determining the layout of houses.

Trees

- Even though trees are to be retained around the perimeter of the development, and new trees planted, there is considerable tree loss proposed within the site, which is regrettable.
- In particular there are two existing large oak trees immediately beyond the south-western end of Rutherford Road.
- The tree survey in the Landscape Supporting Statement classified one of them as of high quality and value, but contradictorily proposes that be felled irrespective of development proposals.
- The large concentration of trees in the north-eastern half of the site has not even been surveyed, but this has also been categorised as to be felled irrespective of development proposals.
- These decisions appear to be expedient and there should be a greater emphasis on incorporating existing mature trees within the development

Summary

- The site has a high potential, but in order to realise this potential, aspirations must be raised.
- It is not enough to emulate the unremarkable housing development adjoining the site; there must be something considerably better.
- The basic principles of site planning are appropriate, but layout and housing form could be improved significantly, in order to create a development of greater distinction and quality.

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 6 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 9 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 10 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 19 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 29 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.

- In the published version of the SHLAA (April 2009) this site was discounted because officers had concerns that there wasn't a defensible Green Belt boundary to the south of the site and this could therefore lead to sprawl into the wider Green Belt. However, since this time further information has been submitted to the Council highlighting the low lying nature of the site and the potential for a landscaping scheme that minimises the wider impact of the development as well as creating a defensible Green Belt boundary. The leisure uses directly to the south of site also limits the ability for expansion into the wider Green Belt. The next version of the SHLAA is due to be published in early 2011 and it is expected that the site will be included in this version. Whilst the main purpose of the SHLAA is to inform the plan-making process the updated version will 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. The Draft Core Strategy has a number of objectives that includes maximising affordable housing delivery and building primarily two and three bedroom properties that meet local needs. The applicant proposes that 88% (187 of 212 units) of the scheme will be 3 bedroom units or smaller which will help achieve the council aim of building a range of smaller units. In addition 35% of the scheme is proposed to be affordable housing which will make a significant contribution to provision in Bromsgrove where need is high. It would appear that the proposal is in general conformity with the Council's emerging Draft Core Strategy.
- 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
Open Space

Consulted - views received 01.12.2010:

- As the proposal is for 212 units SPG11 should be applied. The applicant proposes that all of the open space provided on-site will be controlled by a management company and therefore no on-site maintenance costs will be required.
- Based on the indicative layout, the minimum play space requirement is 18,884m². The scheme proposes that 16,515m² of open space will be provided on site including a LEAP and a LAP which are well located within the scheme to not only benefit residents of the proposed development also those currently living on the existing Rutherford Road estate.
- The onsite provision of 16,515m² leaves a deficit of 2,369m². The Council's PPG17 study highlights that there is currently sufficient provision of children's play facilities in the ward of Charford which is adjacent to the site meaning that additional off-site provision could not reasonably be justified.
- However, there are play facilities within the local area that of a low quality and require significant investment to improve and maintain. Most relevant is Aston Fields Recreation Ground which includes sports pitches and a limited range of play equipment which is within walking distance of the application site.
- To enable the upgrade and continued maintenance of facilities at Aston Fields Recreation Ground, a contribution of £94,760 would enable an upgrade of facilities at Aston Fields Recreation Ground and sufficiently address the shortfall of provision on the application site.

Head of Leisure
Services

Consulted - views received 18.10.2010:

- The Scheme shows improved provision of green corridors and multi functioning green spaces through the site but need to ensure open vistas and good surveillance within neighbourhood and road accesses
- No vehicular access to the woodland walk area
- Management Company to maintain all the POS contribution and with no maintenance impact or responsibility for the Council, including trees, water, drains, habitat, pathways, hedges, benches, bins, fencing.
- Open Space contribution in line with SPG11
- PPG 17 identifies where existing levels of children's play is sufficient the priority should be given to improving the quality of existing sites - therefore the off site contribution to be exploited to improve the quality provision of facilities within public open space in the local area.

Strategic Housing
Manager

Consulted - views received 12.11.2010:

- The above application presents an opportunity to achieve

delivery of affordable housing in the town area where both need and demand is strong. In discussions held with representatives of the applicants and development staff of BDHT in August 2010 I set out the requirements for affordable housing across a range of property types based upon an overall affordable housing provision (74 units) representing 35% of the total units being proposed (212).

- Within the affordable housing provision a 75% Social Rent 25% Intermediate housing split was required to reflect the needs arising as a result of the economic downturn and credit crisis that reduced the ability of housing applicants to access shared ownership tenure.
- At the time of the discussions, a table of affordable housing units across 8 property types covering 1, 2, 3 and 4 bedroom units (including bungalows) was agreed as the basis of the affordable housing on site provision to provide for a range of needs from single people and older persons through to families with tenure options that reflect the various levels of affordability of applicants.

Worcestershire
County Council
Landscape
Officer

Consulted 21.10.2010: views awaited

Natural England

Consulted - views received 02.11.2010:

Design, in relation to ecology

- We note that the proposed woodland walk is located on what is currently grassland, whilst the existing orchard/woodland area is being lost. The orchard is arguably one of the more important ecological features of the site, and is noted as having large numbers of trees with bat roost potential. We are also led to understand that, contrary to the ecological reports supplied, there is the potential for dormice to be on site. We strongly urge the retention of this habitat.
- We welcome the consideration of landscape and the recognition of the importance of the relationship between the proposed development and the wider countryside. We support the proposed maintenance and enhancement of the site's green boundaries, particularly the corridor adjacent to the southern watercourse and the inclusion of SuDS. We would be interested to know what proportion of the site would be 'green' and how this fit with the district and county's green infrastructure aspirations for strategic urban extensions.
- If the Council deemed the location appropriate, we would welcome a more distinctive development. Good design principles do not require new developments to replicate neighbouring properties, nor do they seek to stifle innovation.

Protected Species

- The application site is home to numerous habitats and species of interest. To help the applicants comply with the law and planning policy and the Council to fulfil its duties under the Habitat

Regulations and the NERC Act (see annex), we recommend the inclusion of a detailed biodiversity mitigation and enhancement strategy in the full application. This should be secured by condition.

Great crested newts

- The mitigation/enhancement strategy should include information on the translocation receptor site, the delivery of enhancement including through the design of the SuDS and the five year monitoring and management scheme recommended in this application's supporting information.

Bats

- Trees with identified bat roost potential which would be impacted by the development must be subject to further bat surveys. If bats are found, an EPS licence will be required. We recommend the retention of the boundary features and the use of low-spill, directional lighting, with the aim of maintaining the boundaries as dark corridors for use by commuting/foraging bats. On-site planting should include night-scented plants, which attract insects for bats to feed upon. We would welcome the inclusion of bat boxes and other artificial roosting opportunities. The example site design would result in the loss of the orchard/woodland, which includes large numbers of trees with roosting potential. We recommend the retention of this habitat.

Dormice

- We understand that the Council's Tree Officer considers the site to be suitable for dormice. This opinion contradicts that set out in paragraphs 4.5.4 and 5.2.4 of the Ecological Baseline Report. Dormice are a European Protected Species. When dealing with cases where a European Protected Species may be affected, the Local Planning Authority (LPA) is a competent authority within the meaning of regulation 6 of the Habitats Regulations, and therefore has a statutory duty under regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions. We therefore advise that the Council gives this careful consideration, and seeks additional expert information if necessary.

Invertebrates

- We recommend undertaking invertebrate surveys, with particular regard to BAP species such as noble chafer. The Noble chafer is included in the Natural Environment and Rural Communities Act 2006 Section 41 list of habitats and species of principle importance, to which the Council should refer in regard to its biodiversity duty. Please see annex for further information.

Other species

- Mitigation/enhancement for slow worm should be specified. We note the requirement for a badger licence.

Additional views received 10.12.2010:

- I am writing in relation to your request for our advice on the Phase Two Ecological Survey report dated November 2010 submitted on behalf of the applicants by RSK.

- Natural England notes the content of the Phase Two report (November 2010). While we note RSK's general intentions with respect to mitigation and enhancement for the range of protected species on and/or potentially affected by development of this application site, Natural England believes the report requires additional work in the following important respects:
 - **Mitigation & compensation principles**

The report is confusing. It refers in some instances to specific mitigation measures while at other times stating that the mitigation and enhancement plans for the site in respect of biodiversity have yet to be completed. On balance it would seem only an outline mitigation strategy is being offered. We do not feel this is adequate for the reasons set out below.
 - **Habitat Regulations Assessment**

Natural England is concerned to note that RSK's comments on potential mitigation and compensation are not part of their brief. This implies that the applicant does not fully appreciate the need to integrate the needs of biodiversity into the development (if approved) consistent with government planning guidance e.g. PPS9 Biodiversity & Geological Conservation. RSK's report refers clearly to the European Protected Species status of some of the species surveyed (bats, otter and great crested newt - and see below regarding dormouse). However the subsequent references to the outline nature of the mitigation strategy cast doubt over the adequacy of this report in terms of the Council adequately considering the three derogation tests under the Habitats Regulations. The Council needs to satisfy itself that adequate information on European Protected Species is submitted (NB below re dormouse).
 - **Omissions**

The report makes no mention of dormouse, a European Protected Species. We acknowledge the statement in the original (July 2010) Phase Two report and the subsequent letter from J. Turner dated 11 November 2010 setting out RSK's views on this subject. Nevertheless from subsequent dialogue with the district council's Tree & Landscape Officer it would seem reasonable that survey for this species is carried out.

Adequate information is key here. We acknowledge the lack of historic records for the species in the locality but under-recording of the species means that this does not equate to 'absence'. In cases such as this a judgement call is needed and local knowledge is therefore of key importance. We propose that the council and RSK (for the applicants) meet to set out the reasons for needing a dormouse survey and agree suitable survey measures based on our guidance. Natural England may be able to attend such a meeting if this

would help progress. The agreed survey information then needs to be submitted to the Council

We advise that in Natural England's opinion the overarching mitigation and compensation scheme design for this development cannot be finalised until this work has been completed and its findings integrated with the ecological survey work and conclusions drawn so far.

- **Mitigation and compensation specifics**

Specific items of mitigation and proposed compensation such as the sustainable drainage systems's (SuDS) role in great crested newt conservation need further consideration. SuDs are not normally designed with the needs of biodiversity uppermost and careful design work would be needed to devise a SUDs scheme that integrates the needs of the developed site with the specific ecological needs of a species such as great crested newt.

- In conclusion, based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission (or defer your decision) on the grounds that:
 - the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species (dormouse).
 - That until survey information on dormouse has been scoped, carried out and the results considered, the application site's mitigation and compensation strategy cannot be satisfactorily concluded.

Additional views received 26.01.2011:

- This letter follows on from our objection letter dated 8 December 2010.
- Since our objection was submitted email and telephone dialogue with the applicant's consultant ecologists RSK, and Bromsgrove's Tree & Landscape Officer has taken place on the subject of dormouse. A meeting was held on 20 January 2011 between the applicants' agent, RSK, Natural England and representatives of Bromsgrove District Council.
- As a result of the meeting Natural England is satisfied that adequate survey effort has been demonstrated in respect of dormouse. This is based on 'nut search' survey work carried out by RSK during December 2010 and January 2011 using methods set out in national guidance for this species. Natural England therefore withdraws its objection in relation to inadequate protected species survey information.
- In order to deliver adequate biodiversity safeguards as part of any subsequent development we advise that a suitable Nature Conservation Management Plan should be devised and implemented, preferably by means of a suitably worded planning condition. This plan should address the findings in RSK's reports

thus far and Natural England's letter dated October 2010 (ref: SO96/8999 (Case 2816)) recommending retention of habitats on the site.

WWT

Consulted - views received 18.11.2010:

- Given that this application is in outline only we do not wish to object to the principle of development here. However we would absolutely agree with the comments made by Natural England and others in relation to the layout of the site. In particular we echo NE's position with respect to the wooded area and we would recommend that the application be amended to seek the retention of existing habitat features wherever possible. Clearly the management of the derelict orchard has been sub-optimal but that does not alter the fact that there is biodiversity interest inherent in this part of the site and that it should be accommodated within the new development.
- We note the comments made by RSK in relation to the retention and enhancement of boundary features and their expansion to act as corridors into the wider landscape. We welcome this approach and would endorse it as a key part of the site design.
- We do not wish to add to the debate about protected species and we will defer to Natural England's position on this aspect of the development.
- We would however suggest that the proposed mitigation for invertebrates be improved. The use of log piles as described would not be suitable for Noble Chafer or other saproxylic invertebrates that have similar specific requirements. Accordingly we would suggest that further work be done to determine necessary mitigation and that a method statement for any fruit tree removal be covered by a condition should you be otherwise minded to grant approval. We would be pleased to discuss this issue further with the applicants in due course and we would welcome the chance to be engaged in wider discussions regarding a more suitable landscape layout if possible.

Tree Officer

Consulted - views received 25.01.2010:

- No objection subject to Conditions
- The current application is understood to be outline only with all matters reserved with the exception of the access point of the proposed development off Rutherford Road.
- In principle, I have no objection to the principle of development on this site as there would appear to be sufficient access across the site to create a good quality development which either retains and enhances the significant tree, woodland and landscape features identified above or provides suitable quantity and quality of mitigation to result in increased amenity, biodiversity and landscape values.

Contaminated
Land Officer

Consulted - views received 09.11.2010:

- Please be aware that the comments below relate solely to human health risk assessment.

- The application form has been filled out incorrectly with regard to Section 14: Existing Use. The submitted reports have identified some localised lead contamination that requires further delineation and remediation. In addition the proposed end use of the site is one which is considered to be particularly vulnerable to the presence of any contamination.
- The submitted reports represent appropriate site investigation and risk assessment carried out in accordance with current best practice and guidance. I am in agreement with the conclusions drawn and recommendations made with regard to the delineation and remediation of the identified lead hotspots.
- As stated in RSK Geoenvironmental Summary Report should detailed proposals for the site involve alterations to site levels as part of the development the risk assessment **must** be revisited at an early stage to ensure that the recommendations made remain appropriate. As concluded by RSK any reduction in site levels may result in contaminants being nearer to the surface and therefore potentially increasing the risks to human health.

WCC(CA)

Consulted - views received 21.10.2010:

- No objection
- No archaeological mitigation required

West Mercia
Constabulary

Consulted - views received 25.10.2010:

- No objection
- I have concerns in relation to the layout and feel alterations should be made to ensure the numerous escape routes are removed
- I am interested to see the finer details of the footpath and the play area linking the two halves of the development

Community
Safety

Consulted 12.10.2010: views awaited

Climate Change
Officer

Consulted 12.10.2010: views awaited

Ramblers'
Association

Consulted - views received 03.11.2010:

- Takes issue with the need for the development
- The position of the development is undesirable, both in itself and in its effect on the surrounding area.
- Loss of Green Belt
- Traffic issues
- The situation for walkers and cyclists will clearly be made worse at least a doubling of traffic on the first section of St Godwald's Lane

Consulted - views received 21.12.2010:

- In my letter of 2 November, I was unable to comment specifically on the footpath on the south side of the proposed development as it was not clear whether the footpath would be affected by the development or be on the periphery.
- I believe that what is being considered is a northward diversion into the estate, in which sections of the footpath would be incorporated into estate roads

- In general the Rambler's Association is very much opposed to such treatment of Public Rights of Way and regard that as a last resort. In this case there can scarcely be no alternative, since the footpath would appear to skirt the periphery of the development. If this is so, the obvious solution, if there is a problem, would be to divert the footpath to the periphery to some degree as a rural footpath. Links to new footpaths and cul-de-sacs within the estate would be welcome addition of course, and give access for residents to the network of footpaths and lanes nearby
- Whilst we remain opposed to the development, we would not oppose a diversion along the lines indicated above.
- Should a proposal to divert the footpath be made, it is likely that we should object to a TPCA Order of that nature, since there would be no necessity for such a design to be selected.

Worcestershire
County Council
Public Rights of
Way

Consulted - views received 28.10.2010:

- The proposal is adjacent to and affects public rights of way as recorded on the Definitive Map. The public rights of way include Bromsgrove Footpath 509 and Bridleway 507, Finstall Footpaths 505 and 508 and Stoke Prior Footpaths 531 and 532
- I have noted that the application form states that the proposal requires diversion/extinguishment/creation of public rights of way. If it is necessary to divert or stop up public rights of way in order for a permitted development to take place, this should be completed to confirmation stage before any development affecting the right of way is started
- Such diversions are normally carried out under the Town and Country Planning Act. Applications should be made to the Planning Authority who will consult this department
- I have noted that the applicant proposes a dedicated pedestrian and cycle link and look forward to further consultation and to seeing further details of the proposal in the full application

Network Rail

Consulted - views received 14.10.2010:

- 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.
- Catchment area schools are Charford First School, Aston Fields Middle School and South Bromsgrove High School. Although there is pressure on first schools in south Bromsgrove, Charford First school is not full and would have spaces for children generated by this development. For September 2010 intake we allocated 81 of their 90 spaces. A development of 212 dwellings would generate around 6 pupils per year group on our average pupil yield of 0.029 pupils per year group per dwelling. While numbers will remain tight, the school should be able to accommodate them. I note also that a few of the dwellings are

planned to be bungalows aimed at elderly residents so we would not expect these dwellings to generate any pupils. Fininstall First school is heavily oversubscribed but as this development is not in the catchment area for the school then it would not adversely affect the chances of children already living in the area.

- At middle school level neither Aston Fields Middle nor St John's CE Middle were oversubscribed for September 2010, although both remain popular. The numbers coming through their feeder first schools at present suggest that between the two schools there will be more than enough places for the next few years.
- South Bromsgrove High School remains extremely popular and oversubscribed but there are spaces in North Bromsgrove High school. Again numbers coming through the feeder schools suggest that there will be enough spaces when the two schools are taken together.
- The developer has agreed to pay £329,927 towards enhancing education facilities in the area. We have not yet looked at specific projects this might be spent on but we are investigating what options are available to alleviate the pressure on the first schools in the area

Bromsgrove Society

Views received 20.07.2010:

- Concern over impact on potential railway station opportunity
- Failure to make suitable adequate provision for access to the station plus space in which to park will lead to intending train passengers being forced to make their way to the station through built up areas, creating a nuisance to residents, whose parked vehicles will obstruct their journeys
- The land should thus be utilised for station parking

Additional views received 07.12.2010:

- The removal of ADR will return the land to Green Belt status
- Development of a site this size is unacceptable until a new structure is drawn up. The moratorium is withdrawn because a number of brownfield sites available for development deemed it no longer necessary
- The proposed development would have a serious impact on the existing infrastructure of the immediate area, particularly concerning shortage of school places, medical facilities, increased traffic volume and shortage of parking places at Bromsgrove Station
- There will also be a loss of trees and lead to further encroachment into the Green Belt if this development is allowed

CPRE

Views received 14.10.2010:

- This estate including Rutherford Road and a small amount of ribbon development along St Godwald's Road are the only developed areas of Bromsgrove town southeast of the railway.
- The village of Fininstall is of course also beyond the railway, but that is a separate settlement.
- To permit further development beyond the railway line would constitute a dangerous precedent.

- The lack of a clear landscape barrier, for development to end at, is a good reason for refusing the development of this land.
- If permitted there would be long term pressure to permit a further urban extension, at least to Lower Gambolds Lane, and possibly to the low ridge - further still on.
- The site is close to Bromsgrove Station. This means that it enjoys good transport links to enable residents to commute into Birmingham, Droitwich or Worcester. Normally the existence of good transport links would be advantage to a site. In this case it is not, for the ease of commuting is likely to mean that it would not provide housing for those working in Bromsgrove, but for commuters elsewhere. This would be another case of development leapfrogging over the Green Belt, something that has been an unacceptable consequence of the Green Belt system.
- The right platform for determining ADR site is at an Examination in Public of the Core Strategy. The Planning Committee can only take a subjective decision on this particular site.

Finstall Parish
Council
Publicity

Consulted 06.04.2011: views awaited.

37 letters sent 12.10.2010 (expire 02.11.2010)

6 identical site notices posted 20.10.2010 (expire 10.11.2010)

1 press notice published 22.10.2010 (expires 12.11.2010)

1 petition received 17.12.2010 containing **224** signatures with the following heading:

Hazelcroft Association: Please support us in our fight against the proposed development of 212 houses on the land adjacent to the former Wagon Works site off St Godwald's Road

1 letter received 15.11.2010 from Alliance Planning (acting on behalf of the Hazelcroft Association) including representations from Phil Jones Associates (Transport Planning Consultants) also acting on behalf of the Hazelcroft Association:

- Objection on the following grounds:

Housing need

- Planning permission for the proposed development at this stage would undermine the wider policy objectives for housing, and the emerging spatial vision

Prematurity

- Were the Council to grant planning permission at this time, it would represent an ad hoc decision, it could not properly address the merits of the release of this ADR when compared to others and for this reason we would strongly suggest that prematurity in advance of the Development Plan Review represents a strong basis as a reason for refusal.

Strategic direction

- It is considered that the restriction in paragraph 69 of PPS3, which deals with insuring that the proposed development is in line with the housing objectives and spatial vision for the area,

has not been met at the current time and accordingly a presumption in favour of development, established in paragraph 71 of PPS3, does not apply.

