



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 20TH JUNE 2011
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, M. A. Bullivant, R. A. Clarke, R. J. Laight, B. Lewis F.CMI, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh 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 23rd May 2011 (Pages 1 - 6)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 11/0238/DK - Refurbishment and extension of an existing mental health unit - Brook Haven, Princess Of Wales Hospital, Stourbridge Road, Bromsgrove, B61 0BB - Mr. M. Taylor (Pages 7 - 10)
6. 11/0333-DK - Proposed two bedroom bungalow - Land to the rear of 51 and 53 Twatling Road, Barnt Green, B45 8HS - Mr. R. Davies (Pages 11 - 16)
7. 11/0345-DK - Conversion of existing industrial buildings into three dwellings and the erection of 9 new dwellings, associated access road, car parking and amenity space (7 x two bed, 4 x three bed and 1 x 4 bed) - 2, and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG - Rowanmoor Trustees / Mr. and Mrs. Mason (Pages 17 - 28)
8. 11/0353-DK - Access drive and two dwellings - 41 Sandhills Road, Barnt Green, B45 8NP - Mrs. J. Whyte (Pages 29 - 36)
9. 11/0383-TC - Proposed first floor side extension - 1 Holyoakes Lane, Tardebigge, Bromsgrove, B97 5SR - Mr. G. Underhill (Pages 37 - 42)
10. 11/0413-RL - Extension of the existing property to provide improved disabled access (resubmission of 11/0047) - Annexe, Shut Mill Cottage, Shut Mill Lane, Romsley, B62 0LY - Mrs. S. Cook (Pages 43 - 46)
11. 11/0426-RL - Advertise Here signage for BDC - A456 Hagley Roundabout, Birmingham Road/Kidderminster Road/Stourbridge Road, Hagley - Bromsgrove District Council (Pages 47 - 48)
12. 11/0431-DMB - Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works (resubmission of 10/0920) - Land at Selsdon Close, Wythall - Taylor Wimpey UK Limited (Pages 49 - 82)
13. 11/0444-RL - Advertise Here signage for BDC - Stoneybridge Island, Sandy Lane, Wildmoor, Bromsgrove - Bromsgrove District Council (Pages 83 - 84)
14. Appeal Decisions (Pages 85 - 106)
15. 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

8th June 2011

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 23RD MAY 2011

AT 2.00 P.M.

PRESENT: Councillors Mrs. S. J. Baxter, M. A. Bullivant, R. A. Clarke, R. J. Deeming, B. Lewis F.CMI, Mrs. C. M. McDonald, P. M. McDonald (substituting for C. J. K. Wilson), E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and P. J. Whittaker

Observers: Councillors Mrs. J. M. Boswell and C. R. Scurrall

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

1/11 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor R. J. Deeming be elected Chairman of the Committee for the ensuing municipal year.

2/11 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor P. J. Whittaker be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/11 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor C. J. K. Wilson.

4/11 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor B. Lewis F.CMI	11/0251	Prejudicial. Knows applicant and objector. During consideration of the application, Councillor Lewis left the room and took no part in the discussion or voting thereon.
Councillor C. B. Taylor	10/1099	Prejudicial. Parents are friends of the applicant and daughter works part-time at the premises the subject of the application. During consideration of the application, Councillor Taylor left the room and took no part in the discussion or voting thereon.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor C. J. Tidmarsh	10/1099	Prejudicial. Applicant is a friend. During consideration of the application, Councillor Tidmarsh left the room and took no part in the discussion or voting thereon.
Councillor C. J. Tidmarsh	11/0251	Prejudicial. Applicant is a friend. During consideration of the application, Councillor Tidmarsh left the room and took no part in the discussion or voting thereon.
Councillor P. J. Whittaker	11/0127	Personal. Applicant is also a Member of Tutnall and Cobley Parish Council.

5/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 18th April 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/11 **10/1099-DK - PERMANENT ERECTION OF MARQUEE, TO REPLACE TEMPORARY MARQUEE - GRAFTON MANOR HOTEL, GRAFTON LANE, BROMSGROVE, B61 7HA - MR. J. MORRIS**

The Head of Planning and Regeneration Services reported the receipt of four additional letters in support of the application.

At the invitation of the Chairman, Mr. S. Morris addressed the Committee and spoke in support of the application. In addition, Mr. A. Rea spoke in his capacity as Chairman of Dodford-with-Grafton Parish Council.

RESOLVED that permission be refused for the reason referred to on page 12 of the report.

7/11 **10/1106-HR - REMOVAL OF CONDITIONS 5 AND 6 OF PLANNING PERMISSION 09/0690 TO ALLOW FOR USE AS DWELLINGS - LAND AT THE REAR OF PEPPERWOOD BUNGALOW, WOOD LANE, FAIRFIELD, BROMSGROVE, B61 9NE - MR. J. HORTON**

The Head of Planning and Regeneration Services reported the receipt of additional plans and a proposed agreement under Section 106 of the Town and Country Planning Act 1990. However, she stated that advice given by the Head of Legal, Equalities and Democratic Services meant that the proposed agreement would not be valid.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the Committee and spoke in support of the application.

RESOLVED that permission be refused for the reasons referred to on pages 15 and 16 of the report.

8/11 **10/1184-DK - RENOVATION OF EXISTING BUILDING INTO 6 NO. 1 BED 2 PERSON FLATS AND 1 NO. 2 BED 3 PERSON FLAT (NOS. 44-48 AND NO 2 WINDSOR GARDENS). ERECTION OF 10 NO. 1 2 PERSON FLATS - 44 WINDSOR GARDENS, BROMSGROVE, B60 2QA - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Regeneration Services reported the comments of the Tree Officer and stated that, as a result, the consideration of the application would be deferred in order to address issues relating to trees on the application site.

9/11 **11/0122-SC - FIRST FLOOR REAR EXTENSION - 6 CHURCH ROAD, BELBROUGHTON, DY9 9TE - MR. R. JACKSON**

At the invitation of the Chairman, Mrs. D. Tiley-Hughes addressed the Committee and spoke against the application, whilst Mr. R. Jackson spoke in favour of the application. In addition, the Chairman permitted Mr. D. Hughes to speak in opposition to the application.

RESOLVED that permission be refused for the reasons set out on pages 29 and 30 of the report.

10/11 **11/0127-DK - CONVERSION OF EXISTING BRICK BUILT BULL PENS TO FORM ELEVEN DWELLINGS WITH ASSOCIATED PARKING AND ACCESS - ROBIN HILL FARM, HANBURY ROAD, BROMSGROVE, B60 4DW - M. ASHWIN**

The Head of Planning and Regeneration Services clarified issues relating to the previous planning history of the application site. She also stated that additional supporting documentation had been received from the applicant, and informed the Committee that two additional representations in support of the application had been received.

At the invitation of the Chairman, Mr. S. Carter addressed the Committee and spoke against the proposals whilst Mr. S. Hoare spoke in favour.

RESOLVED that permission be refused for the reasons set out on pages 37 and 38 of the report.

11/11 **11/0164-HR - CHANGE OF USE OF WAREHOUSE AND OFFICE B1 TO A1. INDOOR MARKET AND CAFE - REAR OF 186-210 NEW ROAD, RUBERY, B45 9JA - MR. P. LARNER**

The Head of Planning and Regeneration Services reported the receipt of an amended plan, supporting statement and a supporting email from the applicant. She also stated that two further letters of objection had been received.

At the invitation of the Chairman, Mr. P. Larner addressed the Committee and spoke in support of the application.

Consideration was then given to the application, the recommendation for which the Head of Planning and Regeneration Services to approve upon the expiry of the publicity period on 25th May 2011. However, Members considered that there were issues connected with the application which would need to be dealt with prior to the Committee being able to make a formal decision on the application.

RESOLVED that consideration of the application be deferred in order to satisfactorily resolve issues relating to the proposed area of car parking and related ownership matters.

12/11 **11/0210-TC - ERECTION OF AN ENCLOSED SEMI-PERMANENT STORAGE STRUCTURE - 10 HEDERA ROAD, REDDITCH, B98 9EY - MRS. C. HANCOCK**

At the invitation of the Chairman, Mrs. C. Hancock addressed the Committee and spoke in support of the application.

RESOLVED that permission be granted subject to the conditions set out on page 46 of the report.

13/11 **11/0251-DK - REGULARISATION OF CAR SHOWROOM THROUGH AMENDMENT TO ROOF OF EAST ELEVATION - CROSSROADS GARAGE, KIDDERMINSTER ROAD, WOODCOTE GREEN, DODFORD, BROMSGROVE, B61 9DU - MR. P. NARANG**

The Head of Planning and Regeneration Services reported the receipt of supporting information from the applicant.