Sustainability

- A number of issues have been identified by Phil Jones Associates. They have identified a review of the submitted JMP Transport Assessment Report and have identified a number of issues which have not been fully considered and which are fundamental to the suitability of this location for further development.
- These include technical issues related to the link capacity of Stoke Road, absence of consideration to queue lengths around junctions modelled, reliance upon modal shift, reliance upon additional planting at Bromsgrove Station and the consequent impact upon peak hour trips and concerns that appropriate assumptions on trip distribution may not have been made.
- In addition we would emphasise their conclusions that the TA underestimates the walk distances to sustainable links. Even if the values quoted in the TA are taken at face value, they note that the site is beyond the standard threshold walking distances for access to bus stops and existing local facilities.
- The peripheral nature of the development means that the conclusions drawn by the 2001 Inspector about sustainability, do not so readily transfer to this current application and it is argued that the sustainability advantages of the site are by no means so significant to outweigh other objections.
- Facilities such as school capacity, access to NHS doctors etc are more strained than ever
- The illustrative layout accompanying the application is incompatible with the TPO recently confirmed on the site.

1 letter received 24.11.2010 from Phil Jones Associates (acting on behalf of the Hazelcroft Association as highway consultants):

- Concern over the issue of the link capacity of Stoke Road, with particular reference to the sections of Stoke Road immediately to the west of this junction where on-street parking is permitted.
- The addition of development trips will worsen grid lock at peak times and will potentially have an adverse effect on bus journey times.

1 letter received 20.12.2010 from Alliance Planning (acting on behalf of the Hazelcroft Association):

The ADR Designation and Housing Delivery

- The applicant through their agent Framptons seeks to rely upon the 2001 Inspector's Report in identifying this site as "appropriate for development", whilst ignoring the fact that the same Inspector made it clear that the release of the site from ADR should only be countenanced through a review of the Local Plan

- The reason for this, is to enable the merits of the site to be judged against the merits of competing ADR sites, so as to determine which is the most appropriate and most sustainable for future housing growth.
- It is not the case that all ADR sites will automatically be released upon the identification of a housing need, and it is in this context that the UEF/Garrington works is wholly relevant because the granting of planning permission at Garringtons has presented a changed circumstance, material to the Inspector's 2001 reasoning as to why the identification of the application site as ADR was appropriate (i.e. it specifically addressed a geographic imbalance in housing distribution)

The Core Strategy and Prematurity

- The ADR site should only be released in the context of a comprehensive policy review. This is not just the view of Alliance Planning; it was the view of the 2001 Local Plan Inspector

Highway Issues

- Concerns about on-street parking and their effect on link capacity are valid
- JMP have failed to adequately address the effect that additional traffic from the proposed development will have on the local road network

1 letter received 01.02.2011 from Alliance Planning (acting on behalf of the Hazelcroft Association):

- There is a sound policy basis on which to reject the proposals.
- Draft Core Strategy 2, which was published in January 2011 for the purposes of public consultation, supports the release of the land adjacent to the former Wagon Works Site for housing through Core Policy 4B. This represents a change on the Council's previously stated long-term aspirations for the site.
- The release of this site from the ADR status was originally discounted because Officers has concerns that there wasn't a defensible Green Belt boundary to the south, and this could potentially lead to sprawl into the wider Green Belt.
- This was stated in the SHLAA (2009)
- PPG2 states that well defined boundaries are created from more permanent features such as transport corridors, waterways and thick, densely planted areas. This does not include leisure uses that are susceptible to change.
- The submission of information in respect of the low lying nature of the land and screening proposals does not alleviate these development pressures.
- The Council were aware of the low lying nature of the land at the time that the ADR site was discounted in 2009 and the planting proposals associated with Planning Application 10/0953 will not provide the well defined boundary that this part of the Green Belt is lacking.

- This will essentially be a relatively narrow layer of planting that differs quantitatively from a well defined boundary as defined in paragraph 2.9 of PPG2.
- Moreover if the mere promise to establish new planting was a legitimate reason for establishing new Green Belt boundaries, then it would be an argument played out across the District and throughout the country all too often.
- It would defeat the objective of permanence sought by PPG2 and is why PPG2 looks to readily recognisable features on the ground, not the promise of them in the future.
- The leisure uses that are now seen to be instrumental in limiting the spread of development were present when the site was discounted in 2009 and the Council expressed concerns over development pressure associated with developing the ADR site. The current strategy is in conflict with this previous statement and there has been no substantive change in circumstances to justify the change.
- It is considered that the proposal would represent a departure from national planning policy and the appropriate place to assess this ADR, remains a review of the Development Plan.
- Until such time as the comparative merits of the release of this site can be judged against the merits of competing ADR sites, it would be premature to grant planning permission.

1 letter received 14.02.2011 from Alliance Planning (acting on behalf of the Hazelcroft Association):

- The comments contained in the HA's objection letter reinforce our concerns relating to the prematurity of the proposals in the context of the emerging Bromsgrove Core Strategy.
- In light of the potential impacts, we maintain that the proper place to assess this ADR is following a comprehensive review of the Development Plan, where it may be judged against the merits of all competing ADR site
- It is noted that the applicant's consultants, JMP, hold the term consultancy commission HA Area 9, which includes Worcestershire. It is standard HA procedure to refer Transport Assessment Reports undertaken by consultants on behalf of developers to their own retained consultants. JMP cannot possibly audit a TA on behalf of the HA that was written by themselves.
- Concern raised over traffic capacity issues relating to M42 Junction 1, M5 Junction 4a, M5 Junction 5 and the overall local highway agency network.

2 letters **supporting** the scheme on the following grounds:

- Affordable element is welcomed
- The drain on current infrastructure is exaggerated as it is assumed that the new houses will attract people from outside the area

144 letters **objecting** to the scheme on the following principal grounds:

- Objection in principle to the ADR status of the site
- The site should be reverted back to Green Belt status
- No defensible boundaries which will prevent future sprawl into the Green Belt in the future
- Further erosion of the rural boundary
- Destruction of natural vista
- Extension of urban sprawl
- Development will remove any buffer with the Green Belt. The only significant boundary south of the railway line is the Worcester Birmingham Canal with a large tranche of agricultural land between. If the application is approved, this will put pressure on this area in the future to be released for development and encourage further erosion of its protected rural status until this natural boundary is reached.
- Following the recent development of the Oakalls estate, the former Garringtons site and numerous smaller developments around the area, south-eastern Bromsgrove has become extremely crowded and this development will do nothing to ease the situation

- The development is disproportionately large in relation to the amount of land available
- The intensive nature of the of the development and the mix of dwelling type in such a small rural setting will seriously compromise the character and appearance of the locality significantly changing its demography and nature
- Destruction of the current village style atmosphere of Aston Fields with its diverse shops, public houses and its tight knit community
- The development is disproportionately large in relation to the amount of land available
- Detrimental effect on the local environment

- Unsustainable location
- Vacant properties are available in the immediate area and there is no local demand for increased housing development

- Existing infrastructure cannot cope with the volume of traffic
- Traffic volume and congestion, exacerbated by commuter parking for the Train Station
- Conflict between vehicles and pedestrians
- Poor transport and infrastructure linkage to Aston Fields and Bromsgrove
- St Godwald's is very narrow in part, especially where cars are parked for use of the station, and a further 200-400 cars using it will make the situation extremely hazardous, especially at the junction with Finstall Road and the immediately adjoining station roundabout

- Access by emergency vehicles will be impeded
- Train station traffic and parking clash
- Rutherford Road will become a main thoroughfare which will create traffic hotspots and potential accident areas with young children that live on the estate
- Impact on footpaths
- Loss of wildlife and habitat
- Loss of trees and woodlands
- TPO should be made permanent
- Loss of established fruit trees in former allotment area
- Impact on protected species (bats, great crested newts, slow worms) and integrity of submitted reports
- Consideration should be given to the Council's obligations under the National Environment and Rural Communities (NERC) Act 2006
- Illumination of public footpaths and cyclepaths will have a negative impact on wildlife
- Loss of privacy
- Impact on amenity of the occupiers of existing dwellings
- Loss of shared drive and impact
- The unbalanced effects of low cost housing merging with a well established and maintained community would result in local disturbance through not only traffic, noise levels, and potential antisocial behaviour from the increase influx of people
- The potential for anti-social behaviour would go with low cost housing
- Light pollution from houses/streetlights/cars
- Prospect of lighting pollution for any additional security car park lighting
- Noise pollution from increased traffic
- Increase noise
- Increase air pollution
- Deterioration of air quality
- Disturbance of contaminated land
- Air-bourne and water-bourne contamination
- Concern over land ownership
- Impact of cricket balls from adjacent Cricket Club
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- 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 approximately 7.3 hectares approximately 2 kilometres to the south east of Bromsgrove Town Centre. The land consists of low grade agricultural land comprising open rough grassland with scrub planting and a strongly vegetated south-eastern boundary. The site is irregular in shape, wrapping around two sides of the existing Hazelcroft residential development. The site can be divided into two halves, with the northern and southern portions connected by a narrow section of land. There is some evidence of hedgerows dividing the site and a number of mature trees are located to the southern boundary. Several fences cross the site, arising from both the historical allotment garden use and the recently installed water main. The site was historically part of a railway wagon works in the late-nineteenth century, with the site relating to the peripheral uses of these works.

The site is relatively level with a minor rise in a south-easterly direction. A minor depression is located to the southern edge of the site.

The site is bounded to the north by the modern Hazelcroft residential development of approximately 150 units sited along Rutherford Road and Scaife Road. Beyond this development, and also forming part of the north-western boundary of the application site, is the railway line that currently serves the nearby Bromsgrove Station. Within the southern portion of the site, the railway runs parallel to the western boundary of the site, separated by an existing 4.5/5 metre high earth and vegetated embankment that runs to the majority of the north-western boundary. Beyond the southern and eastern boundaries, existing sports facilities (Bromsgrove Cricket, Hockey and Tennis Club), pitches and parking extend parallel to the site, separated from the site by the existing vegetated boundary. In the south-east corner of the site, a small watercourse runs to this boundary, together with mature tree and scrub cover.

The site contains no identifiable built form. A sewer and associated easement crosses the site north/south.

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 3b.

Proposals

This development relates to an outline application for the erection of up to 212 dwellings (Class C3), with associated open space and infrastructure, including a new vehicular access via Rutherford Road.

The submitted Design and Access Statement details the following main aspects of the application:

- Up to 212 new dwellings
- Predominantly houses but with a small element of flats and bungalows
- A mix of 1 bed, 2 bed, 3 bed and 4 bed properties incorporating terraced, semi-detached and detached units
- Affordable housing units
- Vehicular access to be taken from Rutherford Road
- Dedicated pedestrian and cycle links
- Public open space, including two equipped play areas
- Natural and woodland walks
- Structural landscaping
- Use of Sustainable Drainage Systems (SuDs)

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 Masterplan (revised December 2010) indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles and addresses the constraints of the site and the surrounding locality.

Access is to be determined at this stage with vehicular and pedestrian access obtained at the northern and southern ends of Rutherford Road, with these accesses serving the northern and southern aspect of the development. An additional emergency access point and cycle and pedestrian route is proposed mid-way along Rutherford Road. Pedestrian access that link to the existing public footpath network is also proposed to the eastern boundary.

Two equipped areas of play are proposed to the southern boundary of the site, with a landscape buffer to the perimeter of the site, including the boundary to the rear of the existing dwellings to Rutherford Road. A balancing pond is located to the south-west boundary. The watercourse is retained to the extreme southern boundary.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 29 dwellings per hectare. The anticipated mix indicates an emphasis on 2 and 3 bed dwellings:

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bedroom	41	19%
	3 bedroom	107	50%
	4 bedroom	25	12%
Bungalow	2 bedroom	14	7%
Flat	1 bedroom	15	7%
	2 bedroom	10	5%
Total		212	100%

The mix will vary through the development but will predominantly comprise two-storey and three-storey detached, semi-detached and terraced dwellings, in addition to bungalows and apartment units. The proposals will incorporate a broad range of property types between 1 and 4 bedrooms, with a predominance of 2/3 bedroom dwellings. The development will vary between 1 and 3 storeys in height, with clearly defined groups and blocks. 3-storey apartment blocks are proposed to be located parallel to the railway corridor. Car parking will be provided via a mix of garage/driveway spaces and parking courts/mews. A general standard of two parking spaces per property will be accommodated within the development.

Seventy-four affordable units are provided, which equates to a provision of 35% affordable housing made within the site. The mix of affordable homes is as follows:

Property Type	Rent	Intermediate
4 bedroom house	6	
3 bedroom terraced house	5	2
3 bedroom semi-detached house	6	7
3 bedroom detached house		8
2 bedroom terraced house	10	
2 bedroom bungalow	2	2
2 bedroom flat	8	3
1 bedroom flat	12	3
Total	49 (66%)	25 (34%)

The scheme proposes four areas of public open space equating to 1.6 hectares. These consist of:

Designation	Provision	Site Area	Location
LEAP	Equipped Flexible open grass space Specimen tree planting	0.27 hectares	South-Eastern Boundary
LAP	Equipped Small intimate green space Specimen tree planting	0.14 hectares	Eastern Boundary

Designation	Provision	Site Area	Location
Woodland Walk	Existing public footpath Existing trees retained Access to wider green space	0.45 hectares	Eastern Boundary
Wildlife Meadow	Ecological habitat Circular walking routes Connection to existing public network Wetland planting and feature water body	0.79 hectares	Southern Boundary

A sustainable open drainage system is being put in place to manage storm water run-off and rainwater harvesting technologies will be incorporated into the building designs to allow rainwater use within the proposed dwellings. Surface water from the proposed development will drain to the watercourses adjacent to the site. Suitable attenuation will also be provided through the use of a balancing pond to the southern boundary. In relation to foul drainage, the applicant's preferred option is to discharge into the adjacent network via the adopted sewers within Rutherford Road and Scaife Road which fall towards a pumping station on Scaife Road before discharging, via a rising main, to the adopted system in St Godwalds Road.

A Planning Statement, Design and Access Statement (including Masterplan), Planning Statement, Landscape and Visual Assessment, Transport Assessment (incorporating Residential Travel Plan), Flood Risk Assessment, Air Quality Assessment, Acoustic Assessment, Archaeological Assessment, Soakaway and Ground Monitoring Investigation, Ecological Survey, Phase 2 Environmental Study, Utility and Drainage Services Assessment, Energy and CO2 Report and Statement of Community Involvement 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	BROM5C, 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
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
- Public Right of Way 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 Finstall/Aston Fields). 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 BROM5C 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 17.6.6 that the site is a suitable ADR site "Concern has been expressed by some objectors that designation of BROM5C as an ADR would push development deeper into the countryside away from the heart of the settlement and the defensible boundary of the railway. I do not see this as a major concern. The land is fairly low-lying and reasonably well contained by mature hedgerows along its boundaries, affording limited visibility of the site from most locations. A

Landscape Protection Area has been defined embracing Finstall Park to the north and east, and linking through to rising ground at Upper Gambolds Farm to the south-east. Because that area is separated from BROM5C by recreational land uses and existing housing I do not believe its integrity would be compromised nor would the setting of Bromsgrove Town be harmed. While acknowledging the severance caused by the railway line, further development here would not in my view be poorly related to the prevailing urban form of the Town". The Inspector concludes that the site "is a suitable site for longer-term development and that exceptional circumstances exist for excluding the site from the confirmed Green Belt" (paragraph 17.6.10). Members will be aware that Policies DS8 and BROM5C 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 adjacent the Former Wagon Works 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.

In the published version of the SHLAA (April 2009) this site was discounted because Officers had concerns that there wasn't a defensible Green Belt boundary to the south of the site and this could therefore lead to sprawl into the wider Green Belt. However, since this time further information has been submitted to the Council highlighting the low lying nature of the site and the potential for a landscaping scheme that minimises the wider impact of the development as well as creating a defensible Green Belt boundary. The leisure uses directly to the south of site also limits the ability for expansion into the wider Green Belt. The next version of the SHLAA is due to be published in early 2011 and it is expected that the site will be included in this version. Whilst the main purpose of the SHLAA is to inform the plan-making process the updated version will highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The Bromsgrove Draft Core Strategy 2 (January 2011) 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 January 2009; 09/0518 approved 25 September 2009). I would also refer Members to the recent appeal decision at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378), whereby the Inspector placed weight on the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District.

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 BROM5C 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 3 bedroom units of smaller (88%) which will help achieve the Council aim of building a range of smaller units. In addition 35% of the scheme is proposed to be 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 thus begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

The site is located on the southern edge of Bromsgrove, approximately 2 kilometres from Bromsgrove Town Centre. A number of shops and services are located approximately 420 metres walking distance of the site in Aston Fields to the north. These facilities include a convenience store (incorporating a Post Office), hairdressers, turf accountant, florist, public house and take-away restaurants. The site is also located reasonably close to a wider range of services and facilities, including schools, employment opportunities and leisure facilities. The site also benefits from good public transport opportunities in the form of bus and train modes.

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 on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning

documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific Policy relating to design.

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

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

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

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

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

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 from Rutherford Road, Scaife Road, Clayton Drive and St Godwald's Road and the wider Green Belt landscape to the east and south.

The development has attempted to relate both visually and physically to the existing fabric of the Rutherford Road development. Whilst I accept that existing mature tree and hedgerows to the south and south-eastern boundaries create a strong defensible boundary to the site and the established treescape from the north-east and east provides a high degree of containment to the site, Members will note the vegetation screening associated with St Godwald's Road is less defined, thereby allowing glimpsed views of the rising topography within the site. Further views are afforded by the public footpaths that run to the eastern boundary of the site, creating a wider context of views. Views from Rutherford Road 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 be no material loss of an attractive landscape. This stance is reinforced by the Inspector Report (March 2002) whereby it was concluded "...The land is fairly low-lying and reasonably well contained by mature hedgerows along its boundaries, affording limited visibility of the site from most locations". These features would remain following development of the site, with enhancement created by additional planting. This would benefit both existing and future residents. As such I am of the view that the proposals can be accommodated without detriment to the Green Belt setting in compliance with paragraph 3.15 of PPG2.

The views of the Urban Designer are noted, with particular reference to the submitted Design and Access Statement. This document should set out a clear set of site planning and design principles based on analysis and good practice. The UD considers that much emphasis has been placed on landscape form, to the detriment of built form appraisal and consequently considers the aspirations for building design are disappointingly modest, with indicative visuals indicating rather characterless streets and houses, with very little sense of street enclosure, and unsatisfactory-looking open areas of grass at back of pavement. Section 6.4 states that the adjacent development at Rutherford Road has informed the proposed layout and house types, in order to "promote a high level of integration". However, the UD views the adjacent development as an old-fashioned suburban pre-Manual for Streets layout with much SLOAP (space left over after planning), and thus not an appropriate model for a new development in 2010. As such the UD is clear in suggesting that any development on this site should not be to integrate new development with a poor quality layout by matching it, but to build something better and more up-to-date. Given these circumstances, the UD concludes that that site has a high potential, but in order to realise this potential, aspirations must be raised in order to create a development of greater distinction and quality.

I have noted these views and the applicant has responded with a revised Masterplan addressing the points raised by the UD. I am satisfied that the site is able to comfortably accommodate up to 212 dwellings, with associated landscape and open space measures. However, as advocated by the UD, the design aims of the scheme need refining (with particular regard to sustainable and attractive layouts). Members will, of course, be aware that such matters are all Reserved Matters, with details for

illustrative purposes only. However, to provide some comfort to Members, the Design and Access Statement and the Masterplan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied. It is at this stage that the views of the UD can be utilised to shape the design context of such matters.

Density

The development provides a density of 29 dwellings per hectare based on the erection of 212 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 given the physical shape of the site.

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. The development also contains 4 bed dwellings, flatted accommodation and bungalows in response to the Strategic Housing Manager. Thirty affordable units are provided, which equates to a provision of 35% 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 Masterplan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably satisfied that any resultant development can be accommodated without detrimentally affecting the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

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

Traffic and Highway Implications

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

Members will be aware that third party representations have raised concern with regard to highway safety and traffic, with particular regard to egress in the wider locality (with particular regard to the junction of St Godwald's Road/Stoke Road to the north and egress matters created by existing on-street parking on St Godwald's Road), traffic congestion, the use of the existing access leading off Rutherford Road (located between 47/49/51 Rutherford Road and 53/55 Rutherford Road) and inadequate public transport provision.

The site is approximately 420 metres south of the B4184 Fininstall Road. The B4184 has single lane capacity in both directions. St Godwald's Road has a speed limit of 30mph. Further south past Rutherford Road, St Godwald's Road adopts the national speed limit (60mph). From the north of its junction with Rutherford Road, St Godwald's Road widens to approximately 6.8 metres. Unrestricted on-street parking is present. With regard to the strategic road network, Junction 1 of the M42 can be accessed 4.2 kilometres north of the site.