At the invitation of the Chairman, Mr. N. Naveed spoke in opposition to the application, whilst Mr. B. Walford spoke in support. Furthermore, Mr. A. Rea spoke on the application in his capacity as Chairman of Dodford-with-Grafton Parish Council.

RESOLVED that authority to refuse the application be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 25th May 2011.

14/11 **11/0329-SC - PROPOSED DWELLING - LAND AT SUMMERFIELD ROAD, HOLY CROSS, DY9 9RG - MR. A. ADAMS**

The Head of Planning and Regeneration Services reported the comments of the Environmental Health Manager, as well as the receipt of an email from an adjacent occupier. She also stated that an email supporting the application had been received from the applicants agent.

At the invitation of the Chairman, Mr. J. Nancarrow addressed the Committee and spoke in objection to the application, whilst Mrs. E. Mitchell and Mr. A. Adams spoke in support.

RESOLVED that permission be refused for the reasons referred to on pages 59 and 60 of the report.

15/11 **APPEAL DECISIONS**

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

RESOLVED that the report, and accompanying appendix, be noted.

The meeting closed at 4.40 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
WORCESTER- SHIRE MENTAL HEALTH PARTNERSHIP NHS TRUST 'A'	Refurbishment and extension of existing mental health unit - Brook Haven, Princess Of Wales Hospital, Stourbridge Road, Bromsgrove, B61 0BB	Res	11/0238-DK 28.06.2011

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted: 12.04.2011. No response received to date.
ENG	Consulted: 12.04.2011. Response received: 19.04.2011. No objections.
EDO	Consulted: 12.04.2011. Response received: 15.04.2011. Economic Development supports the application.
CLIMCHG	Consulted: 12.04.2011. No response to date.
EHO	Consulted: 12.04.2011. Response received: 12.04.2011. The premises and business will be required to comply with Food Safety legislation which is enforced by this Council and Health and Safety legislation which is enforced by the Health and Safety Executive. The premises will be subject to routine inspection by this Council to assess compliance with food safety legislation.
Tree Officer Publicity	Consulted: 06.06.2011. No response to date. 17 letters sent 12.04.2011. Expire 03.05.2011. Site Notice posted 11.05.2011. Expired 01.06.2011. Press Notice published 21.04.2011. Expired 12.05.2011.
	1 comment received 15.04.2011 as follows: No objections although it is requested that an hours of construction condition is applied to restrict early morning/late night working and Sunday and Bank Holiday disturbance. The addition of hedge planting within the site as shown on the landscape plan would be welcome. It is believed that the original plans for the development of Brook Haven and the adjacent houses within All Saints Place showed hedging along this dividing boundary which was never planted. As a consequence, the area significantly lacks wildlife. It is suggested that some consideration should be given to the species of planting used within the hedges to help to enhance biodiversity in the area in accordance with the Governments objectives contained within Planning Policy Statement 9.

The site and its surroundings

The application site relates to a large detached building within the Princess of Wales Hospital complex. It is located to the south of the main part of the hospital and adjoins properties on All Saints Place to the south. The unit has a dedicated access road which continues around the north elevation of the building. There are allotments located to the west of the application site and the boundary with these consists of mature birch trees.

Proposal

The proposal is for the refurbishment and extension of the existing mental health unit. The unit will provide services for Worcestershire. The proposed accommodation will consist of 30 bedrooms all of which will be ensuite. There will also be a new lounge and dining area. The building will also contain a physiotherapy room, laundry, linen store, waiting areas, bathrooms, interview rooms and a manager's office. The building will include 5 enclosed courtyard spaces. The application is accompanied by a Design and Access Statement, Arboricultural Report and Flood Risk Assessment.

Relevant Policies

WMSS	QE3
WCSP	SD3, CTC5, D13, T3, T4.
BDLP	DS13, S6, S28, S29, C17, ES14A, TR11.
DCS2	SO1, SO6, SO7, CP23.
Others	PPS1, PPS3, SPG1.

Relevant Planning History

B/2010/0498	Providing new pedestrian access route to lower end of Princess of Wales Community Hospital site by forming new path to edge of Spadesbourne House boundary. Erection of new fencing with access gates and providing new lighting. Granted 23.07.2010.
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Notes

This is a proposal for the refurbishment and enlargement of 'Brook Haven' within the Princess of Wales hospital. The existing floorspace is 1440sqm and this will be increased by 1160sqm (A total of 2600sqm) or an 80% increase above the size of the original unit.

The site is located entirely within the urban area and within the curtilage of the hospital site. I consider that policies DS13 and S28 of the BDLP are most relevant in determining the application. Policy S28 supports the provision of new or enhanced community facilities and the retention of existing ones provided that there are no conflicts with the other policies of the Development Plan.

The plans show that most of the alterations and extensions to the building are concentrated to the west side and the front range to the eastern elevation remains largely the same. The position of the main entrance to the facility will change to the NE elevation, where an improved service area than currently exists is proposed. The modifications to

the west side of the building essentially involve the provision of three new ranges to the west, north and south of the existing structure. The width and scale of these ranges are greater than for the existing building. The resulting building will be closer to the boundaries on the western and southern side than is currently the case (10m in the case of the boundary to the south and 7m on average to the boundary on the west).

Members should note that the Design and Access Statement sets out clearly the need for the facility and the design concept behind it. The existing building was built in the 1990's as an Older Adult Mental Health Hospital and the unit is not being used to its full capacity. The development will seek to address this issue and create an improved environment for those with mental health difficulties.

Design

In terms of the planning merits of the proposal, the improvements for the provision of care at the facility are an important material consideration in favour of the scheme. However, the proposal must be considered in the context of its impact on the character of the area and on the residential amenity of adjoining occupiers.

The extension is physically distinctive in terms of its scale and design compared with the original part of the building which is largely retained to the front. The new part will contain features such as timber columns on the corners, rooflights and louvres to provide ventilation. I note that the new part of the building is bulkier than the original, but this must be observed in the context of site forming part of a hospital complex. I note that the position of the proposal is on land substantially set down from the rest of the community hospital and in an enclosed position in respect of public vantage points. Subject to the use of appropriate materials, I do not consider that the proposal would be detrimental to the character of the area.

Residential Amenity

In terms of the amenity of adjoining occupiers, the residents closest to the proposal are located in the new build properties (to the side of Nos. 29-40, 47) and to the rear of Nos. 41 – 46 All Saints Place. I would have limited concerns about No. 47, the side of which would face the open space and service area to the front of the building, which is the same as at present. Similarly, a substantial portion of the range from 41 to 46 All Saints Place would be oriented to the open space or to the original part of the building which is 14 – 17m within the boundary.

The extension to the building will face the side of Nos. 36/37 All Saints Place but there are no windows facing this direction and the loss of residential amenity is not significant given the present situation. I would have concerns about the apartments at Nos. 29 – 36 and there are windows facing to the north. There is a separation distance of approximately 15 -20m depending part of the extension considered. I consider that a combination of the fencing proposed (1.8m) and a condition on the glazing materials for part of the elevation would prevent a loss of privacy to either party. Members should note that all of these residents have been consulted on the application and the comment received was supportive of the enhanced landscaping. The site adjoins allotments to the west and the existing hospital complex to the north and south. Overall, I do not consider that a significant loss of residential amenity would arise.

Other Issues

The application is accompanied by a Flood Risk Assessment in accordance with PPS25. The proposal is located in Flood Zone 1 with less than a 1/1000 annual probability of flooding. The comments from the Drainage Engineer and Economic Development Officer are noted and those of WH are awaited.

Conclusion

The proposal is a necessary medical facility and would make more beneficial use of the site. There are no overriding objections in terms of the character of the area or the privacy of adjoining occupiers. Permission should be granted.

RECOMMENDATION that permission be **GRANTED** subject to the satisfactory views of WH, the following conditions and any conditions required by WH,

1. C1
2. C1A
3. C3
4. C5 (Modified)
5. C7
6. C10
7. C13 (Modified)

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Davies 'A'	Proposed two bedroom bungalow - Land to the rear of 51 Twatling Road, Barnt Green, B45 8HS	Res	11/0333-DK 06.06.2011

Councillor Deeming has requested that this application is not dealt with under delegated powers but is taken to Planning Committee for determination (Verbal Request 18.05.2011)

RECOMMENDATION: that permission be **REFUSED**.

Lickey and Blackwell PC Consulted: 19.04.2011. Response received: 11.05.2011.
Objection. Although the bungalow is reduced in size from the previous one the proposal amounts to garden grabbing contrary to the village design statement and the character of Barnt Green is being eroded.

WH Consulted: 19.04.2011. Response received: 11.05.2011.
No objection.

ENG Consulted 19.04.2011. Response received: 26.04.2011
No objection subject to conditions.

EHO Consulted: 19.04.2011. Response received: 12.05.2011.
No objection.

Publicity: Neighbour notification,
7 letters sent 19.04.2011, expire 10.05.2011.
Site Notice posted 13.05.2011, expires 03.06.2011.

4 Responses received. The issues raised are summarised as follows:

- Over development of the plot where there are already 5 houses. There is a history of altering permissions to achieve much larger developments
- The site plan presented is misleading as it does not show all of the properties which have been built in the rear gardens.
- The proposal would result in an overall development pattern which would detract from the ambience and character of the area. There is an overcrowding of development on the site.
- The privacy of Nos. 49, 55 and 57 will be detrimentally affected.
- Planning permission has already been refused for a dwelling here
- The access road is very poor.
- The proposal would sit above the dwelling built at the rear of No. 49 resulting in substantial overlooking and overshadowing.
- Drainage problems
- The roof height would enable the creation of a dormer bungalow
- The surrounding residents have endured three years of building works which have caused pollution and disruption to the natural environment.
- The application is the same as the previously refused proposal on the site.

The site and its surroundings

The application site is a narrow plot to the rear of No. 51 Twatling Road with the plot on a NE/SW axis. There is a new dwelling built to the NE and to the NW. There is a Laurel hedge on the boundary of the site.

Proposal

The proposal is a full planning application for the erection of a two bedroom bungalow.

Relevant Policies

WMSS QE1, QE2, QE3.
WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP DS4, DS13, S7, C4, C17, BG4, TR1, TR11.
DCS2 CP3, CP10.
Others PPS1, PPS3, PPS9, PPG13, SPG1.

Relevant Planning History

B/2010/1005 A proposed two bedroom bungalow. Refused 03.12.2010.
B/2010/0196 Proposed four-bedroomed dormer bungalow (As augmented by plans received 17.05.2010). Refused 17.06.2010.
B/2007/0801 Detached dormer bungalow and garage (re-submission). Granted 12.09.2007.
B/2007/0227 Proposed detached dwelling on site of previous approval B/2005/0519. Granted 27.04.2007.
B/2005/0519 2 bedroom detached bungalow with separate garage. Granted 10.08.2005.
B/2004/0408 Demolition of existing units and erection of 6 dwellings. Refused - 25.05.2004. Appeal dismissed.
B/2003/0958 Erection of 2 x one and a half storey dwellings with detached garages to land at rear and erection of two detached garages at the front with new access (Relates to land at 49 and 51 Twatling Road). Granted 21.10.03.

Notes

This is a re-submission of application B/2010/1005 to erect new dwelling on land to the rear of 51 Twatling Road. In the interests of clarity, the current proposal is almost identical to the previous application with the only changes being the inclusion of the doorway in the set forward gable on the front elevation and a slight reduction of the width of the property.

Members should note there have been a number of applications to develop dwellings in the rear gardens of dwellings on the north side of Twatling Road. This includes the applications outlined in the planning history relating to the above site but also there have been approvals for the erection of two additional residential dwellings in the gardens to the rear of 57 – 59 Twatling Road (B2009/0963).

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

- (i) The principle of development on this site,
- (ii) The design, density and layout of the proposal and
- (iii) The amenity of adjoining occupiers and on the surrounding neighbourhood

In this respect, policies D5 and SD3 of the Worcestershire County Structure Plan, policies S7 and BG4 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

(i) Principle

The implications of the recent changes to PPS3 are:

- 1) minimum densities for housing have been abolished; and
- 2) garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3,

However, the exclusion of private garden land from the PDL definition does not sanction the refusal of all housing development on such sites, in principle. This would be a mis-interpretation of this limited change to PPS3. There may be circumstances, where, despite the site being private garden land (non-PDL) and therefore no longer benefiting from the previous planning advantage, other material considerations demonstrate that housing development on that particular site would still represent efficient and effective use of land to meet sustainable development objectives, causing no harm to other interests or to adopted development plan policy objectives. In this instance, I do not consider that the principle of the development is in doubt.

(ii) Design Density Layout and Amenity

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwelling in the current proposal on a site of 0.033 Ha results in a density of 30 per hectare or approximately 12 per acre, which is higher than the 2 – 8 units per hectare recommended in the explanatory text of policy BG4. The explanatory diagram prepared for Members to consider the cumulative effect of backland housing shows that there would be substantial increase in the localised density between 49 and 51 Twatling Road. The prevailing character of the area would be changed and this proposal does not overcome my objection to the previous scheme.

The comments received from neighbouring residents are noted and I concur with their views that the number of recent approvals at the site reduces the character of the immediate area.

The dwelling would be aligned to the new dwelling built in the rear garden of No. 53 in a tandem arrangement contrary to the advice of paragraph 5.8 of SPG1. The dwelling approved in the rear garden of No. 49 (B/2007/0801) is set forward of the current proposal resulting in a diagonal arrangement with respect to the current proposal and the dwelling built at the rear of No. 53. The principle of developing rear gardens has been established in the vicinity. I do not consider that the design is ground breaking or innovative in any respect.

In terms of the boundary treatments present on the site, these consist of a hedge of varying heights towards the boundary with No. 49. To the south, there is a 2m high wooden fence with the boundary of No. 51 with the application site elevated above this property. There is a close boarded fence proposed to separate the access road leading to the new dwellings to the east and north. The fence does not address the close proximity of the proposal to the access road and adjoining properties. The proposal will not lead to the loss of mature trees or boundary hedges.

(iii) Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. There is adequate distance to Nos. 51 and 53 of 40m but the difference in levels is noted. There is a 15m separation distance between the garden room window on the proposal and the front wall of the new dwelling constructed opposite in the garden to the rear of No. 53. Whilst there may be no direct overlooking, I do not consider that the privacy of the latter house or garden would be protected. In terms of light, there is a significant loss to the reception rooms and garden of the already constructed dwelling to the north because of the position of the new house.

Although there is a 21m separation distance to the new property behind the dwelling, I consider that this is barely adequate given the difference in levels.

There is only a 5m separation distance from the dwelling approved on the rear garden of No. 49. Whilst there are only obscure glazed windows to the side of this property, the windows to the west elevation on the proposal will face blank elevations. I note the comment of the resident of No. 49 and I consider that given the differences in levels and the close proximity of the proposal that there is a loss of amenity.

In terms of the provision of private amenity space, paragraph 9.0 recommends that a minimum of 70m² of space is required for a dwelling with six habitable rooms. The proposal provides this minimum and there are two parking spaces proposed in the rear curtilage.

Overall, the proposal does not conform with the advice of SPG1 and or with the requirements of policy S7(e).

Other Issues

There is no objection from EH in respect of contaminated land. The development can be adequately serviced and would not perpetuate a traffic hazard. There is no objection from the Council's Drainage Engineer or WH.

Conclusion

The proposal would result in a pattern of development which would increase the density of this low density area as defined in policy BG4 of the BDLP 2004. There would be a loss of amenity to adjoining properties by virtue of overlooking and loss of light by virtue of the proximity of the proposal to properties in the immediate vicinity. The comments which relate to the loss of the character of the area as a result of the proposal and the cumulative effect on character arising from surrounding dwellings has been duly considered above.

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

1. The proposed dwelling does not respect the density and character of the area. As such the proposal is contrary to policies S7 and BG4 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.
2. The proposed development would not respect the amenity of adjoining occupiers contrary to policies DS13 and S7 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees and Mr Mrs Mason 'A'	Conversion of existing industrial buildings into three dwellings and the erection of 9 new dwellings, associated access road, car parking and amenity space (7 x two bed, 4 x three bed and 1 x 4 bed) - 2, and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG	Green Belt	11/0345-DK 14.07.2011

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

- (a) play space provision
- (b) education provision

MINDED TO APPROVE

Consultations

WH Consulted 13.04.2011. Response received: 28.04.2011.

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

The road layout has altered since application 10/0101. The refuse vehicle indicated to turn within the site is too small and is not reflective of BDC's refuse collection vehicles. The tracking detail indicated does not confirm that the refuse vehicle can enter and exit the site in a forward gear.

The car parking provision for the site significantly exceeds the levels required, but the allocation is not located in all instances in easy use for the future residents. 2 bed room units require 1 space and 3/4 bed room units require 2 spaces.