With regard to public transport opportunities, the nearest bus stop to the site is located approximately 500 metres from the site on Fininstall Road. This road is part of a bus route and stops for frequent services are located along here. Bus services 141, 142 and 143

run through Bromsgrove and provide connections to Droitwich Spa, Redditch and Birmingham (Smallbrook Queensway). The journey from Aston Fields to Droitwich Spa takes approximately 35 minutes, the journey to Birmingham takes approximately 90 minutes. Bromsgrove railway station is located 0.6 kilometres to the north of the site on New Road. The main railway company which operates this station is London Midland, which runs hourly services from Bromsgrove to London Paddington in approximately 3 hours. 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 includes means of access via two new access points from Rutherford Road, with each access serving the upper and lower half of the site. A third access point to Rutherford Road (located between 47/49/51 Rutherford Road and 53/55 Rutherford Road) is proposed to be utilised for pedestrian access (and emergency vehicular access) only. 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 engaged extensively with the applicant's Highway Consultant and have reached a satisfactory conclusion to matters. A full Transport Assessment has accompanied the application and two further supplementary documents dealing with highway matters were submitted in December 2010. 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. The initial objection raised by the Highways Agency has also been removed following additional information indicating no adverse impact on the strategic highway network.

The WH has raised no objection to the scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement to provide financial contributions towards:

- The redevelopment of Bromsgrove Railway Station
- To upgrade the existing bus stop on Fininstall Road to a Gold Standard
- To upgrade the existing bus stop on New Road to a Gold Standard
- To provide 2 new bus stops in Breme Park
- To provide improvements to public rights of way 508, 532 & 534 to the south of the site

For the reference of Members, monies towards the redevelopment of Bromsgrove Train Station will promote sustainable access and encourage alternatives to the private car. This will enable greater emphasis on the Station as a public transport interchange and go some way to achieving the guidance in PPG13 which places weight on providing strong public transport opportunities to encourage alternatives to car use. WH has requested a contribution of £318,000 for such measures. The applicant has agreed to this approach. All contributions for highway related measures are considered to comply with Circular 05/2005.

In addition to these works, the scheme also proposes a number of highway improvement works in the locality to be provided through a Section 278 Agreement. These relate to:

- (a) The removal of the mini-roundabout serving New Road/Stoke Road/Finstall Road and the installation of four way signalisation with associated improvement works
- (b) The re-alignment and improvement of the priority junction of St Godwald's Road and Finstall Road
- (c) Traffic Regulation Order (TRO) amendments, with specific reference to the removal of on-street parking to Stoke Road in the vicinity of the existing New Road/Stoke Road roundabout

The applicant will be directly required to undertake these works in line with requirements to be set out in the Section 106 Agreement and/or a specific Condition of any planning consent. Other works will be undertaken or otherwise organised by Worcestershire County Council, facilitated by a monetary contribution by the applicant.

Given the consideration of all highway related matters, including the views of third parties and the responses from Worcestershire Highways, the proposed highway improvement works and contributions to public transport measures, I am of the view that there would not be any material harm to the safety or free flow of traffic on St Godwald's Road and that there would be capacity within the existing network to cope with the development proposal, including Rutherford Road. The use of the existing access leading off Rutherford Road for walking and cycling opportunities, in addition to enhanced use of adjacent public right of way egresses adjoining the site would also promote sustainable transport choices for future residents, with particular reference to accessibility opportunities to Bromsgrove Station. This would also enable greater permeability.

Subject to the mitigation measures and enhancement to public transport measures, whilst being mindful of the views of WH, I consequently raise no objection to the scheme on highway grounds.

Landscaping and Tree Issues

The site and localised landscape context is classified as an area of Principal Settled Farmlands within the Worcestershire County Council's Landscape Character Assessment. Whilst the site is generally open, sections of overgrown field boundaries are evident across the site, particularly along the south eastern edge of the site.

There will be a degree of vegetation removal as a result of the proposals, predominantly within the northern portion of the site. Within the southern portion of the site, along the north eastern boundary, proposed rear gardens will face on to existing rear gardens with a suitable landscape buffer. To the north-west, parallel to the railway, gardens and communal spaces will back on to existing and enhanced planting, in addition to bunding associated with the railway corridor. This will improve privacy and noise attenuation for future occupiers. Within the northern portion of the site at the boundary with St Godwald's Road, rear gardens will back onto a reinforced boundary, implemented through structural native hedge planting and a continuation of existing tree cover bordering the highway.

Members will note the site is subject to confirmed Tree Preservation Order TPO (5) 2010 (November 2010). This comprises four main notable tree & woodland landscape features:

- (a) Tree and hedge line running along the eastern, southern and western boundary from St Godwald's Road to and including the railway embankment.
- (b) Woodland Orchard in the centre of the application site
- (c) Species-rich tree/hedgeline within the south-central area of the site
- (d) Individual standing mature trees

The Tree Officer has no objection to the principle of development on this site as there would appear to be sufficient access across the site to create a good quality development which either retains and enhances the significant tree, woodland and landscape features identified above or provides suitable quantity and quality of mitigation to result in increased amenity, biodiversity and landscape values.

The Tree Officer has, however, raised concerns over the loss of features (b), (c) and (d) listed above on the submitted Masterplan, with the resultant reduction in connectivity of the ecosystem network on the site and the impact on the habitats and species following the development works. The Tree Officer has also raised issue with the proximity of new dwellings on the Masterplan to boundary trees which will result in pressure to prune or fell such specimens. I have noted these views. I am, however, mindful of the Tree Officer raised no objection to the principle of development on this site and the illustrative status of the Masterplan. As such I am confident that the reservations expressed by the Tree Officer can be filtered into the Reserved Matters process in order to ensure such notable features remain integral to the final layout.

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

Open Space and Play Space

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

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

The Masterplan layout shows the provision of four areas of public space equating to 1.6 hectares. These consist of:

Designation	Provision	Site Area	Location
LEAP	Equipped Flexible open grass space Specimen tree planting	0.27 hectares	South-Eastern Boundary
LAP	Equipped Small intimate green space Specimen tree planting	0.14 hectares	Eastern Boundary
Woodland Walk	Existing public footpath Existing trees retained Access to wider green space	0.45 hectares	Eastern Boundary
Wildlife Meadow	Ecological habitat Circular walking routes Connection to existing public network Wetland planting and feature water body	0.79 hectares	Southern Boundary

This provision meets the space requirements of SPG11. The amended Masterplan increases the level of natural surveillance offered to these spaces, whilst avoiding the location of rear garden spaces directly backing onto such provision.

Ground Conditions, Flood Risk and Drainage Issues

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.

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

Members will also note the views of the EA. It is noted that a small part of the south-west area of the site (adjacent to the railway line) is shown to be located within Flood Zones 2 and 3 of an ordinary watercourse, based on the EA's indicative Flood Zone Map. The EA

comments that their own Flood Zone Map appears to be inaccurate in this location for this ordinary watercourse (to the north of the site, entering into the culvert under St Godwald's Road) and the national, generalised mapping technique producing such data does not take into account the impacts of structures such as culverts. In addition, there is an ordinary watercourse running along the southern boundary of the site, which does not have a floodplain associated with it due to its catchment size. In light of these circumstances the EA has raised no objection to the scheme on flooding issues.

In terms of drainage issues, Severn Trent Waters records indicate that a 375mm diameter surface water sewer crosses the southwest area of the site. This drains stormwater from the southern half of the adjacent development to the watercourse. It is intended that the stormwater drainage from the new development will drain to the watercourses adjacent to the site. The foul drainage on the adjacent development falls to a pumping station in Scaife Road, before discharging via a rising main to a gravity system in St Godwald's Road, on the opposite side of the railway bridge.

The Council's Drainage Engineer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

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 rough grassland that forms the majority of the site is species poor and is thus of limited value for nature conservation. However, several of the boundary hedges, tree lines and scrub are valuable ecological features that include a variety of mature trees and shrubs (with particular regard to the mature trees to the south-eastern boundary of the site). The orchard area and wooded stream are also ecologically valuable both as corridors for wildlife movement and habitat. 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.

Members will note the views of Natural England, whereby it is noted that the proposed woodland walk is located on what is currently grassland, whilst the existing orchard/woodland area is proposed to be lost. NE are of the view that the orchard is arguably one of the more important ecological features of the site, and is noted as having large numbers of trees with bat roost potential. NE welcomes the consideration of landscape and the recognition of the importance of the relationship between the proposed development and the wider countryside. The proposed maintenance and enhancement of the site's green boundaries, particularly the corridor adjacent to the southern watercourse and the inclusion of SuDS is noted.

In terms of bat activity, the submitted Ecology Surveys (with particular regard to the Phase 2 Ecology Survey) indicates that none of the trees scheduled for removal supported roosting bats during the 2010 survey season. Levels of bat activity on the site

have been recorded as low. 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). No definitive evidence of great crested newts has been recorded. However the rough grassland throughout the site is suitable terrestrial foraging habitat for great crested newts and there are old hay bales and wood piles which would provide good refuges for such species. No definitive badger activity has been noted. These species are therefore not currently considered to present a constraint to the scheme.

The majority of the site is suitable for reptiles and grass snake has been recorded in the locality. The grass snake is also a legally protected species.

The Ecological Baseline Report considered that in overall terms, the site is considered to be of low ecological value. The Report puts forward the following recommendations:

- (a) Retention of mature trees and shrubs wherever possible in boundary hedges and the orchard area. Wherever trees or shrubs are removed they should be replaced by planting appropriate native species.
- (b) Retaining some of the dense scrub associated with the hedgerows to maintain their ecological value as wildlife corridors and habitat for a range of species.
- (c) Protection of the wooded stream area throughout the development with a zoned exclusion zone during development.

Subject the ecological value of the site and the above recommendations, I am of the view that the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity.

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 western boundary of the site in a north/south direction. The railway line is considered the dominant noise source to affect the site. An earth bund of approximately 4.5/5 metres in height is located to the majority of the western boundary, with this bund containing dense screen planting.

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 can be dealt with through glazing specification and ventilation. This will apply to dwellings adjacent to the railway line to the southern aspect of the site and to those residential building with windows at second floor or greater height with a direct line of sight to the railway line over the existing bund. Due to the predicted ground-floor day

time railway noise levels in the southern section, the EHM has also recommended that noise barriers should be used to protect garden areas in this area.

Subject to such mitigation measures to be secure through appropriate Conditions, the EHM has raised no objection to the scheme on this issue.

Air Quality

Members will note the views of the EHM on this issue. The EHM is of the view that the increase in vehicles passing through two of the District's designated Air Quality Management Areas will lead to an adverse impact on Air Quality in the District. This reflects the views of WH whereby it is acknowledged that the development will impact on the wider highway network, including road junctions along the A38 corridor.

On this basis the EHM has requested that financial contributions are provided in order to help put mitigation measures in place to improve air quality in the District. The applicant has agreed to this request via a payment of £10,000 towards tree planting measures within the designated Stoke Heath Air Quality Management Area located in Redditch Road (AQMA2).

Archaeological Issues

The views of the County Archaeologist are noted. The WCC(CA) has raised no objection to the scheme.

Other Issues

Public Rights of Way

The proposal is adjacent to and affects Public Rights of Way as recorded on the Definitive Map. The Public Rights of Way include Bromsgrove Footpath 509, Fininstall Footpaths 505 and 509 and Stoke Prior Footpaths 531 and 532. The scheme encourages connection to the public footpath network to the eastern boundary, with the partial re-routing of Footpath 509 (located to the eastern boundary of the site) to facilitate this. A permeable link is retained through the site and the existing connection with footpath 505 is also retained, leading to wider connectivity with Footpath 531 and 531 leading and Bridleway 507 leading to Breme Park to the north and the canal network to the south.

Members will note the views of the Rambler's Association and the County Footpaths Officer on this issue. Although I note the reservations expressed by the RA, the County Footpaths Officer has raised no objection to the proposals to partially re-routing Footpath 509. If planning consent is granted the applicant would need to divert the footpath under the Town and Country Planning Act.

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its

area." Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

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

Members will note the views of the Crime Risk Manager. The application is submitted in outline and contains a Masterplan which is purely indicative at this stage. Concerns over access points and links can be addressed at the Reserved Matters stage. 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 Energy and CO² Report provides an indication of such measures, such as the use of solar hot water heating solutions and photovoltaic solutions. Further strategies can be employed to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

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

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as demographic change, parental choice and/or

with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in or surrounding Aston Fields.

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 Charford First School, Aston Fields Middle School and South Bromsgrove High School. Although there is pressure on first schools in south Bromsgrove, Charford First School is not full and this establishment would have spaces for children generated by the development. For September 2010 intake, WCC allocated 81 of their 90 spaces. A development of 212 dwellings would generate around 6 pupils per year group on our average pupil yield of 0.029 pupils per year group per dwelling. While numbers would remain tight, the school should be able to accommodate them. Finstall First School is heavily oversubscribed but as this development is not in the catchment area for the school then it would not adversely affect the chances of children already living in the area.

At Middle School level, neither Aston Fields Middle nor St John's CE Middle were oversubscribed for September 2010, although both remain popular. The numbers coming through their feeder first schools at present suggest that between the two schools there will be more than enough places for the next few years. South Bromsgrove High School remains extremely popular and oversubscribed but there are spaces in North Bromsgrove High school. Again numbers coming through the feeder schools suggest that there will be enough spaces when the two schools are taken together.

The developer has agreed to pay £329,927 towards enhancing education facilities in the area. It is envisaged these monies will be directed to solutions to alleviating the pressure on the first schools in the area.

Other Matters

Section 106 Agreement

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

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

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development

- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

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

Amount	Reason for contribution	Payable To
£94,760	Off site play space	Bromsgrove District Council
£10,000	Improvements to air quality in the Stoke Heath Air Quality Management Area	Bromsgrove District Council
£329,927	Enhancing education facilities in the area	Worcestershire County Council
£318,000	Contribution towards the redevelopment of Bromsgrove Railway Station	Worcestershire County Council
£10,000	To upgrade the existing bus stop on Fininstall Road to a Gold Standard shelter	Worcestershire County Council
£10,000	To upgrade the existing bus stop on New Road to a Gold Standard shelter	Worcestershire County Council
£20,000	To provide 2 new bus stops in Breme Park near the junction of Railway Walk and Bridge Road	Worcestershire County Council
£2,000	To provide improvements to Public Rights of Way 508, 532 and 534	Worcestershire County Council
Total £794,687		

Members will note the Agreement will also include the provision and securing of 74 affordable housing units.

It is considered that the level of contributions meet the Circular tests in that they are relevant to planning, are considered necessary to make the proposed development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale to the proposed development.

The applicant has agreed to this approach and the Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.

Conclusions

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

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 35% 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.**" (Council emphasis).

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

I am content that the site is able to support the erection of up to 212 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 landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is extremely sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of highway related concerns, Members will note WH have raised no objection to the scheme subject to suitable mitigation measures and financial contributions towards related works. Furthermore I am not in receipt of any technical objections to the scheme. 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, education provision, public transport enhancement measures, improvements to the local Public Right of Way network, air quality mitigation measures and the securing of 74 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon submission and completion.

A small wooded section of the site to the extreme south-western boundary has also been identified as falling within the Parish of Finstall. As a result, Finstall Parish Council has been consulted on the proposals and these views are currently awaited. Given these circumstances I am thus also seeking delegated powers to determine the application following the expiry of this consultation period on 20 April 2011.

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

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Play space provision
 - (b) Education provision
 - (c) Public transport enhancement measures
 - (d) Improvements to the local Public Right of Way network
 - (e) Air quality mitigation measures in the Stoke Heath Air Quality Management Area (AQMA2)And (f) the securing of 74 affordable housing units
- (ii) the expiration of the consultation period for Finstall Parish Council on 20 April 2011

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. J. Morris 'A'	Permanent erection of marquee, to replace temporary marquee - Grafton Manor Hotel, Grafton Lane, Bromsgrove, B61 7HA	Green Belt	10/1099-DK 29.11.2010

Councillor B. Lewis F.CMI 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: 25.02.2011. Response received: 14.03.2011. No objection to the grant of permission.
Dodford with Grafton PC	Consulted: 25.02.2011. Response received: 07.03.2011. No objection to the proposal which effectively has been in situ for a number of years.
Conservation Officer	Consulted: 25.02.2011. Response received: 09.03.2011. Grafton Manor is a large red brick property now in use as a hotel, and dates from the 16 th century with 19 th century alterations. The west elevation adjacent to the proposed marquee has ornate star shaped chimneys, and crowstepped gabled dormers, and has considerable architectural interest unfortunately undermined by the large PVC marquee currently obscuring the entire ground floor. Between 1995 and 2005 a series of temporary period consents were granted allowing a marquee to be erected from April to November each year, allowing full views of the rear elevation to be appreciated during the rest of the year. In 2005 a five year temporary permission was granted allowing a marquee to be erected until November 2010. During this period, in January 2008, consent was granted for a new two storey extension to the building to provide for more permanent event use and the pre-commencement conditions were discharged in April 2010. The permission for the extension was subject to a section 106 agreement which provided for repairs to the listed building in exchange for allowing new development in the green belt, as a form of enabling development. I understand that the construction of the extension is no longer commercially viable and that the applicant is willing to undertake a unilateral agreement to rescind the permission. The proposed replacement PVC marquee would be of a similar footprint to the existing rising to 3.9m at the highest point, however a permanent consent is requested rather than a further temporary permission. The existing marquee completely obscures the ground floor of the building and has a detrimental impact on the setting of the listed building, to allow this to continue on a permanent basis would therefore be contrary to policy HE10 of PPS5, section 6 of the PPS5 practice guide, the English Heritage draft guidance on setting of listed buildings and the 2010 English Heritage guidance on temporary structures in historic places. I would therefore recommend that only a temporary consent be allowed to ensure that the setting of the building is not permanently affected by a large plastic marquee in the grounds.

ENGHER

Consulted 25.02.2011. Response received: 29.03.2011.

English Heritage objects to this application on the grounds that siting a marquee permanently in this location will cause substantial harm to the setting and visible historic significance of the grade II* listed Grafton Manor.

English Heritage has fully supported this position in relation to Grafton Manor over the last decade, both by agreeing to the temporary positioning of a marquee to help sustain the business use and in encouraging the development of a permanent built replacement. Our position remains supportive of the principle of the current business use of these premises and its contribution both to the upkeep of the building and to the local economy but this must not be at the expense of their historic significance. Our position remains that we would wish to see a permanent replacement building erected if additional accommodation is required on a long term basis.

English Heritage recognises that in the current national economic climate trading conditions generally are difficult and we are fully aware from press coverage (and as indicated in the D&A Statement) that bank lending is not readily available. Although we would prefer to dispense with any marquees in close proximity to the listed house we are prepared to suggest the compromise that the applicant seek a further three year temporary consent for a marquee in this location in the anticipation that market conditions will improve and allow erection of the permitted extension.

We offer no comment on permanent marquees erected at other historic premises (as cited in the supporting documentation) as the circumstances will differ from site to site and we have no knowledge of the context in which they have been permitted.

Recommendation

English Heritage recommends that your Council refuse planning permission for the erection of a permanent marquee at Grafton Manor. We suggest that you consider allowing the applicant to seek a further temporary consent for 3 years for the existing marquee in recognition of current difficult trading conditions nationally. We suggest that a clear advisory note should be attached to any consent along these lines encouraging the owner to proceed with erection of a permanent building at the expiry of the temporary period and indicating that further renewals are unlikely to be forthcoming.

GEORGE
VICSOC

Consulted 25.02.2011. No response to date.

Consulted 25.02.2011. Response received:

Grafton Manor is an important Grade II* Listed building. Whilst some of the fabric dates from the sixteenth century, following a fire in 1710, it was much rebuilt in 1861 to the designs of David Brandon, a noted Victorian architect.

While we understand that at present the use of a large marquee is helpful for the hotel, and we note that the proposed marquee is of the same dimensions to the present temporary structure, we consider that it is inappropriate for permission to be given for a marquee to be permanent in this position. In our opinion it would have a negative impact on the appearance of the listed building in the long term. The

applicants state in the heritage impact statement (item 7) that "the best answer to the problem raised by the limited life of the marquee at present is the construction of a purpose built extension to the manor" and point out that planning and listed building consent have been granted for this (application numbers 07/0111 and 07/0110). We note the financial constraints of the hotel referred to in the heritage impact statement (item 7), but as these existing consents for an purpose built extension expire in 2013, consideration should be given to finding a long term solution which is more appropriate to the setting and character of the listed building. It is therefore our opinion that it would be inappropriate for a permanent marquee to be given consent at this stage, and so we urge the council to refuse this application.

We therefore object to this application as presented, but we would not object to a temporary permission for a period of no more than a further five years.

EDO Consulted 25.02.2011. Response received: 25.02.2011.

Economic Development supports the application:-

- The permanent marquee will enhance the business (profitability and employment security).
- It should be more energy efficient as the temporary marquee requires space heaters which are difficult to run.
- From our observations, the site is unlikely to impinge upon views and aspects from neighbouring properties.

Publicity Site Notice posted:04.03.2011; expired 25.03.2011.
Press Notice posted: 03.03.2011; expired: 24.03.2011.
No responses received.