It is preferable for sheltered and secure cycle parking to be provided as part of the application documents at a ratio of 2 bed units to provide 2 spaces and 3/4 bed units to provide 4 spaces. The applicant should provide these spaces as part of the design rather than providing the post permission through a planning condition.

The applicant submitted revised details addressing the above points and additional comments received: 23.05.2011.

No objection subject to the following conditions:

- HC5 - Visibility splays
- HC14 - Driveway Gradient
- HC25 - Access, turning and parking
- HC36B – Modified Cycle Parking (Multi Unit)
- HC51 - Parking for Site Operatives

HC53 - Welcome Pack Condition
and the following informatives:
HN4, HN6, HN7, HN8, HN9, HN12, HN16, HN24.

Belbroughton PC Consulted 13.04.2011. Response received: 17.05.2011.

Belbroughton Council has no objections to the proposed conversion of this site to housing. The Council has been closely consulted by the applicants as the design of this conversion has been developed. The Council is content with the new design which has been developed for the north boundary of the site facing the village green and considers that this fits well with the local context. The applicants have also consulted the Council about a landscaping scheme for the village green - although this is not a formal part of the application.

However, the Council has concerns about two issues. First that the increase in dwellings proposed from 10 to 12 would result in a very dense development. The Council would prefer a reduction to 10 dwellings and a higher proportion of 3 bedroomed houses. Linked to this is a concern about whether the proposed number of parking places for the development will be adequate for residents and visitors given the density of the housing. This is in the context of the heavy traffic flows in this part of the village and the limited opportunities for on road parking in this area.

The Council would also like consideration to be given to the imposition of some restrictions, if possible, on construction traffic movements for the site during peak hours in the mornings and evenings whilst the building work is being done.

LP This site is located within the village of Belbroughton which is situated within designated Green Belt and therefore policy DS2 of the Bromsgrove District Council Local Plan, policy D39 of the Worcestershire County Structure Plan and PPG2 all apply.

I note the application is a resubmission of a previously approved scheme (10/0101) and is notably different as it is no longer solely a conversion scheme and involves significant demolition and re-construction. Policy DS5 highlights that Belbroughton is a village envelope settlement where 'limited infill' can be acceptable. However, the proposal for 12 residential units is not considered to be 'limited infill'. The proposal does not fall within any of the categories within Policy S9 or PPG2 and therefore the applicant will need to demonstrate very special circumstances that will need to outweigh Green Belt harm.

The proposal is for windfall housing development; therefore PPS1, PPS3, policy S3 of the adopted Bromsgrove District Local Plan

(adopted Jan. 2004) and SPG1 apply.

Due to the number of units SPG11 should be applied to this proposal. The development generates a requirement for 1020m² of play space. Where the play space generated by a development exceeds 1000m² SPG11 suggests provision should be provided on-site but due to the nature of the site this does not appear to be feasible. Using the formula within SPG11 a commuted sum of £228,480 would be required to deliver off-site play space. However, I note that on the earlier scheme a contribution of £42,168 was accepted by the Council following justification from the applicant in relation to viability and existing provision available locally within Belbroughton. The applicant will once again need to offer a financial contribution providing full written justification. On the basis that this proposal generates additional play space it would be reasonable to expect the financial contribution would be proportionately larger than what was previously accepted.

Additional comments received: 01.06.2011.

In light of the figure agreed in the previous application I consider that a pro rata increase is the most appropriate way to calculate a new play space contribution for the larger development. I have checked the calculation and agree that a figure of £56,224.00 is appropriate in this instance.

Conservation
Officer

Consulted 13.04.2011. Response received: 27.05.2011.

The scheme has evolved since the original consented scheme through extensive pre-application discussions, and represents a positive enhancement of the adjacent Conservation Area by the replacement of the bare high brick wall with a new development that addresses the village green. A more contemporary architectural form was explored at pre-application stage, but given the context of the village and local feedback it was agreed that a more traditional form would be appropriate.

The submitted plans are for a new two storey development comprising of 12 units which address both the village green and also provide active surveillance of the rear courtyard parking area. The fenestration pattern and design detailing do reflect the context of surrounding historic buildings, and the addition of some form of sculptural element by a local artist will help provide more visual interest to the green. The addition of a walk through between the green and the rear courtyard is also welcomed and overall the proposed development would enhance the setting of the adjacent conservation area.

I would therefore support approval of this application but would recommend that the following conditions be applied:

- Standard photographic recording of the existing buildings to

be undertaken prior to demolition. Two indexed copies of references photographs to be provided (one copy for BDC, one copy for WCC Historic Environment Record)

- Samples of all external materials to be submitted and agreed in writing before development commences
- Window and door details at 1:20 to be submitted and agreed in writing before development commences
- Further design details of the railings and gates to the front elevation to be submitted and agreed in writing before development commences
- Landscaping details for the rear parking area to be submitted and agreed in writing before development commences

ENG Consulted 13.04.2011. Response received: 10.05.2011.
No objection subject to conditions.

NE Consulted 13.04.2011. Response received: 10.05.2011.
National Standing advice has been adopted by NE and it is advised that permission could be granted (subject to other constraints) and the LPA should consider requesting enhancements.

WWT Consulted 13.04.2011. No response to date.

BC Consulted 13.04.2011. No response to date.

WMERC Consulted 13.04.2011. Response received: 04.05.2011.
The area in which the development is proposed is generally a low crime area. There are a number of measures, however, which would assist in reducing the risk of crime from the development. The chain link fencing proposed is not sufficient for security and a lock should be provided for the access between plots 6 and 7. The car parking areas should be appropriately lit.

EHO
(Contaminated Land) Consulted 13.04.2011. Response received: 12.05.2011.
No objection subject to conditions.

Tree Officer Consulted 27.05.2011. Response received 07.06.2011 - No objection subject to conditions.

WCC
Education Services Consulted 31.05.2011. Response received 03.06.2011 as follows:
I concur with the calculated education contribution of £59,350.

Publicity 2 Site Notices posted 10.05.2011. Expires 31.05.2011.
Press Notice posted 28.04.2011. Expires 19.05.2011.

12 letters sent 21.04.2011, Expire 12.05.2011.

3 responses received, summarised as appropriate:

- No objection in principle to the development, but there are some concerns in respect of the detailed layout. Unit 10 appears to encroach into a tree in the garden of No. 10 High St. The tree should be retained since it will form an important screen for the new development.
- The proposed unit 10 is too close to the boundaries of No. 7 Church Road. Details need to be provided for maintaining the existing concrete fencing and retaining wall. The repair of the flank wall of unit 10 is difficult because of the proximity to the boundary. Details of foul and surface water drainage need to be provided.
- Block C will overlook all of the rear gardens of Church Road and appears to be 3 storey.
- The development which will overlook the Green is a welcome improvement.

The site and its surroundings

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

The site is adjoined by residential development to its western (Church Lane) and south eastern (Hartle Lane) boundaries, farmland to its southern boundary and the Talbot Hotel pub car park and village green to its northern boundary.

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

Proposal

The development proposes the partial demolition and part conversion of the existing industrial buildings to form 12 dwellings, associated access road, car parking and amenity space. There will be 7 two bedroom units, 4 three bed units and 1 four bedroom unit. Three of the proposed dwellings will occupy the oldest of the existing buildings on the site and the remaining buildings will be demolished and replaced with nine new dwellings, 7 of which will face the village green. The vehicular access will be from Hartle Lane and there is a pedestrian access proposed from the new units from the village green. The proposal will be for general market housing.

Relevant Policies

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

Relevant Planning History

B/2010/0101 Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2x 3 bed units and 1x4 bed unit)with access road, car parking and amenity space. Granted 22.07.2010.

Notes

It is evident from the planning history that residential development has been allowed on the site through the conversion of the existing buildings. This provides an important context for the determination of the above application. The main issues in the consideration of this application are:

- (i) whether the proposal amounts to appropriate development in the Green Belt and if inappropriate, whether there are very special circumstances,
- (ii) the design of the proposal and its impact of the proposal on the conservation area
- (iii) the impact of the proposal on residential amenity
- (iv) protected species

Green Belt

The proposal involves the conversion of an existing building and the demolition of other buildings. I will consider the conversion of the existing buildings in the first instance. These are located at the eastern end of the application site and Members should note that these have already been considered acceptable for conversion to residential use in application B/2010/0101.