The site and its surroundings

The application site is an attractive Grade 2* listed buildings set within extensive grounds accessed from Grafton Lane. There is a chapel to the side of the main building which is two storey and narrow in profile. The building has large feature chimneys and is constructed on a sandstone base with ashlar details. The lands fall away to the rear with a feature lake and views over the surrounding countryside. This side of the building is subject to significant noise from the M5 which is located a short distance away to the NW.

Proposal

The proposal is for the erection of a permanent marquee to replace the temporary marquee.

Relevant Policies

WMSS	QE1, QE2
WCSP	SD.2, CTC.1, CTC.19, D.38, D.39, SD.1, T.1
BDLP	DS2, S38, S39, DS13, S48, TR11
DCS2	CP16
Others	SPG1, PPS1, PPG2, PPS5

Relevant Planning History

B/1994/0244	Temporary erection of a Marquee on the west terrace from 01.04.1995 to 30.10.1995.
B/1996/0043	Temporary erection of marquee from 17th May 1996 to 30th October 1996. Granted 11.03.1996.
B2000/1127	Temporary Marquee LB - Granted 12.02.2001
B/2000/1128	Temporary Marquee FP - Granted 12.02.2001
B/2001/1225	Temporary Marquee FP - Granted 26.11.2001
B/2001/1226	Temporary Marquee LB - Granted 26.11.2001
B/2002/1102	Temporary Marquee FP - Granted 30.10.2002
B/2002/1101	Temporary Marquee LB - Granted 30.10.2002
B/2003/1330	Temporary Marquee FP - Granted 14.11.2003
B/2003/1331	Temporary Marquee LB - Granted 14.11.2003
B/2004/1279	Temporary Marquee FP - Granted 12.01.2005
B/2004/1280	Temporary Marquee LB - Granted 12.01.2005
B/2005/0806	Retention of temporary marquee from 30.11.2005 for a period of 5 calendar years. Granted 03.10.2005
B/2007/0111	New 2 storey extension and internal alterations to provide banqueting facilities currently housed in the temporary marquee. Granted: 21.01.2008

Notes

The main consideration in the determination of this application is the impact of the proposed marquee on the setting and character of the Grade 2* listed building. The planning history is also relevant here. Unlike previous applications, the marquee would be a permanent structure in the Green Belt and therefore the impact on the openness of the site is also relevant. In this respect policies CTC.19, D.38 and D.39 of the WCSP, policies DS2, S38 and S39 of the BDLP are most relevant.

Green Belt

The proposed marquee will measure 26m by 9.6m amounting to a floorspace of at least 250sqm in addition to the toilets and access to them. The maximum height is 4m. I appreciate that the structure is enclosed by the existing wings of the building and located to the rear but it would impact on the openness of the site at this location. I consider it amounts to inappropriate development. I note that the retention of the commercial enterprise and maintenance of the historic fabric of the building was accepted as very special circumstances in the case of B/2007/0111. I also note the planning history which shows that 'temporary' marquees have been a feature of the site since the mid 1990's.

There is a Heritage Impact Assessment and Design and Access Statement presented with details of the financial difficulties of the hotel and restaurant as a result of the current financial climate. The specific circumstances will be outlined in the section below.

Impact on Listed Building

Policy CTC.19 of the WCSP states that any development which has a negative impact on the setting of a listed building will not normally be allowed and this provision is augmented in policies S39 and S48 of the BDLP which rule out proposals which would have a negative impact on the setting or character of a listed building. The grounds are integral to the setting of the building and thereby policy S48 is also relevant in controlling development therein.

The applicant has put forward a case for the proposal which can be summarised as follows:

- ❖ The business, comprising wedding, dining and hotel facilities has been struggling to attract bespoke weddings with a reduction in bookings from 95 as at Nov 2008 and 74 as at Nov 2010 (a 25% reduction). There are no weddings booked for Feb/March 2011 with 10 booked for that period in 2010. The number of guests and spend per head has declined.
- ❖ The trade of the restaurant has declined significantly with heavy discounting and the wedding dress shop has also has sharp falls in revenue.
- ❖ The projections for 2011/2012 forecast a reduction in turnover of £160k.
- ❖ The business supports the local economy in a variety of ways.
- ❖ The temporary marquee has been necessary to accommodate all guests at a wedding since the main building does not enable this.
- ❖ Remedial repair works including works to repair the chapel and guttering have been carried out in accordance with the terms of the section 106 agreement attached to B/2007/0111.
- ❖ The cost of the extension permitted under B/2007/0111 is £827,000. No alternative quotes have been obtained. The business cannot secure the money from lenders.
- ❖ The solution is a permanent marquee by the same firm who have constructed a marquee in the Houses of Parliament.
- ❖ A copy of the FOI request and accompanying map of the Houses of Parliament has been presented.
- ❖ The replacement will be no larger than the existing marquee with the noise of the motorway shielded by the superior construction method.

Additional points in the Heritage Impact Assessment:

- ❖ The assets of value on the grounds will not be adversely affected by the proposal to replace the existing marquee.
- ❖ The new marquee will enhance inter-visibility from the marquee over the parkland.
- ❖ The proposal will allow the business to sustain itself and thereby secure the appropriate repair and preservation of the important historic asset.

The applicant's statements are detailed and raise a number of important issues particularly in respect of viability. These points have also been raised in previous applications and I note the relevant comments of the Economic Development Officer. I must carefully weigh up the financial considerations (sustainability of the business and employment) with the impact of the proposal on the protected structure.

In respect of the latter point, the views of the Conservation Officer, Victorian Society and English Heritage are clear and do not need to be repeated. They are all consistent in not endorsing the erection of the marquee to the rear of Grafton Manor in that the historic fabric would be permanently compromised. It is unfortunate that the B/2007/0111 application for a permanent extension cannot be implemented for financial reasons as this offers the best overall solution for all concerned parties. It is noted that additional quotes for the works have not been obtained and this is something that the applicant can address. In the circumstances, the LPA may be willing to accept an extension of time for the implementation of the permission allowing for market conditions to improve. The suggestion of the applicant to provide a Unilateral Agreement to permanently revoke this permission to secure consent for a marquee instead, is neither in the interest of the applicant, the LPA or English Heritage.

I note that the main consultees have suggested the compromise of a temporary consent and I have addressed this to the applicant.

On the basis of the application before us for the erection of a permanent marquee, I consider that this is in breach of policies CTC.19 of the WCSP, S39 and S48 of the BDLP. Members should note the LPA has allowed a series of application for temporary consents for a marquee and has never considered that this should be a permanent arrangement. The financial constraints of the business are noted. However, policies in respect of conservation are directed primarily to protect the building or historic asset which takes precedent over the financial position of the applicant. The applicant's agent has provided a quotation from by the Rt. Hon. Greg Clark MP on 23rd March 2011.

"Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport, have consequently agreed that to the extent that it accords with the relevant statutory provisions and national policies, decisions on these and other consents should place particular weight on the potential economic benefits to be offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non-departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible."

The economic considerations are important in this application but the planning history has consistently shown that a permanent marquee is not acceptable. The current financial climate may cease to be material in the future, whilst the marquee will be a permanent feature of the historic landscape. The policies of the development plan strongly support this position and the views of the Conservation Officer and English Heritage are clear and Members should note these views.

Members should note that a Unilateral Undertaking has been provided by the applicant to the effect that the approved extension will not be commenced. This does not make the scheme acceptable in planning terms and undermines the efforts undertaken by the applicant, English Heritage and the LPA in securing an appropriate solution for the site.

The applicant has responded to the objection of English Heritage by email on 31.03.2011 stating that a temporary marquee is not a practical financial solution and reiterated that there has been a similar marquee at the House of Commons since 1953. English Heritage have responded 02.04.2011 as follows:

'regardless of the proportions of the marquee, positioning a permanent structure or assembly room against this elevation of the listed house is not acceptable in historic building terms. This is why the approved new range of 2007 sits at right angles to the main house and not on the footprint of the temporary marquee.

As indicated in my letter EH is purely concerned with the impact of this proposal on Grafton Manor. The circumstances in which a marquee comes to be sited against the Houses of Parliament (or any other historic building) are wholly unique and the product of individual circumstances - they have no bearing on this application...

...our advice remains that the application should be refused.'

RECOMMENDATION: that permission be **REFUSED** for the following reason:

The proposed development would have a detrimental impact on the setting of the Grade 2* listed building contrary to policies DS13 and S39 of the Bromsgrove District Local Plan 2004 and the advice of Planning Policy Statement 5 (Planning for the Historic Environment).

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
A. E. Beckett and Sons Ltd. 'A'	Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works - Rose Cottage, Seafield Lane, Portway, B48 7HN	Green Belt	11/0025-DK 21.03.2011

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	<p>Consulted 18.02.2011. Response received: 15.03.2011. Recommends that the permission be refused for the following reasons:- The application site is inaccessible to the public transport network and does not make any attempt to provide alternative access to the site other than by car. The County Councils Development Control (Transport) Policy requires all new developments to be accessible to the bus networks and suggests that this should be within 250m walking distance and this application does not comply with this policy. The application does not provide for any cycle storage which is a requirement in the adopted design guide. The site is also located significantly far away from any local amenities. The accumulation of the lack of alternative means of access and distance to amenities will result in the development being unsustainable and reliant of car access. The applicant fails to comply with adopted policy and therefore should be refused.</p>
Wythall PC	Consulted 18.02.2011. No response to date.
WCC Minerals and Waste	Consulted 18.02.2011. No response to date.
WCC PROW	Consulted 18.02.2011. No response to date.
Ramblers Association	Consulted 18.02.2011. No response to date.
NE	Consulted 18.02.2011. Response received 21.03.2011. No objection.
WCC Education Services	Consulted 18.02.2011. Response received 21.02.2011. Contributions towards education services in the area are required. The schools affected by the proposal are Beoley First School, Alvechurch Middle School and Bromsgrove High School. The contribution for each of the 3 bedroom dwellings amounts to £3,310 and the total amounts to £46,340.
LP (Open Space)	The provision of 14 x 3bed properties generates a play space requirement of 1358m ² . The submitted plans show that the full amount of play space can be provided on-site in accordance with SPG11. However, I would recommend seeking the views of the Parks and Recreation Officer as to whether the Council would be willing to adopt this area. There may be maintenance issues associated with this play

space that is in a relatively isolated location. It should also be noted that the play space is not particularly well overlooked from the proposed dwellings with only one ground floor window located on the side elevation of the buildings. The Parks and Recreation Officer may also wish to comment on this matter.

If it is agreed that the open space will be provided on site then maintenance costs of £47,802 will be required. If no play space was provided on the site a commuted sum of £304,192 would be required for off-site provision.

Head of Leisure Services
BC Consulted 17.03.2011. Response received: 18.03.2011.
An off site contribution is the most appropriate solution in this instance.

BC Consulted 18.02.2011. Response received: 04.04.2011.
Having reviewed the structural report and going on my experience of similar conversion works, it is my opinion that to convert the chicken sheds into dwellings will take a substantial amount of structural alterations and almost complete new inner structural form.

ENG Consulted 18.02.2011. No response to date.

EDO Consulted 18.02.2011. Response received: No comment.

Tree Officer Consulted 18.02.2011. Response received: 02.03.2011.

1. There are no currently protected trees or trees worthy of protection that will be affected by this proposal.
2. The proposal requires the removal, repositioning and re-planting of 200m of mature native hedge line to create sympathetic sight line splays for the new access off the narrow feeder lane. This length of hedge would provide considerable habitat and amenity value and is an important feature within the landscaping of the area. The replanting should be like for like of native hedging species to ensure the new hedge establishes to again provide good habitat value and is in keeping with the nature of the area.
3. Due to the length of hedge to be removed it may well be worth advising / consulting Natural England to make them aware of the proposal.
4. This proposal offers ample opportunity within the landscaping for the planting of new tree stock which would both enhance and soften the development. Therefore I would request a full landscaping plan is submitted and every consideration is given for the planting of as many native trees as possible is made.

Although initially 200m of mature native hedge line will be lost it is in an area where there is other extensive hedge line cover. The hedge line should be replaced like for like species planting.

A full landscape planting plan needs to be submitted and the designer encouraged including as much tree planting of native species as possible.

This proposal is acceptable in relation to its impact on the exiting tree stocks.

Publicity Site Notice posted 04.03.2011.
Press Notice posted 24.02.2011.

27 Comments received, summarized as appropriate:

- Intrusion into the precious Green Belt.
- There is no consistency in having a 40% rule for Green Belt extensions and then consider that 14 more homes are acceptable and less intensive.
- Erection of a residential estate in a rural area.
- There has been no consideration for local residents or the wider countryside.
- Loss of crop growing area to sewage and drainage.
- Significant increases in traffic levels and attendant pollution.
- Seafield Lane is incapable of taking additional traffic. There are no footways for pedestrians. The transport statement provided is not satisfactory.
- Increased risk of accidents and injuries. There have been a number of serious accidents both on Seafield Lane and the surrounding lanes. There are insufficient passing places on Seafield Lane.
- The structures are not capable of conversion. The roof height will have to be raised.
- Loss of the employment capability of the buildings.
- There are no nearby bus routes so all future residents will have to travel by car.
- The local schools are over-subscribed.
- There would be a negative impact in terms of highways and drainage.
- The suggestion by the applicant that the future residents will be able to find work at Oaklands Farm is without substance as the work available is often low paid and seasonal.
- The application refers to 'Twin Oaks' Billesley Lane which was only for 6 dwellings and in a better location in respect of the highway network. The applications are not comparable.

The site and its surroundings

The application site comprises a complex of four large poultry houses at Rose Cottage Farm. All of the former sheds are now redundant. Seafield Lane lies to the west of the application site and there is open countryside to the east. All of the buildings are oriented on an east west alignment with service structures such as feed hoppers present. Each of the buildings have two levels, the lower one was used for the collection of chicken waste and the upper one was for housing the chickens themselves. The lower level still contains ventilation holes which have wooden covers.

Proposal

The proposal is for the demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works. The proposal is accompanied by a Bat Survey Report, Transport Statement and Structural Report.

11/0025-DK - Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works - Rose Cottage, Seafield Lane, Portway, Birmingham, B48 7HN - A. E. Beckett and Sons Ltd.

Relevant Policies

WMSS	QE1, QE3
WCSP	CTC.1, CTC.7, CTC.13, CTC.21, D.16, D.38, D.39
BDLP	DS2, DS13, C4, C27, C11, C27B, TR11
DCS2	CP22
Others	SPG1, SPG4, PPS9, PPG2, Circular 06/2005

Relevant Planning History

BR/545/1973	Erection of four poultry rearing houses. Granted.
B/2007/0101	Conversion of former chicken shed/barn to enable storage of historic/preserved vehicles relating to a registered educational trust. Withdrawn 02.04.2007.

Notes

The main issues to be considered in this application are the following:

- (i) whether the proposal would amount to appropriate development in the Green Belt;
- (ii) overall impact of the scheme and suitability of the buildings for conversion;
- (iii) the highway and sustainability issues associated with the proposal;
- (iv) the impact of the proposal on trees and biodiversity; and
- (v) Residential Amenity.

(i) Green Belt

The site is located in the Green Belt and therefore I consider that policies DS2 and C27 and BDLP and the advice of SPG4 and PPG2 are most relevant in determining the application.

The development is for the conversion of rural buildings and falls to be considered as acceptable in the context of policy DS2, provided that it meets the requirements of policy C27. It may be appropriate development in the Green Belt provided that the criteria for the conversion of rural buildings are fulfilled.

(ii) Suitability of the buildings for the proposed use and overall impact

Policy C27 states that any re-use of an existing rural building must not have a materially greater impact on the openness of the Green Belt and that the building is of substantial construction, capable of conversion without major works or complete reconstruction. The form, bulk and general design of the scheme must be in keeping with its surroundings.

The scheme proposes the demolition of two chicken sheds and the retention and conversion of the remaining two into 14 three bedroom dwelling houses. The remaining buildings will have a greater separation than is presently the case. Members should note that the provision of 28 car parking spaces is proposed on the site of the removal of one of the sheds, but the additional access onto Seafield Lane is over undeveloped land. The proposed provision of public open space to the east side of the site will occupy land that

is currently agricultural and amounts to a strip 15m in width. I consider that the equipped play area and provision of public open space to have limited utility such that it could be described as 'public' in the ordinary sense of the word. I consider that this aspect amounts to the equivalent of a large curtilage extension in the Green Belt in direct conflict with criterion (a) of policy C27. The supporting statement prepared on behalf of the applicant (which is available for Members to view) cites the removal of the two poultry sheds as amounting to an enhancement which overrides any negative impact. I note that agricultural buildings can be built, usually without permission under Part 6, Schedule 2 to the Town and Country Planning (General Permitted Development Order) as amended and are not counted as previously developed in Annex B of PPS3. I thereby consider that there is less planning gain in terms of enhanced openness than that referred to by the applicant. Members should consider the overall cumulative impact of the development comprising public open space, equipped play area, private gardens, car parking and attendant domestic apparel which amounts to significant urbanization to the detriment of Green Belt openness than would be expected of a conventional agricultural use.

I do not consider that the building to be converted is of considerable architectural merit. One of the clear objectives of SPG4 is to maintain the character and integrity of the original rural building. I would refer to paragraph 3.0 which states that a *'building should be capable of conversion to its new use, without the loss of those characteristics which make it worth keeping and conversions are least likely to be successful where:*

- Excessive original fabric is lost by the introduction of new openings;
- Unbroken walls are disrupted with new doors and windows;
- Interior walls are sub-divided by the introduction of floors and partition walls.

In the case of the latter point, the structural report states in paragraph 4.2 states that the *'limited headroom at ground floor together with the supports at very close centres would suggest that any alternative use would necessitate the removal of the upper level. The internal timber structure acts to provide support to the roof and removal of the upper level would require resupport to be introduced for the roof structure.* The report talks about frames which need to be erected within the existing structure. Members should note the comments of Building Control which are relevant to these points. The conclusion that the building is capable of conversion without substantial alteration is not accepted. Besides the structural information, it is evident that the roofing material will be changed from asbestos cement roofing to a slate effect roof and the existing timber cladding will be replaced by new timber boarding. There are a large number of windows and doors being inserted. Members should note that the applicant has referred to the 'Twin Oaks' scheme at Billesley Lane (Ref: B/2000/0214). I consider that this scheme is not directly comparable with that under consideration in that the existing roofing and walling material was retained and far more of the existing openings were utilized. The applicant fails to point out that there were subsequent applications at 'Twin Oaks' to 'replace roof sheeting and 2 additional windows in north elevation' (B/2001/0777) and 'alterations to roof including replacement roof sheeting and two new windows in north elevation - Barn nearest to Billesley Lane' (B/2001/0954) which were refused. I am confident that judgment on this application would not conflict with the decisions taken at 'Twin Oaks'.

I conclude that the proposal under consideration would completely remove the characteristics of the existing buildings apart from their shape. The proposal clearly conflicts with policy C27 (c). I do not consider that the design of the conversion is in keeping with its surroundings which comprise a farmhouse and open countryside. There may be limited visibility from Seafield Lane but the design of the proposal would appear incongruent in the farm setting.

(iii) Highway and Sustainability Issues

Members should note that the application is accompanied by a Transport Statement which examines the capacity of the existing highway network and the impact of the proposal on it. There are comparisons drawn between the traffic generated by the previous use of egg production and the proposed residential development which will amount to 6 - 7 traffic movements in the peak hour. A Traffic and Speed Survey (dated September 2010) is also provided. Members should note the comments which have been received from local residents in respect of safety concerns on Seafield Lane, given the number of operating commercial uses in the vicinity. The proposal is not in a sustainable location in terms of services and there is highway objection in this respect. Policy T1 of the WCSP states that development should be located where access is possible by a variety of means of transport. The applicant has provided a response (received 28.03) to the highway objection. It is stated that pre application advice was broadly supportive of the proposal. The status of the 'Development Control (Transport) Policy' is challenged. The additional views of WH have been sought and Members will be updated on the comments received.

Ecological Issues

Policy C11 of the BDLP and the advice of PPS9 seek to ensure that protected species are adequately considered in all development proposals. The application is accompanied by a Bat Survey and there has been no objection from Natural England. Whilst there are no trees in the vicinity of the buildings, a large section of the hedge along Seafield Lane will be removed for the new access and visibility splays. The total length removed is more than 200m. The Tree Officer is not objecting to the proposal and whilst a new hedge of native species could be planted, the effect of the removal of the hedge has a locally negative impact on the amenity of Seafield Lane.

Residential Amenity

The only residential dwelling in proximity to the proposal is Rose Cottage Farm, which is approximately 30m from the elevation of one of the proposed conversions. With the removal of existing sheds, there is 30m separation distance between both of the proposed ranges for conversion which is adequate in the context of SPG1.

Conclusion

Members should note that the applicant has agreed to a Unilateral Undertaking to provide the education contributions and the management arrangements for the proposed public open space. It complies with policy DS11 on that basis.

Whilst the removal of two chicken sheds would enhance openness, the planning benefits arising are otherwise limited. The site is not in an accessible location and the buildings do not lend themselves to conversion without substantial structural intervention and alteration. I am mindful of the appeal decision on Lea End Farm (Ref: B2007/0546) in which the Inspector considered that the building was structurally capable of the conversion but the alterations proposed were extensive. This applies equally in this case and the proposal does not accord with the development plan.

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

1. The buildings are not suitable for the residential use proposed without significant structural and material alteration. As such, the proposal amounts to inappropriate development in the Green Belt. Very special circumstances do not exist to outweigh the harm that would be caused. Thereby the proposal is contrary to policies DS2 and C27 of the Bromsgrove District Local Plan (2004) and the advice of Supplementary Planning Guidance Note 4 (Conversion of Rural Buildings).
2. The proposed development would be located outside of the urban area in an isolated position which would not be well related to existing public transport links. It is likely that residents of the site would be highly dependent on the private car to travel to and from the site. As such, the proposal is contrary to policies SD4 and T1 of the Worcestershire County Structure Plan (2001) policy DS13 of the Bromsgrove District Local Plan (2004) and the provisions of PPG13 (Transport).

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. C. Woodwiss 'A'	Construction of detached garage - Foxhill House, Foxhill Lane, Alvechurch, B48 7BY	GB LPA	11/0199-SC 13.05.2011

RECOMMENDATION: that permission be **REFUSED**.

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

Consultations

WH	Consulted - view received 01.04.2010. No objection.
Tree Officer	Consulted - no response received as yet.
Central Networks	Consulted - no response received as yet.
WCC (Minerals and Waste)	Consulted - no response received as yet.
Alvechurch Parish Council	Consulted - no response received as yet.
Publicity	1 site notice posted 25.03.2011 (expires 16.04.2011). No response received.

The site and its surroundings

The application site lies to the east but is set back from east side of Foxhill Lane. It is accessed via a driveway surfaced in gravel. The driveway continues into the site and widens before leading to a two storey building. Originally constructed for agricultural storage, the building was last used as a helicopter hangar. Under application 09/0875, permission was granted for the change of use of the building to a 4 bedroom dwelling. Work has commenced on this consent but is not yet complete.

To the south east corner of the site and to the rear of the building are areas of hardcore. The remainder of the site is grassed. To the south and west, the site adjoins open fields and to the north a paddock and tennis court within the ownership of the applicant. The boundaries are marked by post and wire fences. To the rear / east boundary, an established hedgerow and trees forms the boundary with open countryside sloping down away from the site. The ground level to the application site is marginally higher than that of the road. The site is visible from the road at the access point but is otherwise screened by the roadside hedge.

The former agricultural building is located approximately 70m to a group of buildings comprising of Foxhill House and Foxhill Barns (a traditional former agricultural building now converted to a number of dwellings) and their associated garages. The property is located in a recognised area of Green Belt and a Landscape Protection Area.

Proposal

This application proposes a large detached garage located towards the south east corner of the site. The proposed garage's dimensions measure 8.24m (W) x 6.4m (D) x 4.8m (H). The southern roof slope is to be covered with solar panels.

Relevant Policies

WCSP SD.2, CTC.1, CTC.5, D.16, D.38, D.39
BDLP DS1, DS2, DS9, DS13, C4, C17, C27, C27C, ES11
Draft CS CP3, CP14
Others PPS1, PPG2, PPS22, SPG4, Alvechurch Village Design Statement

Relevant Planning History

10/1047 Proposed double garage. Withdrawn 11.01.2011.
10/0547 Proposed detached building for garaging, car port and woodstore. Refused 08.09.2010.
09/0875 Conversion of existing redundant helicopter hangar into single dwelling (as augmented by survey received 03.02.2010 and letter received 26.01.2010 and amended by plans received 25.01.2010). Approved 09.02.2010.
B/2006/1288 Change of use - redundant helicopter hangar to 1 No. residential unit. Refused 07.02.2007.
B/2000/1091 Retrospective application for part change of use of agricultural storage building for storage of helicopter. Approved 18.12.2000.
B/1998/0875 Agricultural storage building (notification). Approved 11.11.1998.
B/1998/0766 Agricultural storage building (notification). Refused 01.10.1998.

Notes

This application is the second revision of a previously refused application considered at Planning Committee, reference 10/0547, refused 08/09/2010. The refusal reasons given in relation to the original garage application (10/0547) are outlined below:

1. The proposed detached building represents inappropriate development in the Green Belt and inappropriate development is, by definition, harmful. The position of the development away from the existing building on site is a form of encroachment into the countryside and therefore conflicts with the purposes of including land in the Green Belt. In addition, the building would unduly harm the openness of the Green Belt. The proposal is therefore considered contrary to policy DS2 of the Bromsgrove District Local Plan 2004, policies D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts. No very special circumstances exist that would outweigh the harm that would be caused.
2. The proposed detached building, by reason of its size, design and siting would be detrimental to the character and amenities of the locality and would have a

negative impact on the Landscape Protection Area. The proposal is therefore found contrary to policies DS9, DS13 and C4 of the Bromsgrove District Local Plan 2004, policy CTC.1 and D.16 of the Worcestershire Local Plan.

In comparison to the previously refused scheme (10/0547), the key scale differences in (approximate) measurements are shown in the table below.

	10/0547	11/0199	Difference
Width	14m	8.24m	5.76m smaller
Depth	6.4m	6.4m	0m
Height	6.4m	4.8m	1.6m smaller

Table 1 - Comparison of the scale of the current application to that previously refused.

The current proposals represent a substantial reduction in scale to the application previously refused at Planning Committee.

In addition to this substantial reduction in external dimensions, Members will note that in comparison to the original application (10/0547), the proposed wood store and carport have been removed in entirety and that the proposed designs do not accommodate any floor space at first floor level. Additionally, the two first floor level dormer windows and the external entry to the first floor have been removed. This has resulted in a structure that is significantly less domestic in appearance and functionality than the scheme previously refused by Committee.

It should be noted that regardless of the current proposal's size in relation to the earlier refused scheme, the proposed garage remains a large outbuilding located in an isolated countryside, Green Belt location. The proportionate reduction in scale of the current building in relation to the earlier refused scheme carries little weight and is not, of itself, a justification, in planning terms, for what may otherwise be considered inappropriate development.

Assessment

The main issue with this application is whether the proposed development in an appropriate form of development in the Green Belt and, if not, whether very special circumstances exist to outweigh the level of harm caused. Consideration will also be given to the visual impact of the proposal and the amenities of adjoining occupiers.

Green Belt

Policy D.39 of the Worcestershire County Structure Plan and policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given under PPG2: Green Belts in stating that inappropriate development in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 in setting out the instances where development in the Green Belt may be considered appropriate. No provision is made under this policy for domestic outbuildings or for hardstanding. As such, the proposed development is an inappropriate form of development in the Green Belt. PPG2 (paragraph 3.2) states that "Inappropriate development is, by definition, harmful to the Green Belt"

Paragraph 1.5 of PPG2 lists the five purposes of including land within the Green Belt including "to assist in safeguarding the countryside from encroachment" and paragraph 1.4 explains that one of the intentions of Green Belt policy is to keep land permanently open. It is noted that the most important attribute of Green Belts is their openness. As noted above, the application site is located approximately 70m from the nearest dwelling and has little visual relationship with its nearest built development. The proposed garage would be located 16.5m to the south of the existing building. Whilst the rear boundary hedge provides some level of backdrop to the development, it is viewed that the proposal would, to a large extent, stand alone in relation to the relatively open nature of the site. It is therefore viewed that the proposal would amount to encroachment into the countryside. The garage is a sizable structure measuring 8.24m (L) x 6.44m (W) x 4.8m (H). This would have a significant impact on the openness of the Green Belt. I am therefore of the opinion that the proposal is detrimental to the purposes of including land within the Green Belt and challenges the intentions of Green Belt policy.

Very Special Circumstances

It now follows for me to consider whether any very special circumstances exist which would outweigh the harm by reason of inappropriateness, harm to openness and harm due to encroachment. The applicant, as part of the application process, has submitted a number of factors to justify the development. I will address each of these considerations below.

▪ **Permitted development fallback position**

Permitted development rights were removed from the converted building under application 09/0875 and, as such, no fall back position exists within the curtilage of the converted building.

It is noted that the applicant indicates ownership of the property (Foxhill House) to the north of the application site and the right to exercise Permitted Development rights to build a larger structure than that currently proposed on the land adjacent the northern boundary of the application site.

Class E of the General Permitted Development Order (as amended) allows for

'The provision within the curtilage of the dwellinghouse of -

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration such a building or enclosure.'

Members will note that note that the Court of Appeal case Dyer -v- Dorset D.C. 1988 defined a curtilage as 'a small area forming part or parcel with the house or building which it contained onto which it was attached'. One of the appeal judges endorsed as adequate for most present day purposes the Oxford English Dictionary definition of curtilages: 'A small court, yard, garth or piece of land attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law: the area attached to and containing a dwellinghouse and its outbuildings'.

The scale and area of the land purported to be within the residential curtilage of Foxhill House conflicts with the definition of curtilage as a 'small area' serving the immediate needs of a dwelling. The land immediately to the north of the application site has an agricultural appearance and relatively recent satellite images show the grazing of sheep. There appears to be little historic close functional link of the land for uses incidental to the dwelling of Foxhill House. It is noted that on a recent officer site visit, a volley ball net was located on this land; however, the land was clearly distinct, by virtue of an established boundary treatment, from the 'formal garden' of Foxhill House. There is, therefore, not an intimate association between Foxhill House and the land immediately adjacent the northern boundary of the application site. For example, it can easily be envisaged that this land could be sold off with no detriment to the function of the established residential curtilage of Foxhill House.

In summary of the above considerations, it is concluded that the land immediately to the north of the application site is not within the residential curtilage of Foxhill House and therefore, the applicant would be unable to construct a larger building than that presently proposed adjacent the northern boundary of the application site. Members will also note that buildings constructed under Class E of the GPDO (as amended) are required, not only to be within a residential curtilage, but also to be constructed to serve the dwelling whose curtilage they are within. Constructing an outbuilding within the curtilage of Foxhill House to serve the converted property at Foxhill House Barn would therefore fall outside of what is allowed under the applicant's permitted development rights.

It is therefore viewed that there is no realistic permitted fallback position that would represent very special circumstances to justify the harm to the openness of the Green Belt represented by this proposal.

It is also noted that the granting or refusal of the current application will not affect the Permitted Development rights on land surrounding the application site. As such, the ability to exercise permitted development rights on nearby land does not form a material consideration in assessing this application.

- **Energy efficiency**

The Design and Access Statement explains that the applicant is undertaking the approved conversion to a high level of sustainability, energy conservation, etc., incorporating the latest energy saving technology. The applicant wishes to use solar panels to power the electricity required for the converted building. However, the existing building faces west / east which is the poorest roof orientation for solar panels. Solar panels would be sited on the roof of the proposed garage and used to provide electricity for the conversion and garage. Policy ES11 of the BDLP states that the Council will support measures by developers to improve the energy efficiency of all building forms. PPS22 aims to encourage the development of renewable energy schemes and sets out the key principles that local planning authorities should consider in relation to such developments.

In relation to Green Belts, it is stated that developers should demonstrate that very special circumstances exist to outweigh a proposal's harm to the Green Belt. It is viewed that the wider community benefit of the proposed use of the proposed solar

panels far from justifies the mass and siting of the proposed garage and does not amount to a very special circumstance to outweigh the level of harm caused.

- **Real and perceived security problems**

No provision is made under policy DS2 for the erection of detached outbuildings to serve domestic properties and policy C27 requires conversion schemes to have no greater impact on the openness of the Green Belt than the existing use.

A detached garage was originally proposed in association with the application to convert the helicopter hangar to residential. This original garage was clearly communicated to the applicant to be inappropriate development and was removed in order for the plans to be recommended for planning permission to be granted.

In relation to how much weight to attach to the issue of providing secure garaging, I note the comments of a Planning Inspector regarding this issue in a recent appeal decision (Decision date 31st March 2011, planning ref 10/1129):

'the appellant identifies a need for a secure garage in which to keep his vehicles. He suggests that the location of the site on the edge of the village makes this more necessary. Whilst I have sympathy with the appellant's wish for secure garaging this would not amount to a justification for the proposed scheme, which would be larger than is necessary to fulfil this function and unsympathetically sited. This argument therefore carried limited weight.'

Whilst each planning application should be assessed on its own merits, it is viewed that security considerations, in this instance, carry limited weight and do not represent very special circumstances outweighing the harm to the Green Belt. If provision of secure garaging was fundamental to the residential usage of the converted helicopter hangar, this should have formed part of the original application for residential conversion to allow appropriate assessment in accordance with relevant adopted policy C27 of the BDLP.

- **Extensive tree and hedge planting screening**

In relation to how much weight to attach to the issue of providing landscape planting for screening, I note the comments of a Planning Inspector regarding this issue in a recent appeal decision (Decision date 31 March 2011, planning ref 10/1129),

'Whilst landscape planting might in time soften its appearance it would not reduce its effect on the openness of the Green Belt. Overall this argument therefore carries little weight.'

Whilst each planning application should be assessed on its own merits, it is viewed that provision of landscape planting carries limited weight and does not represent very special circumstances outweighing the harm to the Green Belt.

With regards to the 'actual' harm to the Green Belt, Members will note that regardless of the extent to which an extension can be seen from outside the site, PPG2 makes no reference to the way in which openness is perceived and it makes no concessions

with regard to development which is screened or otherwise hidden from view. Even when a development cannot be seen in the wider context, this does not make it appropriate in terms of Green Belt policy. Thus, it should be noted that, in terms of Green Belt policy, lack of visual harm, in itself, does not amount to a very special circumstance.

In summary, the factors put forward by the applicant in support of their application are not viewed to represent very special circumstances outweighing the harm the proposal represents to the Green Belt.

Design and landscape issues

Policy D.16 of the WCSP and policy C27 of the BDLP seek to ensure that the conversion of rural buildings does not harm the character of the building or its setting. The existing building was constructed in the late 1990s and whilst of a modern construction is, to some extent, of a traditional style. Its agricultural origins remain identifiable.

I note that the proposal takes some reference from the existing building, with horizontal timber boarding and exposed rafter feet. It is also acknowledged that the proposed designs, by virtue of removing first floor dormer windows and external entry to the first floor, are significantly less domestic in appearance than the previously refused plans 10/0547. However, the scale and isolated location of the proposal does raise concerns and it is viewed that the garage would not sit comfortably in this context.

Policy DS9 of the BDLP states that in designated environmental areas, including Landscape Protection Areas, development proposals will not be granted unless it can be demonstrated that the impact on the landscape will be negligible. The site is well screened from the lower land to the east and the only public vantage point of the application site is at its access point on Foxhill Lane. As such, the area of landscape affected by the development is relatively small. However, it is viewed that the scale of the proposal in a relatively open and isolated location will detract from the appearance and value of the landscape.

Tree issues

The garage is located approximately 6m from a mature tree located within the boundary hedge. Whilst this tree does contribute to the character of the locality, I note that it has been unsympathetically cut back in the past (due to presence of power lines above). It is noted that the Tree Officer raised no objection to the previously refused development subject to conditions.

Residential amenity issues

As the application site stands away from other residential properties, the proposed development does not raise any residential issues.

Conclusion

The proposed detached building represents a significant reduction in size to the scheme previously refused (10/0547) at Planning Committee. The current proposal has, however,

been found to be an inappropriate form of development in the Green Belt which would be detrimental to the openness of the Green Belt and the purposes of including land within it. No very special circumstances have been found to justify the level of harm caused. In addition, the size and isolated siting of the building would be detrimental to the character and amenities of the locality and would have a negative impact on the Landscape Protection Area in which the site is located.

RECOMMENDATION: that permission be **REFUSED**.

- (1) The proposed detached building represents inappropriate development in the Green Belt and inappropriate development is, by definition, harmful. The position of the development away from the existing building on site is a form of encroachment into the countryside and therefore conflicts with the purposes of including land in the Green Belt. In addition, the building would unduly harm the openness of the Green Belt. The proposal is therefore considered contrary to policy DS2 of the Bromsgrove District Local Plan 2004, policies D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts. No very special circumstances exist that would outweigh the harm that would be caused.
- (2) The proposed detached building, by reason of its size and isolated siting would be detrimental to the character and amenities of the locality and would have a negative impact on the Landscape Protection Area. The proposal is therefore found contrary to policies DS9, DS13 and C4 of the Bromsgrove District Local Plan 2004, and policies CTC.1 and D.16 of the Worcestershire Local Plan.

Note

The Council does not consider the red line drawn on the location and site plans to represent the domestic curtilage of the dwelling approved under application 09/0875.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH APRIL 2011

ST. JOHNS CONSERVATION AREA

Responsible Portfolio Holder	Councillor Mrs. J Dyer M.B.E.
Responsible Head of Service	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. Initially defined as two sub areas, the St. Johns section became part of the town centre designation over time, despite a physical gap in the boundary between the High Street and St. John Street. The existing designation includes St John Street, St Johns Church and Churchyard, Perry Lane, part of Kidderminster Road and part of Crown Close. It is proposed that this be extended to include Bromsgrove Cemetery and some additional properties on Church Lane and Crown Close.
- 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 for the new St. John's Conservation Area including an explanation of the 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 22nd April 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 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.
- 3.2 The recent review of the Bromsgrove Town Conservation Area highlighted some potential boundary changes to focus on the main retail area and the alleyways leading beyond. (A report on this was presented to the Committee on 7th March 2011). The designation and expansion of the St. Johns as an individual Conservation Area was identified as a possible revision. This was in recognition of the unique character of St. Johns and its distinct special interest, which is significantly different from the character and appearance of the Bromsgrove Town Conservation Area
- 3.3 The proposed St. John's Conservation Area has substantial historic and architectural interest, with some of the oldest surviving buildings in the town within the Conservation Area. The Church is a strong landmark feature for the town, and is supported by a collection of surrounding listed and unlisted historic buildings dating from the 17th to 19th centuries. The area as a whole has a leafy green setting which contributes to the local sense of place and establishes a positive relationship between the built and the natural environment
- 3.4 A draft character appraisal for the new St. John's Conservation Area has been prepared and attached to this report and includes a set of management and enhancement proposals under Appendix 1. 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:
- Ensuring that the redevelopment of the market site preserves or enhances the conservation area, and positively contributes to its setting;
 - Improving the quality of signage in the area, which should adhere to the Council's adopted supplementary guidance on shopfronts and advertisements;
 - Improving the condition of historic buildings and structures;
 - Maintenance of the trees and open spaces;
 - Environmental improvements to the Spadesbourne Brook.

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 within the proposed extended boundary, and an exhibition displayed in the Customer Service Centre. The deadline for comments to be submitted is Friday 22nd April.

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 separation of the Bromsgrove Town and St. John's designations and associated boundary amendments requires formal approval by the Council's Cabinet. It is provisionally programmed that this will take place in June 2011, following the public consultation period on the proposed St. John's Conservation Area boundary and character appraisal. The consultation period on the Bromsgrove Town Conservation Area amendments and character appraisal ended on 4th March 2011 and no objections were raised to the proposed separation into two designated conservation areas at that time. If the changes are approved by Cabinet the amended designations 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.
- 6.2 The proposed revised boundary of the St. John's Conservation Area would include Bromsgrove Cemetery which is managed by the Council. If the cemetery was included this would have no impact on the maintenance liability or the programming of burials. The only additional procedure applies to the complete removal of any pre-1925 gravestones or any of the boundary walls surrounding the cemetery which would need a special type of Planning Permission called Conservation Area Consent. Normally a notification of works to trees is required within conservation areas, but as the trees within the cemetery are managed by the Council this would be dealt with internally.

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

7.1 Objective 1 Regeneration: Priority 2 Town Centre

The St. John's 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.

7.2 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.

7.3 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 all properties within the revised Conservation Area boundary, to English Heritage and the local amenity societies. An exhibition on the proposals was also displayed at the Customer Service Centre during the consultation period.

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	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	No
Head of Environmental Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

St. Johns

22. APPENDICES

Appendix 1 - Draft St. John's Conservation Area Character Appraisal
Appendix 2 - Proposed boundary map for the extended Conservation Area

23. CONTACT OFFICER

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

APPENDIX 1
ST. JOHN'S
CONSERVATION
AREA CHARACTER
APPRAISAL

CONSULTATION DRAFT
MARCH 2011



BROMSGROVE
DISTRICT COUNCIL

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Map 2	Proposed boundary of the St. John's Conservation Area

This is a consultation draft of the St. John's 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

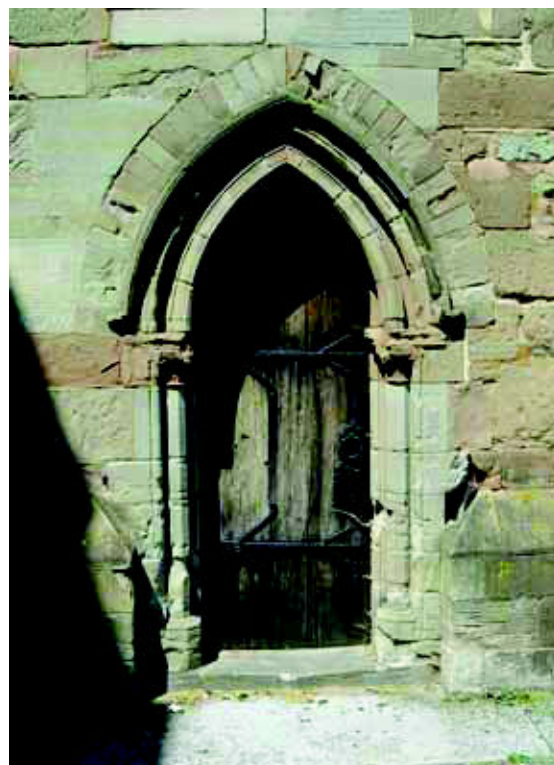
1.0 INTRODUCTION

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 St John's area was originally part of the Bromsgrove Town Conservation Area designated by Worcestershire County Council in 1968. During the recent appraisal of the Town Conservation Area it was recognised that the St. Johns area was worthy of its own independent status in view of its unique character.