Policy C27 is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of conversion without major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

There are limited changes proposed to the northern elevation facing the car park and the changes to the southern elevation allow for the removal of modern lean to extensions and reflect the character of the opposite side of the building. There are additions, comprising set forward gables facing the access road. Whilst these amendments would not comply with the strict terms of policy C27, the context of the site must be considered. I note that the building is located within the Village Envelope. There are gardens and an open field located immediately to the south of the site but beyond these lies the recently constructed 'Glebe Fields' development. The impact of the addition of the extensions is mitigated by the removal of existing extensions and the enhancement of visual amenity. As such I am of the view that the proposal is located in an enclosed context in which the proposed extensions would not have a material effect on the openness or visual amenity of the Green Belt.

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

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

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

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

Taking the above points into consideration I am of the view that the proposal in respect of Units 1-3 is in accordance with Policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

The proposal for the nine new build units is now considered. The previous application (B/2010/0345) was for the conversion of the all of the buildings on the northern side of the application site. These are now proposed for demolition and nine new units are planned. This will not fall within the scope of policies DS2 or C27 and I consider that this aspect of the proposal amounts to inappropriate development in the Green Belt. I note the comments from Strategic Planning but consider that the proposal would not be classified

as infill and must be simply considered as inappropriate development for which very special circumstances are warranted.

Paragraph 3.4 of PPG2 makes it clear that inappropriate development is, by definition, harmful and should only be allowed, if the harm, by reason of inappropriateness and any other harm are outweighed by very special circumstances to justify the proposal.

Members should note that the applicant has presented a case for very special circumstances. The case of River Club, R v Secretary of State for Communities and Local Government [2009] has been cited in which it was held that 'other harm' as referred to in PPG2 could include matters in addition to harm to the Green Belt.

'Paragraph 3.2 (of PPG2) is dealing with what is required to make inappropriate development acceptable in the Green Belt. That means evaluating development as a whole to evaluate the harm that flows from it being inappropriate, together with any other harm that the development may cause, to enable a clear identification of harm, against which the benefits of the development can be weighed so as to be able to conclude whether very special circumstances exist so as to warrant a grant of planning permission'

Therefore the scope of other harm in addition to the harm to openness needs to be considered. The following are put forward as very special circumstances:

- Improvement to the openness of the Green Belt
Taking demolitions into account, there will be an improvement to the openness of the site by 358sqm
- Improved relationship to the village and its Conservation Area
The development provides an active frontage for the village and would enable the improvement of the character of the conservation area and would improve the visual amenity of the Green Belt.

There are a number of factors to be taken into account here. The site is already substantially developed and surrounded by other development within the village. The site is identified as a possible housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA). The principle of housing development on this site has been established in B/2010/0101. The removal of the existing industrial buildings (and attendant enhancement of openness) amounts to a very special circumstance and the existence of previously developed land on this scale in a rural village amounts to an entirely unique circumstance. Whilst the development is inappropriate in the Green Belt, there are very special circumstances in this instance which justify the development.

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

Conservation Area

The rear elevation of the building is clearly visible from within the Conservation Area. Policy S36 of the BDLP provides that, where development is proposed in or adjacent to a Conservation Area, a high standard of design will be expected which demonstrates that

the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area.

The amendments proposed for the building for retention are a considerable enhancement above the character of the existing structure and the design of this element of the scheme is acceptable.

The new build blocks A and B consist of two storey buildings with the lofts converted into units 8 and 9. There are varying heights proposed to create interest in the streetscene. The detailing proposes painted and unpainted brickwork to match the character of the surrounding area. There is pedestrian access proposed to connect the car park and interior of the development to the Village Green and this also provides a focal point when accessing the site from High Street.

The demolition of some of the existing buildings on the site would result in the exposure of the development to Hartle Lane but this is not a significant concern. I consider that the removal of incongruent existing buildings would enhance the visual amenity of the area. Members should note the support of the Conservation Officer and the Parish Council and the considerable efforts made in respect of pre application discussions and consultations with interested parties

Residential Amenity

I will refer to the advice of SPG1 in determining whether the development is acceptable in terms of preserving the privacy and amenity of neighbouring residents. The layout of the development follows the arrangement of the site in a linear pattern along the northern boundary of the application site. This generally follows the pattern of development in the village. I do not consider the density of development inappropriate or out of context.

In terms of residential amenity, I would refer to 8 and 9 of SPG1. There is approximately 60m across the car park to Nos. 15 -19 High Street and 25m to the rear of 10 High St. I consider that the separation distance to Nos. 4 – 10 Hartle Lane is sufficient and note the boundary treatment proposed. There is a 12m separation distance between Blocks B and C but there are no windows in the elevation of the latter. Block A is at a 90 degree angle to Block C and there is only a view of the parking area directly to the front and this complies with SPG1. The comments received from neighbouring residents are noted. In the case of the tree close to unit 10, there is no objection from the Tree Officer. I do not consider that Block C would result in any significant loss of amenity to the gardens to the rear of Church Lane. It is well separated from them with boundary treatment. The third floor referred to consists of velux roof lights and I do not consider that any loss of privacy or amenity would arise.

With regard to private amenity space for the individual dwellings, with the exception of unit 12, all of the units would provide areas below the guidelines set out in SPG1. As a general guide SPG1 advises that dwellings with 6 habitable rooms should provide 70m² of private amenity space. Small house types such as one bedroom apartments and flats should provide a minimum garden area of 42m². The area provided varies from between 35m² and 51m².

Appeal decisions on this subject (Hertsmere Borough Council 18.07.95, Torfaen Borough Council 06.04.94, St Helens Borough Council 06.07.93) indicate that below standard private amenity space in residential development should only be a basis for refusal if it would result in harm to interests of acknowledged importance i.e. residential amenity. As noted above, it is not considered that the layout of the scheme would result in any unacceptable loss of light or privacy and I do not consider that the living conditions of the future occupiers of the properties would be cramped or substandard. I note the presence of the substantial village green which will provide high quality public amenity space.

Protected Species

Members should note that the application has been accompanied by a Bat Survey. It concludes that the site offers potential for roosting bats but the activity survey noted a lack of bat activity. I take into account the policy advice contained in PPS9 and the administrative guidance set out in Circular 01/2005, it is not considered that the proposal would result in harm to protected species.

Other Issues

Members will note the comments of Worcestershire Highways and the Drainage Engineer. The required contributions towards education and play space facilities have been agreed with the applicant. I recommend that any planning permission granted is subject to the satisfactory completion of the agreement.

Conclusion

The proposal involves both the conversion of existing buildings and the demolition and replacement of other buildings with new housing.

The proposal is found to be in accordance with Policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The new build element amounts to inappropriate development in the Green Belt. However, there are very special circumstances, as outlined above, which justify granting permission. The general support for the proposals from the representations and the Parish Council are noted and permission should be granted.

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

- (a) play space provision
- (b) education provision

MINDED TO APPROVE

Conditions:

1. C1
2. C1A
3. C3 (Modified)

4. C5
5. C7
6. C10
7. C13
8. C22
9. C27
10. HC5
11. HC14
12. HC25
13. HC36B
14. HC51
15. HC53

16. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.

17. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

18. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

19. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required carrying out remediation, unless otherwise agreed in writing by the Local Planning Authority.

21. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

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

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

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. J. White 'A'	Access drive and two dwellings - 41 Sandhills Road, Barnt Green, B45 8NP	Res	11/0353-DK 10.06.2011

RECOMMENDATION: that permission be **REFUSED**.

Councillor Deeming has requested that this application is not dealt with under delegated powers but is taken to Planning Committee for determination (Verbal Request 18.05.2011)

Consultations

Barnt Green PC
Consulted 28.04.2011. No response to date.

WH
Consulted 28.04.2011. Response received: 26.05.2011.

Recommends that the permission be **refused** for the following reasons:-

The proposed drive to serve the two new properties and the replacement parking area for the 41 Sandhills Road is too narrow and does not comply with Worcestershire County Councils adopted design guide. The proposed width is 3m for a distance exceeding 30m where the policy requires a width of 3.5m and every 25m the ability for 2 vehicles to pass each other therefore there drive width must increase to a minimum of 4.1m. The non compliance will result in vehicles reversing onto or waiting on the highway for another vehicle to pass which will have an adverse impact on highway safety.

ENG
Consulted 28.04.2011. Response received: 16.05.2011.
No objection subject to conditions.

EHO
Consulted 28.04.2011. Response received: 27.05.2011.
No adverse comments in relation to contaminated land risk assessment.

Tree Officer
Consulted 18.05.2011. Response received 23.05.2011.

There are valuable trees on or within influencing distance of the development site some worthy of protection and others providing valuable screening to neighbouring properties. I feel it would not be possible to develop the site without losing or adversely affecting the health of a high percentage of these trees and therefore the proposal should be refused.

The Tree Officer has been in consultation with the applicant and further comments are awaited.

Publicity
4 letters sent 28.04.2011. Expired 19.05.2011.
26 Comments received, summarized as appropriate:

- Objection: Increased road noise, traffic and parking issues on Sandhills Road. The new access would cause a hazard to pedestrians and existing parking would obstruct the entrance. The entrance is also close to the Church, Parish Centre and a day nursery.
- The proposal would set a precedent for other investors to build on other gardens and destroy the established and mature character of Barnt Green. There are no other examples of this sort of development in gardens on Sandhills Road. The character of the traditional garden suburb would be lost.
- The proposal would lead to the loss of 11 mature trees, plants and wildlife
- The existing private garden leads to a feeling of spaciousness and this would be lost
- Gardens are no longer classified as brownfield sites in the revisions to PPS3.
- There may be drainage problems.
- The proposal breaches policy S8 – Plot sub-division which states that development proposals should not adversely affect the character, traditional pattern or amenity of the area. The proposal has a detrimental effect through the loss of the trees and the loss of amenity for the properties along Sandhills Road and 1A and 1B Bittel Lane.
- The proposal is out of character with the area and would be an inappropriate density of housing. The properties 1A -3A Bittel Lane are built in an orchard not a private garden. The proposal would result in a tandem pattern of development.
- The garden of No. 43 would be overlooked. There is not 10m between the first floor windows and the fence. The back gardens of the property would not conform to the 72sqm minimum for private amenity space. There is also insufficient capacity for extensions. The new drive is below the level of No. 43 and the disturbance could cause subsidence.
- Properties would be devalued.
- The proposal has not been publicised with a site notice
- There would be noise and disturbance for existing residents during the construction phase.

- The proposal is for large properties and no affordable units. There is limited housing demand with many properties for sale in the area
- The boundary between Nos. 37 and 41 is not correctly represented on the plans. The correct boundary is approx 1m closer to No. 41. The proposed development is within 10 of the boundary with No. 37.
- The proposal is close to the south western boundary of No. 26 Orchard Croft and there would be a loss of sunlight to the garden and vegetable plot. The development does not accord with section 6.3 of SPG1 in that the daylight to the front of No. 1B Bittell Lane would not be safeguarded. It also conflicts with paragraph 8.5 in that an upstairs window in the side of the house is 10m from No. 1B.
- The parking provision is insufficient and the access road too narrow to allow cars to pass each other.

The site and its surroundings

The application site is the rear garden of No. 41 which is a modern detached property on the north side of Sandhills Road. The neighbouring properties are generally semi detached, with a mix of architectural features and a uniformity of design in the streetscene. It is noted that the garden has a substantial width of approximately 22m. There are some substantial trees particularly on the side of No. 37. The garden is substantially set down from the house and there are also changes in levels (downwards) in the No. 43 – 37 direction.

Proposal

The proposal is for the demolition of an existing garage, and the erection of two detached four bedroom dwellings.

Relevant Policies

WMSS QE1, QE2, QE3.
WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP DS4, DS13, S7, S8, C4, C17, TR1, TR11.
DCS2 CP3, CP10.
Others PPS1, PPS3, PPS9, PPG13, SPG1.

Relevant Planning History

P10/0126 2 Four bedroom bungalows – Pre Application advice
B15785 Erection of two storey side extensions to form guest room/study with bedroom over. Granted 14.12.1987.

Notes

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

- (i) The principle of development on this site,
- (ii) The impact of the plot sub-division and the resulting density and layout in respect of the character of the area
- (iii) The impact of the proposal on existing trees
- (iv) The impact of the proposal on the amenity of neighbouring residents

In this respect, policies S7 and S8 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

(i) Principle

Members should note the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. The implications of the recent changes to PPS3 are:

- 1) minimum densities for housing have been abolished; and
- 2) garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3, on which there is a presumption in favour of development.

The changes therefore do not mean that garden land may not be used, as the requirement in PPS3 and other national policy documents to use land efficiently and effectively still apply. The application can be determined in accordance with these principles. In terms of considering the application, I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

Members should note the comments received in the representations which question the principle of development. However, the site is located within the defined urban area and as such, I do not consider that current national and local planning policy establishes a presumption against development at this location. I examine the proposal on the basis of policies S7 and S8 of the BDLP and the advice of SPG1.

(ii) Design Density and Layout

There are representations received in respect of the density of the proposal and its inappropriateness in the locality. The site area is 0.16Ha and the resulting density would be 12 dwellings per hectare and this is not a high density of development in any urban context. The more relevant consideration is the layout.

Members should note that most of the representations raised the issue that the proposal would not respect the traditional character or layout of development in the area and thereby it breached policies S7 and S8. The proposal amounts to backland development and there are no other examples of this on either side of Sandhills Road. There are spacious gardens and the proposal would undoubtedly result in a significant change in the current balance of built development and open space. The applicant states that 'the

form and layout are appropriate when considered against the new housing at the rear of the site'. This is assumed to refer to 1A and 1B Bittell Lane which have been built to the rear of No. 3 Bittell Lane. These appear to have been permitted under B/1992/0576. The representations have stated that this land was formerly an orchard and the planning history confirms this. I do not consider that this sets a direct precedent for backland development on Sandhills Road. I am mindful of the recent appeal decision at 46 Alcester Road Hollywood in which the Inspector commented:

'The appeal site comprises a detached dwelling and its unusually long rear garden, in a suburban residential area where there is considerable variety in the form, design and layout of housing and in the sizes of individual plots. However the prevailing development pattern, which is part of the area's character, is one of dwellings fronting onto streets. The gardens form a private environment at the rear and for this reason, ...the blocks of rear gardens are also an important element of the area's character.'

In contrast to the appeal site, this application site is part of a streetscene which is relatively uniform in layout and design with the gardens similarly forming important private spaces. I conclude the proposal would not accord with the prevailing layout and character of the area. In terms of the design of the proposal, it is a conventional suburban appearance. I note that the projecting gable in Plot A is not characteristic of the area.

(iii) Trees

There are a number of mature trees on the application site, especially on the boundary with No. 37 to the west. The applicant has presented a Tree Report with the application which recommends the removal of 3 broadleaved and 8 coniferous trees. This includes most of the trees on the east side of the site and some on the opposite side. It is proposed to retain 3 large broadleaved trees on the west side towards No. 37. Members should note the concerns raised in the representations in respect of the loss of trees and mature landscaping and the requirements of policies S7 and C17 in this respect. The initial views of the Tree Officer are noted. On the basis of the evidence presented, it is clear that the proposal would result in the loss (or at least, the partial loss) of the mature trees and landscaping on the site and would not accord with policies S7 and C17.

(iv) Residential Amenity

There are several of the representations received which have referred to a loss of residential amenity. Members must carefully consider whether there actually is a loss of privacy or amenity as opposed to simply a loss of outlook. I will focus particularly on the adjoining properties where the potential loss of amenity is more possible.

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. There is approximately 25m between the rear windows of the existing No. 41 and the side of plot A and there are no side windows in the plot. The proposed dwellings are oriented on a north south axis such that the main windows of the dwellings would face the gardens of Nos. 37 and 43. There is a side window on plot B which is close to the boundary with 1B Bittell Lane and the window would be approximately 17m from the front of that property. I note the representation received but consider that the ensuite window could be obscure

glazed by condition and no loss of privacy would arise. I consider that the properties 1A and 1B Bittell Lane are at right angles to the proposal and therefore would not breach the requirements of Fig. 14 of SPG1. The same applies to the properties at Orchard Croft and Sandhills Road.

Paragraph 8.5 of SPG1 advises that new development needs to be set off by 5m per storey where it adjoins a private garden. There is approximately 7m distance to the boundary with No. 43. Plot A has been designed such that only ensuite windows face this direction on the first floor but there is a bedroom and lounge on the ground floor and these are too close to the boundary with No. 43. I note that the garden of this property is above the level of the garden for the proposal, but a 7m set off is inadequate and would reduce evening light and infringe privacy. I am mindful of the recent appeal decision on B/2010/0326 in which it was held that a driveway and parking areas were detrimental to an adjoining neighbour's enjoyment of their garden. The hedge is weak in places further compounded by the removal of several existing trees on this boundary.

To the rear of the proposal, there is a 10m set off for plot A and approximately 9m for plot B and this is reasonably acceptable. I note the comments from the residents of No. 37 in respect of the position of the boundary and the applicant has been asked to clarify this matter and amend the plans as appropriate.