1.3 This appraisal of the St. John's Conservation Area was carried out in February 2011 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 During the public consultation the draft character appraisal will be made available on the Council's website, at the Customer Service centre and the Council House to ensure that it reaches a wide audience. An exhibition at a local venue within the Conservation Area boundary is also usually held to ensure local resident participation in the process.





Aerial view of St. John's and Bromsgrove Town Centre

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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 pre-1925 gravestones (except on land associated with the Church). 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. Permitted development rights (works that can be done without Planning Permission) are also slightly different within designated Conservation Areas.

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 for the Historic Environment and its accompanying practice guide which are published by the Department for Communities and Local Government, at national government level





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.



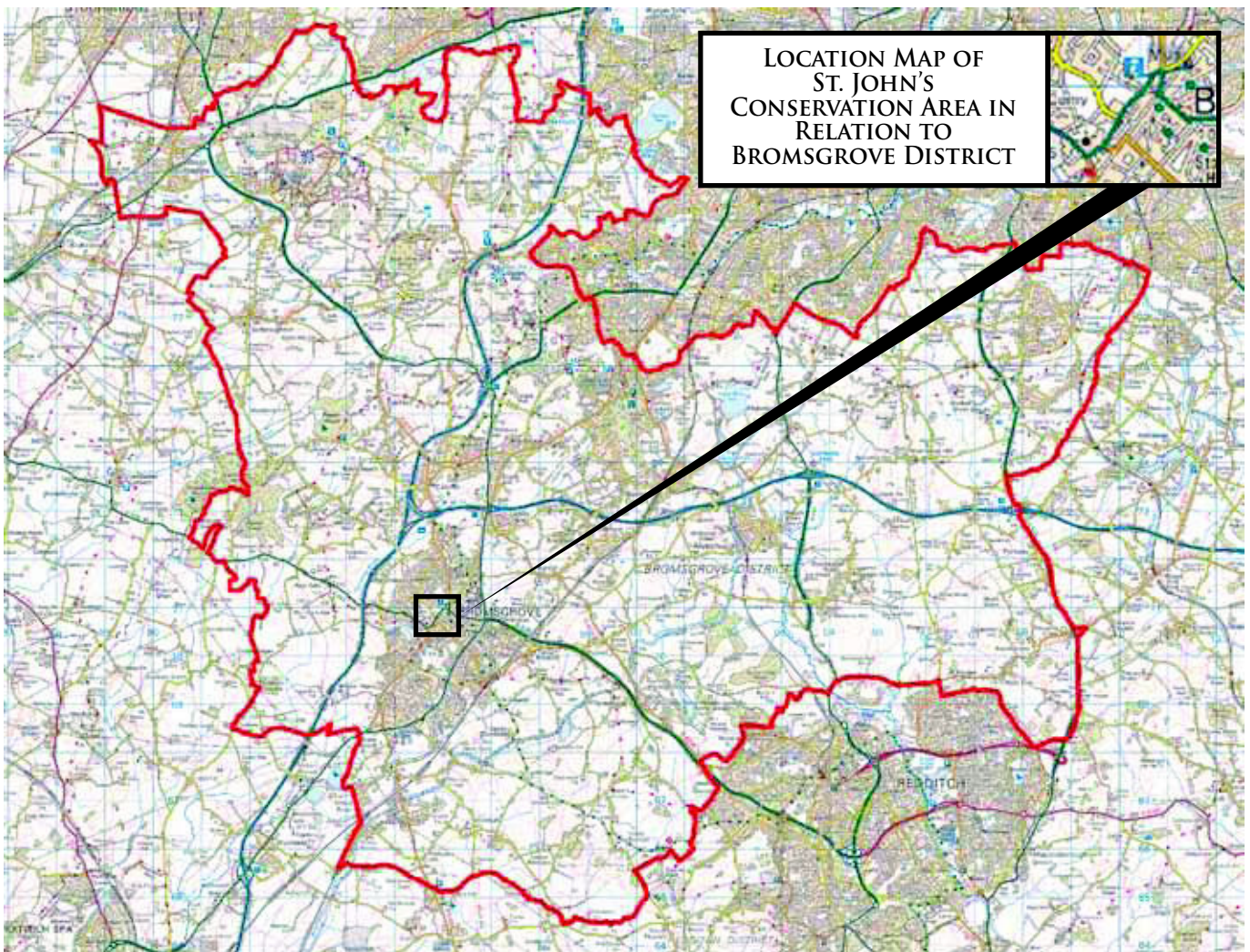
3.2 The St. John's Conservation Area has substantial historic and architectural interest, with some of the oldest surviving buildings in the town within the Conservation Area. The Church is a strong landmark feature for the town, and is supported by a collection of surrounding listed and unlisted historic buildings dating from the 17th to 19th centuries. The area as a whole has a leafy green setting which contributes to the local sense of place and establishes a positive relationship between the built and the natural environment.



4.0 ASSESSMENT OF SPECIAL INTEREST

4.1 Location and Setting

The St. John's Conservation Area is located to the west of Bromsgrove town centre, 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 proposed Conservation Area is centred upon the Grade I listed St. John's Church, which has an elevated position to the west of the town centre, and includes the 16th century churchyard and the 1857 cemetery further to the north. The adjacent Bromsgrove Town Conservation Area which focuses on the historic High Street was designated in 1968, and subsequently extended in 1983 and 1989.



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4.2 Historic Development and Archaeology



St Johns Church and Churchyard lies immediately to the west of the town on an area of raised ground overlooking what was once the Roman Road between Droitwich and the north midlands. This area may have been the site of an earlier Anglo Saxon Church, and the earliest remnants in the existing Church date from the 12th century, incorporating what was once a cruciform aisleless building. It has been speculated that the site of the existing Church is close to that of a much older nunnery and certainly records of Bromsgrove refer to a priest within the manor in 1086.

The extent of the medieval churchyard has not been clearly identified but 13th and 14th century deposits have been found on the former Market Hall site on St. John Street. The Grade I listed Church, its Grade II listed lychgate and the Grade II listed Ye Olde Black Cross public house on Worcester Road are the only surviving medieval buildings within and around the Conservation Area boundary. Previous archaeological investigations behind St. John Street (which contains 17th and 18th century buildings) discovered pre 17th century deposits - further evidence that this part of Bromsgrove was the focus of the earliest settlement. Limited archaeological investigation has taken place within the Conservation Area, however it is likely that further medieval deposits survive along St. John Street.



The parish of St. John's was substantial and once provided one of the wealthiest Church livings in the country. The first parish register was recorded in 1590 and included details of the earliest burials within the churchyard. The southern side of St. John Street was developed as tenement housing and evidence of 17th and 18th century buildings which may have burnt down was discovered on the Market Hall site in 1994. The expansion of St. Johns continued steadily throughout the 19th and 20th century with the growth of the town centre to the south and east and a large area of housing established to the north.

4.3 Key Views

The Grade I listed Church is very prominent in views from in and around Bromsgrove town centre and in and out of the St. John's Conservation Area. The group of historic buildings along St. John Street have significant group value, a fact which was referenced in the various statutory listing descriptions for the buildings. These views are enhanced by the number of fine trees and leafy setting of the area, which is quite different from the busy retail activity within the adjacent Bromsgrove Town Conservation Area. Significant views have been identified in Map 2 attached as an appendix.



4.4 Prevailing and Former Uses

The majority of the Conservation Area was historically occupied by ecclesiastical land, with commercial and residential properties appearing along St. John Street from the 17th century. Crown Close was once part of a larger area of glebe land, leased for grazing etc to support the Church. The area is now predominantly residential with commercial businesses and offices along St. John Street and Kidderminster Road.



4.5 Architectural Character and Key Buildings

St. John Street

The group of historic buildings along St John Street, which includes several listed buildings, has a strong streetscene presence and defines the southern boundary of the Conservation Area. Views of this group are prominent from the adjacent Bromsgrove Town Conservation Area and contribute to the setting of St. John's Churchyard.

St John's House at no 22 St John Street is Grade II listed and dates from the 18th century, although it was substantially rebuilt and extended in 1975. The building is two storey, constructed in traditional red brick with timber sliding sash windows and a panelled door with fanlight above. The building wraps around the corner onto Kidderminster Road, with an open car park area facing the roundabout. A notable yew tree (which is contemporary with the building) softens this corner and improves the setting of the listed building, which has been undermined by the dominance of the highway.





The Wishing Well PH at no.16 St. John Street (formerly the Shoulder of Mutton) was built in the early 19th century, but a pub is thought to have existed on the site since the 15th century. The building is constructed of painted brickwork with timber weatherboarding at the first floor and a tiled roof. The windows and doors have been replaced and the building extended and internally modernised by successive owners, but the building retains a historic character which makes a positive contribution to the Conservation Area. The caves to the rear were explored and identified as post medieval icehouses or outbuildings in 1995, although there are conjectural references to historic tunnels running between the Church and St John Street.



No.14 St. John Street (currently occupied by the George Davis salon) is also Grade II listed and dates from the 17th century. The most distinctive feature of this simple sandstone building is the single head of square timber framing at attic level inscribed RD1674. No.12a to the right is a 19th century addition, which has been reworked again in the 20th century.

The Grade II listed no.10 St John Street dates from the 18th century and is officially listed as no.12. This well proportioned Georgian house (now in office use) retains typical detailing of the period with a symmetrical form, central doorpiece with curved pediment and timber sliding sash windows. This building forms a positive foreground to the listed Church on the hill above, and features strongly in views of the Conservation Area from Market Place.



Adjacent to this and set back from the road is the former District Council Offices, which was converted to the St. John's Court care home in the 1980's. This grand Jacobean style building was once a much smaller but still ornate 19th century vicarage but was significantly extended in the 1940s and 1960s, before it became Grade II listed in 1971.

The Church and Churchyard

The Grade I listed Church of St John the Baptist is at the heart of the St. John's Conservation Area and incorporates an earlier 12th century Church with later phases from the 15th to 19th centuries. It is conjectured that an earlier minster may have existed on the site based on topographical surveys (the site is on a hill, next to a stream and a Roman Road) and certainly records refer to a priest in the manor of Bromsgrove in 1086. The earliest Church had an aisleless cruciform layout, with the aisles added and the chancel rebuilt in the 13th century. The aisles were subsequently rebuilt in the 15th century and the porch added - the tracery on the north aisle windows survives from this period.

The building was extensively restored by Sir George Gilbert Scott in 1858 and is now an impressive Perpendicular Gothic style building with a battlemented parapet and crocketed pinnacles. The three stone statues of St Peter, St Paul and St John the Baptist above the great west window were designed by John Cotton. The octagonal spire, which is a significant landmark in distant views, is 200ft high. The interior contains the 15th century tombs of Sir Henry Stafford and Sir John Talbot of Grafton, as well as later features and detailing such as the mosaic chancel floor designed by the Bromsgrove Guild. The existing Church has a commanding position overlooking the town, and features strongly in views from the nearby High Street and from the cemetery because of its elevated location.

The Church steps leading down to St. John Street are medieval and predate the lychgate which was erected in 1656. Originally 63 steps, now 48, the sandstone steps are important to the setting of the Church and were extensively repaired in 2006. The lychgate which is Grade II listed, is unfortunately in very poor condition due to continued acts of vandalism.

The extent of the medieval churchyard is not known, but existing gravestones date from 1617 to 1857, when the new cemetery was opened to the north. The Lime trees which surround the churchyard were planted around 1790 and the stone boundary walls added in 1815. Many 17th and 18th century memorials survive within the churchyard, although somewhat eroded by time. One of the more notable examples is the pair of gravestones erected for Thomas Scaife and Joseph Rutherford who were engineers of the Birmingham and Gloucester Railway killed in an industrial accident in November 1840. Their gravestones were funded by their former colleagues and include a railway based poem and plaques depicting steam locomotives.



Cemetery

Bromsgrove cemetery was consecrated in 1858 and was designed by C H Cooke following the typical Victorian pattern of a curving perimeter path with a central cross route and small paths radiating outwards. Early Victorian cemeteries focused on the picturesque style with sweeping lines of trees, later more utilitarian layouts based on a grid pattern were introduced as a more efficient use of land, but still with a focus on views and meandering spaces. Bromsgrove cemetery combines these two philosophies with important views formed through the centre and tree planting used to define smaller spaces.



The cemetery contains a large number of Victorian monuments, sculptures and gravestones many of which are surrounded by cast iron cresting. In the fashion of the time many gravestones incorporate symbols of spiritual significance, remembrance or immortality such as angels or open books, emblems of traditional trades and carvings of flowers and animals. Many well known figures are buried in the cemetery including architect John Cotton, composer Sir Edward Elgar and Anthony Pratt, inventor of the Cluedo boardgame.



The central Gothic cross erected as a memorial to Captain John Adams (who lived at Perry Hall) in 1858, was removed for safe keeping and future restoration by the District Council in 2007. The cemetery lodge was replaced in 1958 but the historic oak lychgate built by Walker of Evesham survives at the corner of Church Lane, although in need of repair.



4.6 Building Materials

Red brick is the predominant building material within the Conservation Area, with some painted and timber framed buildings on St. John Street. The Church is red sandstone, most of the memorials and gravestones are also sandstone with cast iron railings around some of the Victorian monuments within the cemetery. The stone boundary walls around the Churchyard and cemetery define the streetscene particularly along Church Lane and make a positive contribution to the character and appearance of the Conservation Area.

4.7 Public Realm

The public realm along St. John's Street has undoubtedly been affected by the intrusion of the highway, which effectively severs the area from the rest of the town centre. The brook on the opposite side (now a temporary surface car park) is the only softening feature but has limited effect given its continuing condition issues and past culverting. Fortunately the large grassed area by St John's Court and Crown Close have been retained and contribute positively to the approach to the Church from the south.

The most positive aspect of the existing public realm is the survival of the historic stone walls which help frame views through the streetscene and encircle key open spaces.

4.8 Important Trees and Green Spaces

St. Johns churchyard is the key open space within the Conservation Area, followed closely by the cemetery to the north. The 2007 English Heritage publication "Paradise Preserved" summed up the value of historic cemeteries as open spaces,

"Cemeteries were conceived and designed both as gardens of the dead and as a memorial. They are functional landscapes and many of our historic cemeteries are still being used for the business of burying and mourning, and as places for quiet reflection. They are valued and enjoyed by local people as open spaces and for the wildlife and they make an important contribution to the quality of life of the local community. Cemeteries are distinct from other burial places and other green spaces. This interweaving of architecture, sculpture, landscape, wildlife and poetry is like no other place in the historic environment"





The most significant trees within St John's are the Limes forming the 'grove' around the Church, which were planted around 1790 and the later limes planted around Crown Close. The planting of a circle of trees around the Church is thought to have a much older historical significance as there appears to have been a circle of trees in the same place throughout the last 1000 years or more. There is also conjecture that an inner ring of trees existed at some point forming a living 'henge' in the pattern of sacred pagan sites, and very much in the Celtic and Anglo-Saxon pre-Christian tradition.

The cemetery has one of the best collections of trees in this part of Worcestershire with species from across the 19th century British Empire including the Giant Redwood at the centre, the lime avenues and yew trees. A 300-400 year old Sweet Chestnut which predates the cemetery can also be found near to Church Road. Yew trees are often found in Churchyards as a symbol of everlasting life. References to the significance of the species linked to the concept of the 'tree of life' can be found in several different religions and in Christianity the yew tree is used as a representation of the Resurrection.



The group of 16 trees including Yew, Oak and Beech at the Unionist Club at 18 Kidderminster Road are protected by a Tree Preservation Order. No other tree preservation orders have been designated within the Conservation Area boundary, and a large proportion of the trees are managed by the District Council.

4.9 General Condition of the Area

The overall condition of the historic buildings within the Conservation Area is good, with only the lychgate at the Church steps and the second lychgate to the cemetery in need of significant repair. The grade II listed lychgate which dates from 1656 has been added to the Council's draft Building at Risk register and its repair is a key objective of the draft management plan.



The historic monuments and gravestones within the Churchyard have suffered some surface erosion, which is to be expected given their age and exposed hilltop location. The Churchyard and the cemetery to the north are both well maintained however with signs of active tree management and regular grass cutting.



The wider public realm has a less consistent quality and appearance with a predominance of tarmac, which has been badly patched in places for example in the lane leading from the churchyard to Kidderminster Road. The stone walls also vary in condition and several areas in Church Lane require re-pointing – again the erosion and lichen growth is normal given the age of the walls and location.

4.10 Challenges and Opportunities

The main challenge facing the Conservation Area is the proposed redevelopment of the former Market Hall site which if not sited and designed appropriately could have an adverse impact on the setting of the listed buildings on St. John Street and views of the Church above from the Bromsgrove Town Conservation Area. This redevelopment is equally a key opportunity to lessen the dominance of the highway and reinstate an active and interesting frontage along St. John Street.



A secondary issue is the quality of the signage along St. John Street and examples of plastic banner signs erected without Advertisement Consent. The office uses have fared better than the commercial units, and signage clutter is less of a problem here than in the High Street.

5.0 PROPOSED BOUNDARY CHANGES



St John Street, St Johns Church and Churchyard, Perry Lane, part of Kidderminster Road and part of Crown Close was originally included as part of the Bromsgrove Town Conservation Area in 1968. Initially defined as two sub areas the St. Johns section became part of the town centre designation over time, despite a physical gap in the boundary between the High Street and St. John Street. Map 1 shows the existing designated boundary.

As part of the formal review of the Bromsgrove Town Conservation Area in 2011, the designation and expansion of the St. Johns as an individual Conservation Area was identified as a possible revision. This was in recognition of the unique character of St. Johns and distinct special interest, which is significantly different from the character and appearance of the Bromsgrove Town Conservation Area. Map 2 shows the proposed extended boundary of the St. John's Conservation Area.



The separation of the town centre and St. John's designations and associated boundary amendments requires formal approval by the Council's Cabinet. It is provisionally programmed that this will take place in June 2011, following a public consultation period on the proposed St. Johns Conservation Area boundary and character appraisal. The consultation period on the Bromsgrove Town Conservation Area amendments and character appraisal ended on 4th March 2011 and no objections were raised to the proposed separation into two designated conservation areas.