Overall, the proposal does not conform with the advice of SPG1 and or with the requirements of policy S7 (e).

Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The history of the site indicates little likelihood of contamination and there is no objection from Environmental Health. The representations raised concerns about drainage. However, the Drainage Engineer has raised no objection subject to conditions. There is, currently an objection from WH in respect of the width of the proposed drive. The matter is being reviewed by the applicant and Members will be updated on the outcome.

Conclusion

Whilst the principle of development of the site may be acceptable; there are a number of significant concerns in respect of the impact of the proposal on the traditional character of the area. Whilst the applicant has referred to the pre application advice, this was raised as a significant concern at that point and remains so. In addition to the lack of conformity of the layout with the surrounding area, there is also a loss of trees and mature landscaping and a loss of amenity especially to the gardens adjoining the application site. Permission should be refused.

RECOMMENDATION: that permission be REFUSED for the following reasons:

1. The proposed development does not respect the layout, form and character of the area. As such the proposal is contrary to policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.

2. The proposed development would not respect the amenity of adjoining occupiers contrary to policies DS13 and S7 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.
3. The proposal would result in the loss of trees and mature landscaping contrary to policies S7 and C17 of the Bromsgrove District Local Plan 2004.
4. The proposal would not allow for a safe access and egress to the adjoining highway contrary to policy TR11 of the Bromsgrove District Local Plan 2004.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. G. Underhill 'A'	Proposed first floor side extension - 1 Holyoakes Lane, Tardebigge, Bromsgrove, B97 5SR	GB	11/0383-TC 28.06.2011

RECOMMENDATION: that permission be **REFUSED**.

Councillor Whittaker has requested this application is not dealt with under Delegated Powers but is taken to Planning Committee for determination.

Consultations

Bentley Paucefoot Parish Council	Response on 18.05.2011 - no objections.
Worcestershire County Council Highways	Response on 27.05.2011 - no objections.
Publicity	1 letter sent 11.05.2011 (expired 01.06.2011) - no views received. 1 site notice posted 17.05.2011 (expired 07.06.2011) - no views received.

The site and its surroundings

This application relates to a semi detached residential property situated on the south western side of Holyoakes Lane, Bentley. The dwellinghouse is one of a small group of six properties set in a predominately open area of Green Belt land. The site has a detached side garage and a single storey side and rear extension already added to the original dwellinghouse.

Proposal

First floor side extension including 3 no roof lights.

Relevant Policies

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

Relevant Planning History

B/1997/0897	Single storey kitchen extension, bathroom extension - granted 02.03.1998.
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11/0104 Proposed first floor side extension including 2 no. roof lights - withdrawn
13.04.2011

Notes

The site is located within the Green Belt thus the key issue in the determination of this application is the impact of the development on the openness of the Green Belt. It is important to consider the wider streetscape and design of the extension and the impact on the amenity of the neighbourhood. As such policies DS2, S11, SPG1 and SPG7 are most relevant in determining the application.

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

Greenbelt

Having regard to SPG7, a maximum extension of up to 40% of the original dwelling is regarded as a proportionate addition over and above the size of the original dwelling; unless there are very special circumstances.

Original dwelling (ground, first and rear outbuilding)	110.86sqm
Existing additions (side and rear extensions, minus garage)	25.93sqm
Existing dwelling	136.79sqm
Existing additions over original	23.38%
Proposed extension	24.65sqm
Proposed increase above existing	18.02%
Proposed increase above original	22.23%
Total house as proposed	161.44sqm
Proposed extension and existing additions	50.58sqm
% of proposed and existing additions above original	45.62%

The proposed extension would create an increase in size of 45.62% over and above the original dwelling, with total floor space of 161.44m².

I note that where any buildings are to be demolished as part of the development, the floorspace of which can be offset against the proposed extensions. Even with the garage area removed the proposed extension and existing additions are above the proportionate 40% addition and is thus is not acceptable in the Green Belt unless very special circumstances apply.

The applicant has put forward a case for very special circumstances which will now be considered:

- The applicants calculations of the floorspace have been noted however the Council's calculations clearly show that the increase would exceed the recommended 40% increase even when taking into account the demolition of the

garage which is within 5 metres of the dwellinghouse. In addition the Council's Supplementary Planning Guidance note 7, 'Extensions to dwellings in the Green Belt', only seeks additional increase in the Green Belt by floorspace and not volume and when assessing the proposed addition the proposal it is clearly above the 140 square metres and 40% recommended addition.

- The applicant suggests that the proposal may have very special circumstances as SPG7 notes that *'there may be cases where a further extension takes the cumulative effect above 40% of the original floor area, but where the design is such that it unifies previous extensions, such as single storey flat roof extensions'*. It is noted that the existing building has a pitched roof on the side element thus this proposal cannot be considered to be a single storey flat roof extension thus this case for very special circumstances does not apply in this instance. The proposal would have more weight if the existing addition was only flat roofed however the existing ground floor extension is predominantly pitched roof.
- The applicant also notes that the dwellinghouse is located at the end of a ribbon of residential development comprising 6 No. semi-detached cottages, all of which have been substantially extended. The applicant notes that:

"All of the extensions [in the run of 6 dwellinghouses] greatly exceed 40% of the original floor area with one property being extended some 90%." SPG 7 concurs that *'Where the dwelling house is located within a defined village settlement boundary or within a ribbon of residential development, then the relationship of the property to the type, scale and character of the adjoining development will be taken into consideration in evaluating the harm caused to the openness of the Green Belt'*.

Crucially, SPG7 clearly defines ribbon development as relating to "within a substantial line of dwellings with residential properties adjacent on either side. The property is situated at the end of a row of six dwellings and, given this context, I do not accept this point as constituting very special circumstances as advocated by SPG7.

It is now important to consider previous development along this stretch of Holyoakes Lane. No 6 Holyoakes Lane at the other end of the run has had 'extensions to the dwellinghouse' (B/1989/17879) granted 15 June 1989 and 'Erection of Double garage and extensions to dwelling' (B/1990/19720) granted 8 October 1990. I note that both of these extensions occurred before the adoption of the Bromsgrove District Local Plan 2004 and the guidance in PPG2 Green Belts (1995).

In addition the following development that has taken place within the run of development:

1. 4 Holyoakes Lane application for a two storey side extension which was granted in 11.12.2001 and the proposal was 104% approx over the original dwellinghouse (B/2001/1180).

2. 5 Holyoakes Lane application for a two storey side extension which was granted in 19.07.2001. The proposal was 88% over original dwellinghouse (B/2001/0652).
3. 3 Holyoakes Lane application for a two storey side extension granted on 05.12.2002. The proposal was 80% over the original dwellinghouse (B/2002/1176).

All these properties were determined prior to the adoption of SPG 7: 'extensions to dwellings in the Green Belt'. This guidance seeks to restrict extensions from being disproportionate and the previous applications did not take this into consideration. With this guidance it is clear that the proposed development is unacceptable in the Green Belt especially as very special circumstances do not apply.

- The applicant notes that "*precedents have been set in the past where Planning Permission has been granted for extensions to properties in the Green Belt which have resulted in the extended property being increased over and above the original floor space by substantially over 40%*".

One such example, a proposed first floor side extension and single storey rear extension at 8 Dordale Road in Bourneheath (B/2010/0829), noted by the applicant was seen to have very special circumstances in that the total floorspace of the proposed house would not exceed 140 square metres. The Council would state that all applications noted by the applicant were all assessed within their own context and circumstances and as such these do not provide any very special circumstances for development for the applicant and as such the proposed development is unacceptable in the Green Belt.

Design

Development is permitted under DS2 if the proposals are for the limited extension, alteration or replacement of existing dwellings (subject to S11). The proposal should not damage the visual amenity of the Green Belt. All proposed materials are in line with the existing building and would thus not detriment the visual amenity of the building.

To comply with Bromsgrove District Council's Residential Guidelines, it is suggested that proposed extensions are set down from the height of the roof and set back from the front of the original dwelling. I will deal with these aspects of the application in turn:

Set down – the proposed roof would be set down 60 cm from the existing building.

Set off – the extension is set off approximately 7 metres from the site boundary.

Set back – The proposed extension is set back approximately 1.5 metres.