6.0 MANAGEMENT PROPOSALS

Appendix 2 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 issues which need ongoing management are

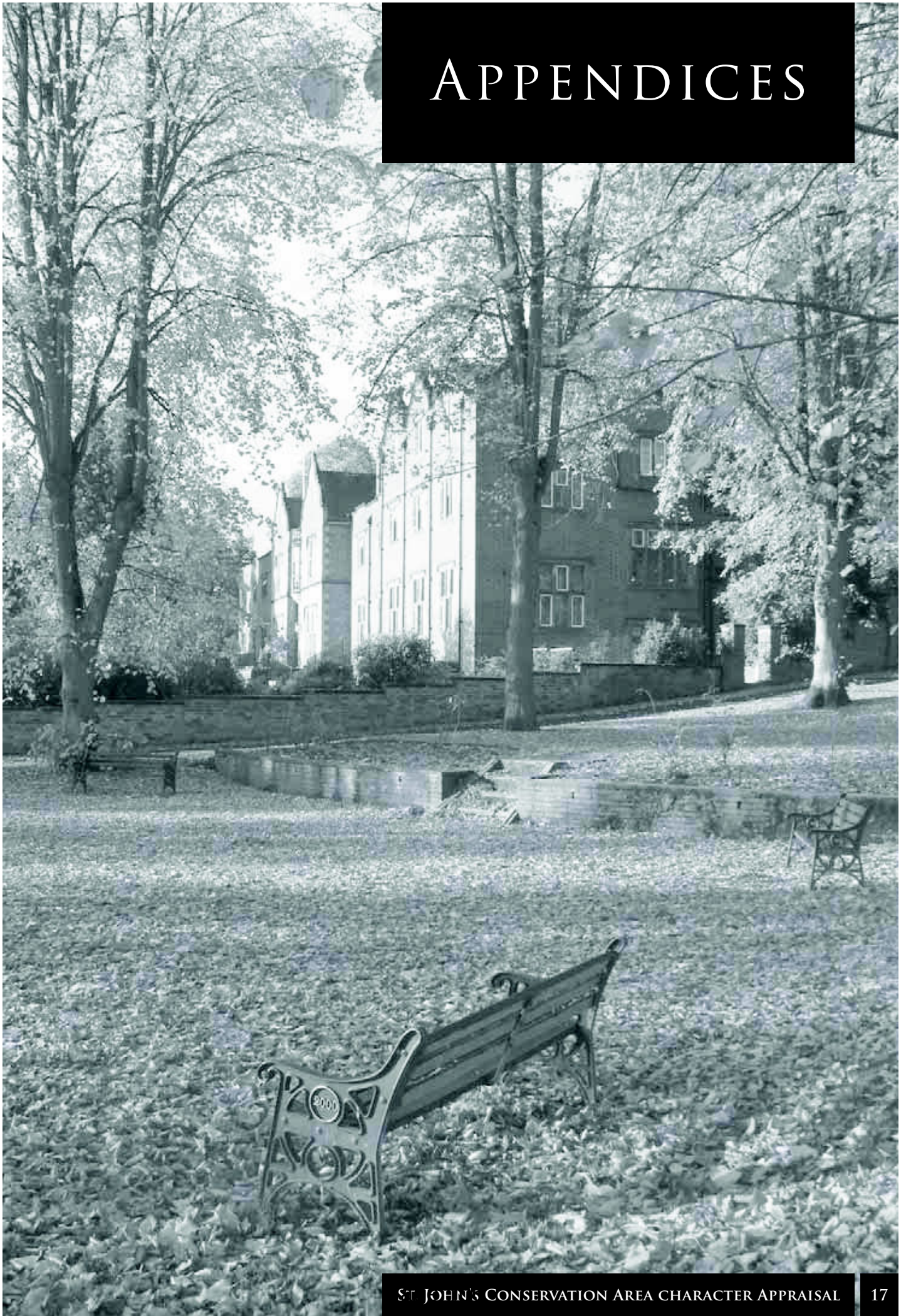
- Ensuring that the redevelopment of the market site preserves or enhances the conservation area, and positively contributes to its setting
- Quality of signage should adhere to the Council's adopted supplementary guidance on shopfronts and advertisements
- Maintenance of the open spaces and trees
- Repairs to the historic gravestones within the churchyard
- Effective parking strategy in and around the Church

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 in the Conservation Area

4 Church Lane
44 Church Road
Bromsgrove Cemetery, Lodge (2 Church Lane) and lychgate
RMC House, Church Lane
1, 3, 5, 7 and 11 Church Lane
St. John's House, 16 Church Street
18 Church Street
Amphlet Hall, Crown Close
2, 4, 6, 6a and 6b Crown Close
St. Johns Surgery, 5 Kidderminster Road
7, 9 and 11 Kidderminster Road
Perry Hall, Kidderminster Road
8, 10 and 12 Kidderminster Road
St Johns Church Hall, 14 Kidderminster Road
Rydal Mount, 16 Kidderminster Road
Unionist Club, 18 Kidderminster Road
9, 11, 13 and 15 Perry Lane
Church of St John the Baptist (Grade I) and lychgate (Grade II)
10 and 12 St. John Street (Grade II)
12a St John Street
14 St. John Street (Grade II)
16 St. John Street
18 St. John Street
20 St. John Street
22 St John Street (Grade II)
St. Johns Court, 28 St. John Street (Grade II)

APPENDIX 2

Management and Enhancement Proposals

Priority	Task	Timescale
Redevelopment of Market Hall site	Ensure that the scale and design of any new buildings respect the setting of the Conservation Area and adjacent listed buildings	2012 onwards
Improvements to advertisements	Investigate any unauthorised shopfronts and signage, and take enforcement action where appropriate	Ongoing
Improve condition of historic buildings and structure	Identify any Buildings at Risk and develop a strategy for their repair	End of 2011
	Support the repair and maintenance of historic gravestones through providing guidance and highlighting options for external grant assistance	Ongoing
	Provide guidance and advice on the appropriate maintenance of historic buildings to owners and residents	Ongoing
Maintenance of trees and open spaces	Ensure that regular maintenance preserves key features, enhances amenity value and respects the green character of the Conservation Area	Ongoing
Environmental Improvements to Spadesbourne Brook	Improvements to the Brook will enhance the setting of the Conservation Area, although outside the designated boundary. The Council will ensure that the proposed improvements enhance the Brook as a community asset whilst protecting its biodiversity importance.	2012 onwards

APPENDIX 3

Bromsgrove District Local Plan - adopted January 2004

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
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
RAT4 Retention of Open Space
ES11 Energy Efficiency in Buildings

Bromsgrove Draft Core Strategy 2 - published January 2011

CP16 Managing the Historic Environment
CP17 Natural Environment

Worcestershire County Structure Plan

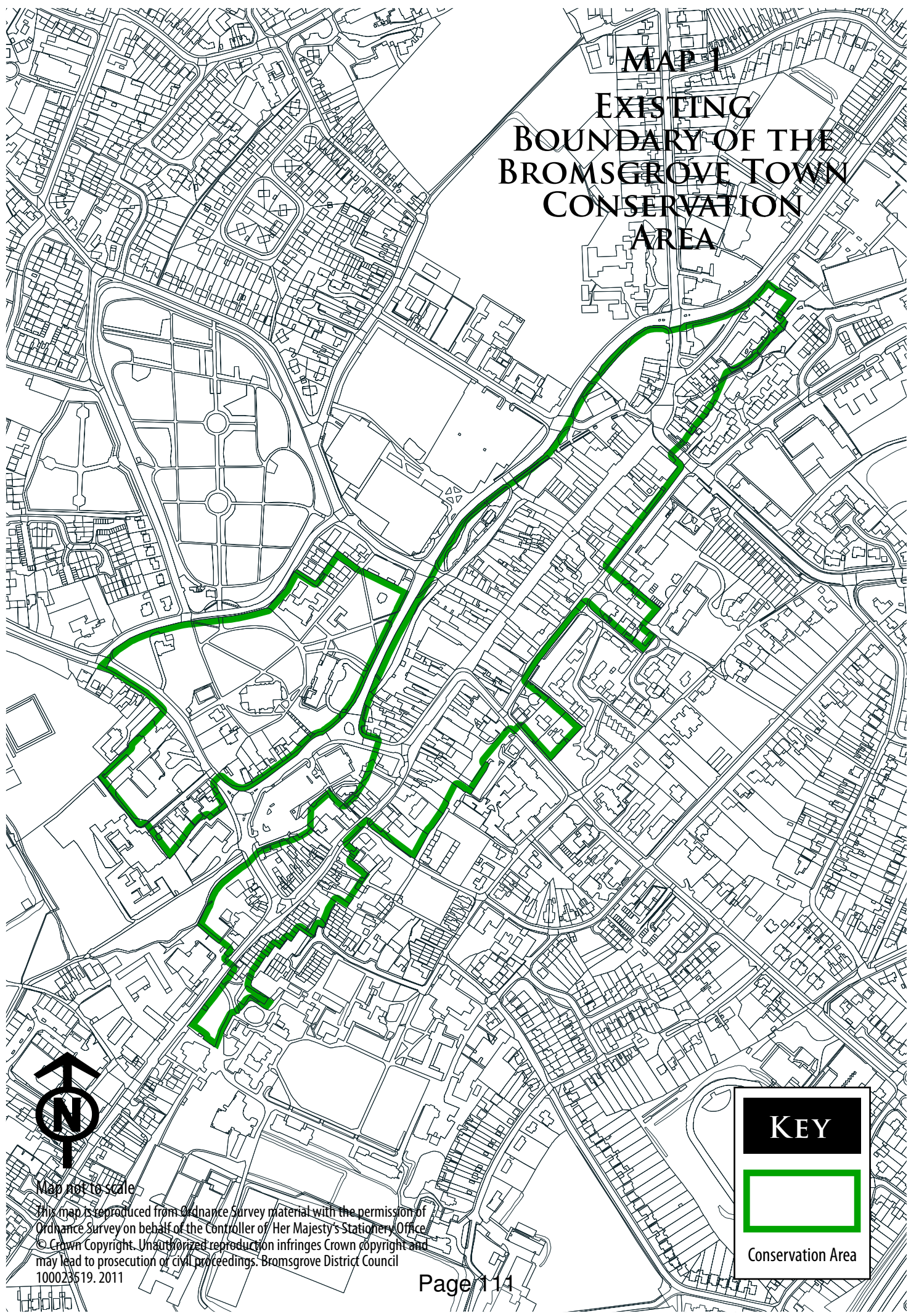
CTC.5 Trees and Woodlands
CTC.6 Green Open Spaces and Corridors
CTC.8 Flood Risk and Surface Water Drainage
CTC.17 Archaeological Sites of Regional or Local Importance
CTC.18 Enhancement and Management of Archaeological Sites
CTC.19 Areas and Features of Historic and Architectural Significance
CTC.20 Conservation Areas
CTC.21 Reuse and Conversion of Buildings

APPENDIX 4

Glossary


Battlemented	A notched parapet on top of a wall, also known as crenellated
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
Crocketted	Gothic ornament with floral details found on spires, turrets etc
Cruciform	Cross shaped building footprint
Culvert	A man made channel beneath a road or building
Curtilage listed	All ancillary buildings and structures constructed before 1st July 1948 are covered by the listed status of the principal building, and known as curtilage listed.
Ecclesiastical	A building designed for use as a place of worship
Fanlight	Semi circular or rectangular window above a door
Georgian	Dates from 1714-1830
Glebe land	Land owned by the Diocese and used to support the income of the clergy
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.
Jacobean	An architectural style popular from the early 17th century and revived in the late 19th century sometimes. Typical details include heraldic emblems, grotesques and curved Dutch gables. The mixing of Jacobean and Elizabethan forms and details during the Victorian period is known as Jacobethan.
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.
Medieval	Dates from 950-1547
Pediment level.	Low pitched moulded triangle often found over doorways or windows and at roof level.
Tracery	Window details of moulded stone bars or ribs
Victorian	Dates from 1837-1901
Weatherboarding	Timber cladding in overlapping boards

MAP 1
EXISTING
BOUNDARY OF THE
BROMSGROVE TOWN
CONSERVATION
AREA

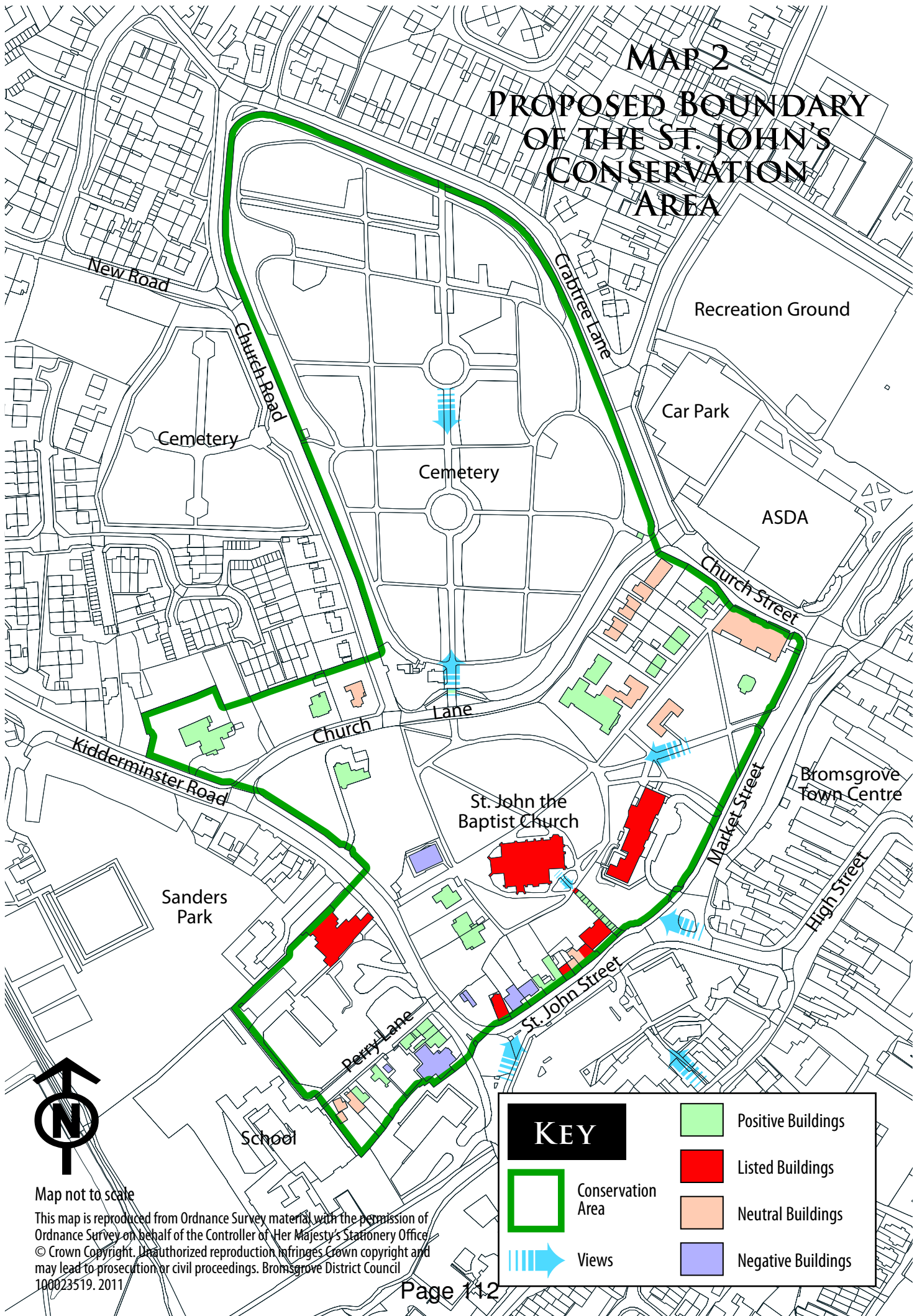








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KEY

Conservation Area

MAP 2 PROPOSED BOUNDARY OF THE ST. JOHN'S CONSERVATION AREA



KEY	
	Conservation Area
	Positive Buildings
	Listed Buildings
	Neutral Buildings
	Negative Buildings
	Views

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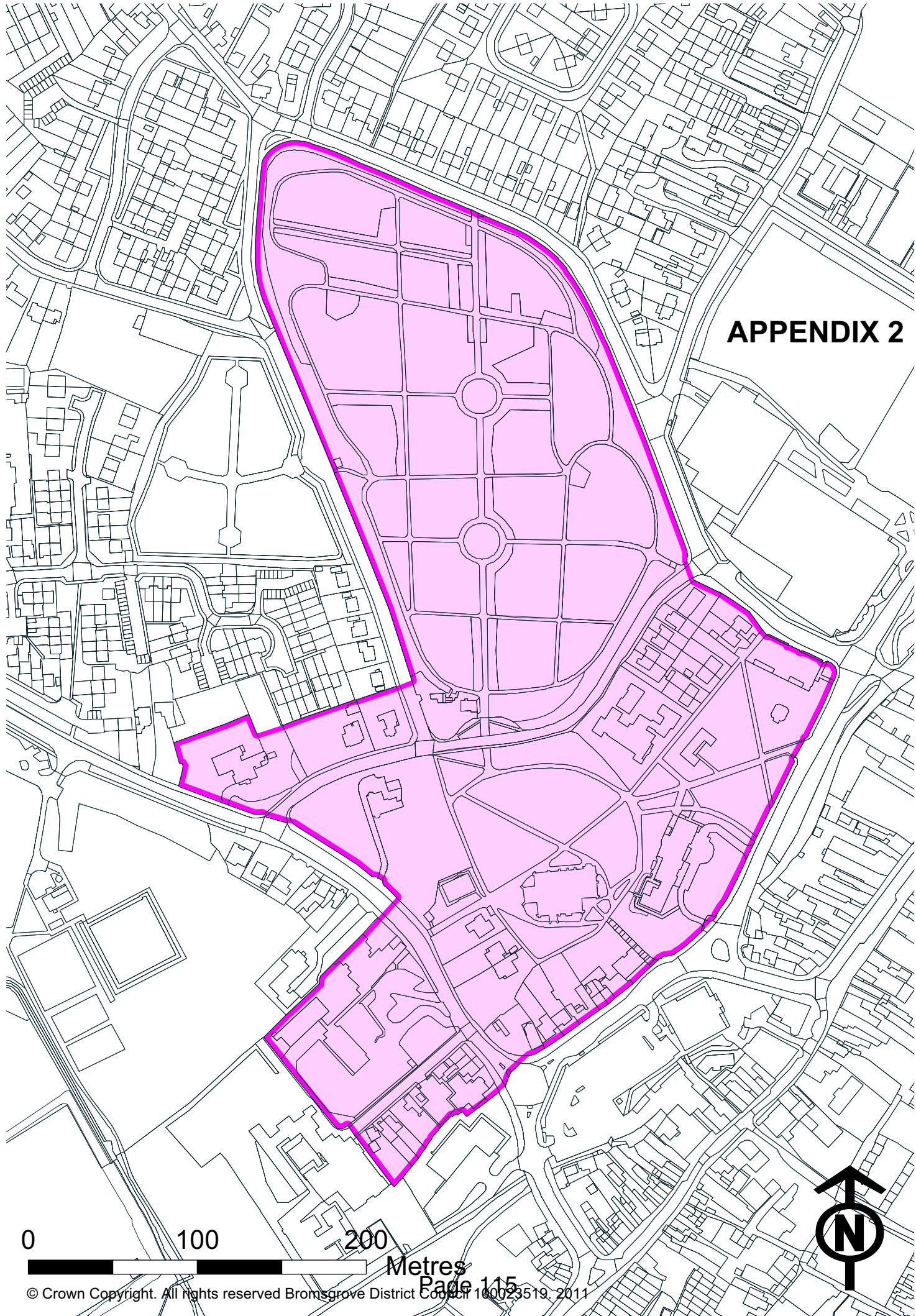
**BROMSGROVE DISTRICT
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APPENDIX 2



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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

Tree Preservation Order (No. 15) 2010 - Trees on land at Aldi / former BGW site, Sherwood Road, 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.15) 2010 relating to trees on land at Aldi/Former BGW site on Sherwood Road, Bromsgrove.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Tree Preservation Order (No.15) 2010 is confirmed without amendment.**

3. BACKGROUND

- 3.1 On the 8th November 2010 a provisional Tree Preservation Order was made in relation to trees on land at Aldi/Former BGW site on Sherwood Road, Bromsgrove.
- 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 8th November 2010 and remains in force until the 8th May 2011.
- 3.5 One letter of objection has been received and a copy is attached as **Appendix A**. The objection was submitted on behalf of the landowner.

The objection sets out the following issues:

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

- (1) The reason for making the order on the basis the trees provide special amenity value is not justified through the proper procedure of consideration and
- (2) The order is contrary to government advice. The current government advice about the creation and service of tree preservation orders...."

The objection goes on to state,

"In relation to individual impact the mere fact that a tree is publicly visible will not in itself be sufficient to warrant a TPO the LPA should also assess the trees particular importance by reference to its size and form, its future amenity potential, take into account any special features such as rarity, value as a screen or contribution to the character or appearance of a conservation area. The area is not within a conservation area and therefore the justification for TPO tree reference no T6, T7, T8, T9, T10 and T11 and T12 questionable. Wider impact again needs to be questioned as to whether T6, T7, T8, T9, T10, T11 or T12 justify a preservation order."

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

"The trees on the site provide a valuable screening and softening effect to the new Aldi store as well as a substantial contribution to counteracting noise. The existing and replacement trees on the site also directly serve to mitigate the environmental impact of the new Aldi store and increased traffic arising from it."

Following an assessment of the trees the Tree and Woodland Officer concludes that the trees covered by the Order are all worthy of retention due to their condition and status and the overall screening and softening effect the trees have upon the new store, which is evident to see from all directions.

Please see **Appendix B** for the Tree and Woodland Officers report.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

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) Regulation 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.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

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 November 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 10th December 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

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED:

21.1 Charford Ward, Stoke Heath Ward and Stoke Prior Ward

22. APPENDICES

Appendix A Letter of Objection from Land Owner dated 7th December 2010.

Appendix B Report from the Tree and Woodland Officer dated 29th March 2011.

Appendix C Map identifying the area and trees covered by the TPO.

23. BACKGROUND PAPERS

23.1 None

24. KEY

24.1 N/A

AUTHOR OF REPORT

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T08A07/18/SB/LP

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7 December 2010

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



Dear Sirs

TREE PRESERVATION ORDER (NO.15) 2010 TREES ON LAND AT ALDI/FORMER BGW SITE, SHERWOOD ROAD, BROMSGROVE

We refer to the above tree preservation order, (the order) dated 8 November 2010 on behalf of our client Aldi Stores Limited and respectfully request that the order is not confirmed but is varied to accommodate our objection. This detailed objection is in accordance with regulation 4 of the town and country planning (trees) regulations, 1999.

We object to the order on the grounds that (1) the reasons for making the order on the basis of the trees provide special amenity value is not justified through the proper procedure of consideration and (2) the order is contrary to government advice. The current government advice about the creation and service of tree preservation order is found in the DCLG publication, Tree preservation orders; a guide to the law and good practice 2000-(the blue book 2000).

The Council states the order was made because – 'The trees provide special amenity value and the tree preservation order is made in the interests of amenity. It is important to note that the council has not said how it assessed the special amenity value of the trees on the site and this order includes trees that are to be installed as part of the development proposals for the site. Chapter 3 of the blue book 2000 contains detailed advice on making and confirming tree preservation orders. Paragraph 3.3. deals with the issue of the reasons and states clearly that LPA should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the amenity value of trees in a structured and consistent way taking into account the following key criteria:

- 1 Visibility
- 2 Visual impact
- 3 Wider impact
- 4 Expediency

As far as we are aware this assessment has not been carried out by the local authority and in fact when you review the above mentioned factors in considering amenity value as laid out in 3.3 of the blue book it is our opinion that such an assessment has not been undertaken as a number of trees that are included in this blanket tree preservation order do not meet the criteria warranting a TPO on amenity values.

Directors
David H Scotton - BA (Hons) Arch Dip Arch Birm RIBA RMApS
Scott W D Bryden - RMApS
Jonathan G Wood - BA (Hons) Arch

Consultant
John R Dalkin - Dip Arch Leeds RIBA

Registered in England No. 5907311

For example the visibility assessment states that the extent to which the trees or woodland can be seen by the general public will inform the LPA's assessment as to whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place a TPO might only be justified in exceptional circumstances, the grouping of the trees as a whole under A1 does not demonstrate due consideration of this assessment.

In relation to Individual impact the mere fact that a tree is publicly visible will not in itself be sufficient to warrant a TPO, the LPA should also assess the trees particular importance by reference to its size and form, its future amenity potential, take into account any special factors such as rarity, value as a screen or contribution to the character or appearance of a conservation area. The site is not within a conservation area and therefore the justification for TPO tree references no. T6, T7, T8, T9, T10 and T11 and T12 questionable. Wider impact again needs to be questioned as to whether T6, T7, T8, T9 T10, T11 or T12 justify a tree preservation order. However with a grouping like G4 it is clear to see that there is benefit in their amenity value along with G2. In relation to expediency the blue book states although a tree may merit protection on amenity grounds it may not be expedient to make it subject to the TPO, for example, it is unlikely to be expedient to make a TPO in respect of trees which are under good agricultural or horticultural management.

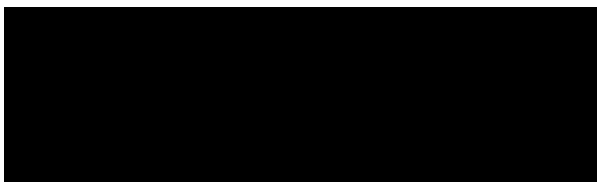
Post development the trees on this site have been well managed and the amenity value has been improved.

Throughout the whole development full cooperation has been provided with Bromsgrove District Council's Tree Officer and no works have been carried out unless agreed with him and therefore the requirement for an immediate tree preservation order was not justified.

In regard to the trees that we suggest have a justification for tree preservation orders, we suggest that these are groupings G2, G4 and an amended A1 as well as individual trees T4 and T5 which we suggest are the groupings and trees that are necessary to secure amenity value for the development. The crack willows in grouping G1 will require constant maintenance and are under no immediate threat as they are essential for bank stabilisation.

In summary therefore, we formally object to the order on the grounds that the reasons are not satisfactorily explained and by virtue of the blanket site tree preservation order are contrary to government advice. We respectfully request that the Council give serious consideration to the grounds of the objection as set out herein and reconsiders an amended confirmation of the order. Namely the preservation of G2, G4 groupings, amending A1 and individual trees T4 and T5.

Please acknowledge this objection.



c.c. Jonathan Neale - Aldi Stores Limited

MEMORANDUM



From:	Andy Bucklitch Tree & Woodland Officer	To:	Kam Sodhi Legal Officer
My Ref:	TPO (15) 2010 Land at Aldi site, Sherwood Road, Bromsgrove	Your Ref:	TPO (15) 2010 Land at Aldi site, Sherwood Road, Bromsgrove
Please ask for:	Andy Bucklitch	Ext	3075
Date	29 March 2011		

Please find my comments below.

Background

The provisional Tree Preservation Orders listed above was made in November 2010 and is now due to be either confirmed or revoked. I consider that the trees are of sufficient merit and under such reasonably foreseeable threat to merit the continued protection of a TPO.

The trees on the site provide a valuable screening and softening effect to the new Aldi store as well as a substantial contribution to counteracting noise, dust and air pollution in the adjacent Redditch Road Air Quality Management Area. The existing and replacement trees on the site also directly serve to mitigate the environmental impact of the new Aldi store and increased traffic arising from it.

Objections and Representations

1 Objection has been received. My comments in respect of these are as follows:

Dalkin Scotton Partnership on behalf of Aldi Stores Limited- 7th December 2010

Amenity value – during the course of the recent planning application for the new Aldi store, the applicant's own arboricultural consultant carried out an amenity assessment in line with British Standard 5837:2005. Although this assessment was notable pessimistic in character and rated the trees at least one grade lower than I would consider them to be, the vast majority were still rated **B2** and defined as '*Those of moderate quality and value: those in such a condition to make a significant contribution*'. Only 5 trees on the site were rated lower than this at **C2** or **C3** defined as '*Those of low quality & value: currently in adequate condition to remain until new planting could be established*' because of either defects in structure or condition although all of these trees have since been subject to tree surgery to amend the defect identified or have been felled and replaced on a 1 for 1 basis with new trees.

My own application of the amenity assessment using the BS 5837 criteria rates the majority of the trees as **A2**, defined as '*Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance*'. This screening and softening effect of the trees upon the new store is evident to see from all direction. Even those remaining trees of lower quality I would still class as **B1** – defined as '*Trees that might be included in a higher category, but are downgraded because of impaired condition*' and consider worthy of retention.

Expediency – While the applicants claim that the trees are now 'under good agricultural or horticultural management' I am afraid that during the course of the planning application and the construction of the new store additional involvement was required by the Council's Tree Officer in relation to the trees on this site that does not support this claim. During the planning phase, it was necessary to press the applicant to have works carried out on some trees so that they did not pose a threat to both builders and subsequent site users. In addition, during and after the building works repeated informal requests were made to remove additional trees in order to increase the visibility of the store and advertising to passing traffic. During this period, although they were relatively minor,

there were also a number of minor infringements of the tree protection required by the planning consent such as unauthorised installation of temporary advertising hoardings and site machinery within the root protection areas of the trees and removal of protective fencing. Overall, the story so far is not one clearly demonstrating a desire to retain and protect the trees which contribute to the amenity of the site and the local area and so I consider that it is still expedient to protect the trees for the long term.

Recommendation

That the Order is confirmed without amendment.



APPENDIX C

Bromsgrove District Council Tree Preservation Order TPO (15) 2010

SLA	Not Set
Scale	1:1500
Map Centrl	395878.58 , 268930.98



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THE COMMON SEAL OF THE DISTRICT COUNCIL OF BROMSGROVE was affixed hereto this 24/02/11, in the presence of

Legal, Equalities and Democratic Services

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH APRIL 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 and accompanying appendices.

3. **BACKGROUND**

	Name of Appellant	Plan Ref. / Proposal / Decision
3.1	Miss A. Bastable	<p>10/0410-DK - Proposed change of use of existing ménage from personal use to limited commercial use including retention of car park hard-standing and existing shed - Head to Hoof, Newtown Lane, Romsley, B62 0LW - See APPENDIX 1</p> <p>Refused: 23rd July 2010. Appeal decision: dismissed - 1st March 2011</p>
3.2	Mr. G. Baylis	<p>10/1062-HR - Proposed formation of habitable rooms in the roofspace with new raised roofline - 169 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1DQ - See APPENDIX 2</p> <p>Refused: 21st December 2010. Appeal decision: allowed - 17th March 2011</p>
3.3	Mr. N. Copson	<p>10/1112-SG - Proposed rear first floor extension and addition of pitched roof over existing flat roof - 77 Linehouse Lane, Lickey End, Bromsgrove, B60 1HS - See APPENDIX 3</p> <p>Refused: 24th January 2011. Appeal decision: allowed - 28th March 2011</p>

- 3.4 Mr. C. Buckley 10/1129-RL - Proposed detached garage with pool room over - 2 Little Bell Hall Cottages, Drayton Road, Belbroughton, DY9 0DN - See **APPENDIX 4**
Refused: 28th January 2011.
Appeal decision: **dismissed** - 31st March 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.

PLANNING COMMITTEE

18TH APRIL 2011

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

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH APRIL 2011

	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 Furlongs, Marlbrook

22. **APPENDICES**

Appendix 1 - Appeal report for 10/0410-DK - Head to Hoof, Newtown Lane, Romsley, B62 0LW

Appendix 2 - Appeal report for 10/1062-HR - 169 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1DQ

Appendix 3 - Appeal report for 10/1112-SG - 77 Linehouse Lane, Lickey End, Bromsgrove, B60 1HS

Appendix 4 - Appeal report for 10/1129-RL - 2 Little Bell Hall Cottages, Drayton Road, Belbroughton, DY9 0DN

23. **BACKGROUND PAPERS**

23.1 Appeal decision letters received from the Planning Inspectorate, dated 1st, 17th, 28th and 31st March 2011.

24. **KEY**

24.1 N/A

AUTHOR OF REPORT

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410

Appeal made against the refusal of Planning Permission

Appeal reference	APP/P1805/A/10/2141900
Planning Application	10/0410-DK
Proposal	Change of use of existing ménage from personal use to limited commercial use including retention of car park hard-standing and existing shed
Location	Head to Hoof, Newtown Lane, Romsley, B62 0LW
Ward	Uffdown
Decision	Refused under delegated powers 23.07.2010

The author of this report is David Kelly who can be contacted on 01527 881345 (e-mail: d.kelly@bromsgrove.gov.uk) for more information.

Discussion

The appeal site comprised a range of buildings located to the north of Newtown Lane, Romsley. There is a timber building containing four stables on the land with the benefit of planning permission. There is also a ménage with the benefit of planning permission for personal use.

The use would be limited to the hours specified in a sworn statement submitted by the appellant and dated 17th March 2010 which amounted to 13.5 hours per week. The commercial use of the site is currently being carried on and has been so since at least November 2007.

The Inspector also explains that the visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their materials.

The change of use has resulted in the loss of part of the field where car parking now takes place. The car parking area comprises an expanse of dark hard materials. In this attractive countryside setting the car parking area significantly harms the visual amenity of this part of the Green Belt.

The Inspector rejected the Appellants argument that the change of use would not have a negative impact on the openness and visual amenity of the Green Belt and assessed that it would result in substantial harm. The existing shed also causes harm in this respect.

The Inspector states "I understand that the commercial use of the appeal site would have some benefits in terms of allowing disabled and disadvantaged

youngsters and others to enjoy the benefits of riding under the supervision of the appellant.

"I have also had regard to the advice in PPS7. Whilst the advice urges Council's to support equine enterprises these enterprises must maintain environmental quality and countryside character. For the reasons explained above the commercial use and, in particular, the extent of hard-standing and parking of cars, fails to satisfy that requirement."

These other considerations do not outweigh the substantial harm resulting from the commercial use. As such there are no very special circumstances to justify the inappropriate development and the appeal was dismissed on that basis.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (01.03.2011)

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2146480
Planning Application	10/1062-HR
Proposal	Formation of habitable rooms in roofspace with new raised roofline
Location	169 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1DQ
Ward	Marlbrook
Decision	Refused under delegated powers 21.12.2010

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

Discussion

This application relates to a detached bungalow on the west side of Old Birmingham Road, Marlbrook, Bromsgrove which is located within the 'Residential' allocation.

The proposal was to raise the height of the roof from 4.9m (H) max to 6.9m (H) max, adding and three separate dormers with a partial 'dutch barn' style hip roof to the front elevation and a large dormer with a mono pitch roof design to the rear elevation to allow the roof space to be converted into four bedrooms and a bathroom. The ground floor would be unchanged, except for the creation of internal stairs to lead to the proposed first floor.

The application was refused on the basis that the proposed dormers would be out of proportion and overly large in relation to the existing house design and surrounding character of the street scene and would thus be contrary to policy S10 of the BDLP and para 4.1(f) of SPG1 Residential Design Guide.

The proposed development would result in a cramped form of building which would undermine the existing character of the street scene and would thus be contrary to policy S10 of the BDLP and para 4.1(a) and 4.2(a) of SPG1 Residential Design Guide.

At the Appeal stage, the Inspector was satisfied that the proposal would have no adverse effect on the street scene or the character and appearance of the area and this outweighs the conflict with Local Plan policy S10 in regard to the extension being overdominant to the original building. The proposed building would result in a height greater than that of the neighbouring dwellings Nos. 171/173 but less than that of No. 167. It would provide a transition between

the 2-storey dwellings to the south and the bungalows to the north and would not appear incongruous or out of place within the run of these adjacent buildings.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (17.03.2011)

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2146921
Planning Application	10/1112-SG
Proposal	Rear first floor extension
Location	77 Linehouse Lane, Lickey End, Bromsgrove, B60 1HS
Ward	Marlbrook
Decision	Refused under delegated powers 24.01.2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to erect a rear first floor extension.

The application was determined under delegated powers and refused on the basis that the cumulative impact of the proposal together with existing additions to the dwellinghouse would result in disproportionate additions over and above the size of the original house. The Council found that the existing extensions represent a 68.5% increase in floorspace compared to the original dwelling, and that the proposed first floor extension would result in a cumulative increase over the original dwelling of about 81%. SPG7 regards extensions of up to 40% of the original dwelling as proportionate. The reason for refusal is noted below:

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

With regard to Green Belt openness, the Inspector noted that the proposed extension would not extend the existing footprint of the building and would be a relatively modest addition extending only about 2.7m from the rear wall of the building. As such, having consideration to the scale, bulk and impact of the proposal on the openness of the Green Belt, the Inspector considers that this would be limited.

With regard to design, the Inspector noted that the first floor extension would not be readily visible from Linehouse Lane and that the proposed pitched roof above the new extension would be lower than the existing ridge, and the design of the extension would be sympathetic to the dwelling. The Inspector was therefore satisfied that the proposal would not be detrimental to the character and appearance of the area. The Inspector noted that this does not add weight in favour of the proposal; it merely adds little or no additional weight against it.

The Inspector was not convinced by the Council's claim that the existing rear wall to the house was originally the side wall and that the appellants' fall back permitted development rights regarding a two storey extension on this elevation were not, therefore, strong.

The Inspector gave considerable weight to the applicant's fall back position that the proposal was for one additional room could be provided as a new ground floor extension off the existing side gable as permitted development. The Inspector considered that the ground floor fallback position would extend the existing footprint of the building, would be visible from the highway and would cause greater harm to the openness of the Green Belt than the proposal, which would not encroach into the surrounding space. The Inspector was satisfied that there was a realistic alternative to the proposal and a real likelihood of it being implemented in order to provide the accommodation required for the appellant's growing family. On this basis, the Inspector was of the view that this fallback position carries very considerable weight in favour of the proposal.

Overall, the Inspector found that the other considerations in this case clearly outweighed the harm to the Green Belt subject to the removal of certain permitted development rights to prevent further developments within the curtilage of the property without planning permission. Looking at the case as a whole, the Inspector considered that very special circumstances existed to justify the development, in accordance with the provisions of PPG2.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (28.03.2011)

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2148212
Planning Application	10/1129-SG
Proposal	Erection of detached garage with pool room over
Location	2 Little Bell Hall Cottages, Drayton Road, Belbroughton, DY9 0DN
Ward	Furlongs
Decision	Refused under delegated powers 28.01.2011

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 demolish an existing garage and outbuilding adjacent to the existing house and build a new detached double garage with pool room above to the front of the property (5.2 metres away from the front of the house) which would be 6.9m x 6.35m x 7.0m maximum height with a ridged roof.

The Inspector considered that there were three main issues. Firstly, the effect of the proposed development on highway safety with regard to vehicles entering and leaving the site; second, whether the proposed garage would be inappropriate development in the Green Belt and its effect on the openness and visual amenity of the Green Belt; and third, if the proposed garage would be inappropriate development, whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The Inspector considered each of these matters individually. In terms of highway safety the Inspector concluded on the first main issue that the proposed turning arrangements within the site would be inadequate, resulting in a significant highway safety hazard which would be materially detrimental to the safety of users of the site access and other highway users. This would conflict with the provisions of policy TR11 of the adopted Bromsgrove District Local Plan 2004, which requires all developments to incorporate a safe means of access and egress.

When considering the inappropriateness of the development, PPG2 Green Belts explains that new buildings are inappropriate in the Green Belt unless they are for a number of specific purposes. Policy DS2 of the Local Plan accords with the general presumption against inappropriate development. The limited extension of existing dwellings may not be inappropriate. However, guidance set out in the

Council's adopted Supplementary Planning Guidance (SPG) entitled "Extensions to dwellings in the Green Belt" makes clear that new curtilage buildings located more than five metres from the dwelling will normally be treated as inappropriate development. In this case the proposed garage at just over five metres from the dwelling at the closest corners is clearly detached from it and could not reasonably be considered as an extension. The Inspector therefore concluded that the proposed garage would amount to inappropriate development which is, by definition, harmful to the Green Belt.

When considering the openness of the Green Belt, the effect on its visual amenity and any other harm, the Inspector concluded that the proposed garage, which would have a pool room at first floor level, would be in excess of 6m long by 6m wide and about 7m to the ridge. It would be located in a prominent position, to the front of the dwelling and on land noticeably above the level of the highway, from which it would be clearly visible. It would also be seen from open, rural land and from a dwelling, to the east and north-east. The size, height and location of the proposed garage would be such that it would have a significantly harmful effect on the openness of the Green Belt, which is its most important attribute. Although the proposed garage would replace an existing garage, the harm would not be mitigated by the removal of the existing garage because this, owing to its modest size and unobtrusive siting to the side of the dwelling, has a much less significant effect on openness.

The garage, owing to its size and prominent location would have an urbanising effect on Drayton Road and the surrounding rural area by noticeably increasing the amount of built development. This would be materially detrimental to the visual amenity of the area, including the Green Belt. On the second main issue that the proposed garage would represent an encroachment into the countryside that would be materially harmful to the openness and visual amenity of the Green Belt. It would conflict with PPG2, including the purposes of including land in the Green Belt, and with Local Plan policy DS2 which seeks similar safeguards to protect the character of the Green Belt. In addition, as reasoned above (first main issue), it would result in material harm to highway safety on Drayton Road.

The appellant also submitted a case to the Planning Inspectorate to justify why the appeal should be allowed. These points raised were also considered in turn by the Inspector:

Firstly, this is a revised scheme that is smaller than the original and has been re-sited to lie entirely within the curtilage of the dwelling. It would be "dug-in" to the ground in order to reduce its visual impact, which would be further reduced by landscape planting. However, regardless of its size in relation to the earlier scheme, the proposed garage remains a large outbuilding and notwithstanding any "digging-in" it would be prominently located on the frontage of the dwelling. Whilst landscape planting might in time soften its appearance it would not reduce

its effect on the openness of the Green Belt. Overall this argument therefore carries little weight.

Secondly, the appellant identifies a need for a secure garage in which to keep his vehicles. He suggests that the location of the site on the edge of the village makes this more necessary. Whilst the Inspector has sympathy with the appellant's wish for secure garaging this would not amount to a justification for the proposed scheme, which would be larger than is necessary to fulfil this function and unsympathetically sited. This argument therefore carried limited weight.

Thirdly, the appellant suggests that cars parked in the open would be more unsightly than the proposed garage. However, cars are not permanent fixtures and therefore their effect is transitory. Moreover, parked cars, being considerably smaller than the proposed building, would have a more limited effect on the openness of the Green Belt. This argument therefore carries little weight.

Finally, the appellant suggests that the application was not considered on its merits and that Green Belt policy has been applied too rigidly. He notes that neither the Parish Council nor any other third party objected to the proposal and that another similar garage has been permitted recently nearby. However, nothing suggests to me that the Council has failed to consider the matter properly and in accordance with national planning guidance, the development plan and its adopted SPG. Although there were no third party objections this does not amount to a reason to allow development which is inappropriate in the Green Belt. There are no details about the other garage that was permitted but nothing suggests that the proposed development was considered other than on its own merits. There is therefore little weight to this consideration.

In conclusion, on the third main issue, the Inspector could not find that the considerations drawn to their attention, taken either separately or together, were sufficient clearly to outweigh the substantial weight to be attributed to the harm that would be caused to the Green Belt by reason of inappropriateness, the harm to its openness and visual amenity and the harm to highway safety. The very special circumstances necessary to justify the development do not therefore exist and, in consequence, the proposed garage would conflict with national and local policy contained in PPG2 and the Local Plan respectively.

The appeal was therefore dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (31.03.2011)

Recommendation

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