The proposal would be set back of the elevation of the original dwellinghouse, would be situated away from the curtilage boundary and would be set down by a reasonable margin from the existing building height. In addition the applicant notes in the supporting statement that "*The proposed first floor extension sits on the footprint of the existing ground floor extension which dictates the floor area generated.*" In addition it is noted that

the building would be enhanced in terms of design and it is noted that *“All proposed facing materials will be as original and the roofing material will be of reclaimed slate.”*

It is considered that the proposal would be subservient to the existing building and would be acceptable in terms of design.

Street scene

It is noted that 1 Holyoakes Lane is at the end of a small group of properties and that the proposal seeks to place one rooflight in the front elevation. In terms of the roof light it is considered acceptable in the streetscape as no 2 Holyoakes Lane has a rooflight in a very similar location. Another rooflight is proposed in the roof at the front of the dwellinghouse visible to the side elevation facing the adjoining field. It is considered that this would cause negligible harm in the streetscape. The roof light to the rear would be acceptable.

By virtue of the position of the dwellinghouse at the end of the row of properties the proposal would not have a detrimental impact on the character of the streetscene. Giving permission for development in this location would not give rise to a precedent for infilling of gaps as the property is at the end of the row of dwellinghouses.

Residential amenity

The proposal would not cause material harm to the amenity of nearby occupiers. By virtue of the position of the extension at the end of the dwellinghouse there would be no impact to no 2 Holyoakes Lane.

Conclusion

The proposal would be in keeping with the streetscene and design of the existing dwellinghouse and would not adversely affect the amenity of adjoining occupiers. However the application for a first floor side extension would create a disproportionate addition to the dwellinghouse and there are no very special circumstances to justify this development and as such would not meet the criteria for extensions to dwellings in the Green Belt (BDLP S11) and SPG7.

RECOMMENDATION: that permission be **REFUSED**.

The extension would create would create a disproportionate addition to the original dwellinghouse, would be harmful to the openness and visual amenity of the Green Belt and no very special circumstances exist or have been put forward to outweigh the harm to the Green Belt, contrary to Policy S11 and DS13 of the Bromsgrove Local Plan and the guidance in PPS1, PPG2 and SPG 7 *'Extensions to dwellings in the Green Belt'*.

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Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. S. Cook 'A'	Extension of the existing property to provide improved disabled access (resubmission of 11/0047) - Annexe, Shut Mill Cottage, Shut Mill Lane, Romsley, B62 0LY	GB	11/0413-RL 06.07.2011

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

Consultations

Drainage Engineer	Consulted 18.05.11 – No objection received 31/5/11
Worcestershire Highways	Consulted 18.05.11 - No comments received to date
Romsley PC	Consulted 18.05.11 – No comments received to date
Publicity	Site Notice Posted 26.05.11 (expired 16.06.11) – No comments received to date 2 Neighbour Notification Letters Sent 18.05.11 (expired 08.05.11) – No comments received to date

The site and its surroundings

This resubmitted application relates to the annexe between Shut Mill Cottage and Shut Mill Barn on the north side of Shut Mill Lane, Romsley which is located within the Land Protection Area and designated Green Belt.

Shut Mill Cottage and Shut Mill Annexe were devastated by severe flooding in 2008, following the over-topping of the embankment at the rear of Shut Mill Cottage in September 2008. This property and the annexe have been uninhabitable since and the owner and the occupant of the annexe have had to seek alternative accommodation. The cottage and the annexe are currently undergoing renovation as part of major engineering works to provide an improved outfall structure to the mill pond as part of the approved application referenced 10/0440.

Proposal

The applicant is proposing to remove an existing unsightly porch on the front elevation which there are no records of any planning permission being granted for and re-building the front elevation of the building to be in line with the front wall of the demolished porch and a disabled ramp installed outside the newly positioned front door. The roof would be re-built but maintained at the same height by adding a leaded, flat top. The existing ventilator (often a common feature of converted rural buildings) would also be re-built. The internal configuration of the building would be altered to allow the additional space created by the proposed extension to be more easily utilised by the occupant. There would be two roof lights added to the rear roof slope of the building allowing more light into the new lounge along with a sun pipe above the new wc. There would be matching windows installed in the new front elevation and the bricks and tiles would be reclaimed to ensure they match the existing.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39, D.16
BDLP	DS2, DS13, TR11, C27, C27C
DCS2	CP3
Others	PPS1, PPG2, SPG4

Relevant Planning History

10/0440	Repairs to the existing mill pond embankment and construction of new spillway and associated works (as amended by drawings received 05.07.10). Approved 27.07.10
11/0047	Extension to existing property to provide improved disabled access. Withdrawn 09.05.11

Notes

I consider the main issues with this application to be whether the proposals are considered appropriate development in the Green Belt and if not whether there are any very special circumstances which would outweigh the harm caused. The proposal must also be considered in terms of its design to comply with the SPG4 Conversion of Rural Buildings:

Green Belt issues

I consider that the proposal, as an extension of a converted rural building (where permitted development rights have been removed) is inappropriate development in the Green Belt which is, by definition harmful. The proposal would result in a loss of openness at the site compared with the present situation as it would have a larger footprint than the building in situ. The extension does not fall into any of the categories of development in the Green Belt which would be considered appropriate.

On this basis, a case for very special circumstances has been put forward by the applicant within the submitted Design and Access Statement. This is summarised below:

- The proposed extension and alterations are to provide improved level access to the property and a bathroom and wc facilities that are suitable for wheelchair access.
- The height of the proposed roof would be lower than that of the existing roof.

Whilst I sympathise with the applicant in that the changes are required to ensure greater ease of movement for the occupant due to disability, this cannot be considered as a VSC which would outweigh the harm caused to the openness of the Green Belt.

The height of the roof may not be increasing in height, but by increasing the volume of the building would also cause harm to the openness of the Green Belt by increasing the overall bulk of the building. The height of the proposed roof not increasing cannot therefore be considered a VSC in this case.

Having consideration to the case put forward for very special circumstances, on balance I do not consider these to be very special to outweigh the harm that would be caused to the Green Belt.

Residential amenity

Given the orientation of the buildings and that the proposed front elevation would be set back from the front wall of the neighbouring property (Shut Mill Barn), I am confident that the proposed extension and alterations would not have a detrimental affect on the amenities of the neighbouring property with regard to loss of light or outlook. There would also not be any loss of privacy as a result of the proposed works.

Character and Design

Policy C27C of the Bromsgrove District Local Plan states that proposals for extensions to converted rural buildings will be assessed against the impact of the scheme on the character of the original building rather than the use to which it has been converted. The key element is therefore the form and style of the original building rather than the primary use to which it has been converted. Paragraph 3.7 of SPG4 'Conversion of Rural Buildings' mirrors Policy C27c by stating that extensions will not normally be permitted where the proposed works detract from the plain, simple and utilitarian appearance of the original building.

By virtue of its siting, I consider the proposal would detract from the simple and utilitarian appearance of the building. With regards to its design, I do not consider that there has been significant effort made to reflect the original character of the building notwithstanding the proposed matching brickwork, tiled roof and the attempt to retain the ventilator characteristic. The proposed windows and door appear to be those which would be used in a residential property rather than a building previously attached to an agricultural use. Despite the proposed extension removing the unsightly porch to the front of the property, the character and footprint of the building would be changed to such a great an extent to have irretrievable damage to the original form of the building as it would have been prior to conversion. On the basis of the above, I consider the proposal would appear simply as a modern extension which would be harmful to the character of the building. On balance, I do not consider the proposal accords with policy C27C or the guidance of SPG4.

Conclusion

I consider the form and general design of the proposed extension would detract from the simple and utilitarian form and appearance of the existing building contrary to Policy C27C of the Bromsgrove District Local Plan and the guidance contained in SPG4. I therefore consider the application to be unacceptable. The proposal also amounts to inappropriate development in the Green Belt.

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

1. The siting, form and design of the proposed extension would detrimentally erode the simple form and utilitarian character and appearance of the original building contrary to Policy DS2 and C27C of the Bromsgrove District Local Plan; the

Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and Policy D.16 of the Worcestershire County Structure Plan.

2. The proposed extension would be harmful to the openness of the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal conflicts with policies D38 and D39 of the Worcestershire County Structure Plan, policy DS2 of the Bromsgrove District Local Plan and the advice of PPG2.

Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Council	Advertise Here signage for BDC - A456 Hagley Roundabout, Birmingham Road/Kidderminster Road/Stourbridge Road, Hagley		11/0426-RL 11.07.2011

RECOMMENDATION: that advertisement consent be **GRANTED**.

Consultations

Worcestershire Highways	Consulted 24.05.11 – No comments received to date
Hagley PC Publicity	Consulted 24.05.11 – No comments received to date N/A

The site and its surroundings

This application has been submitted by the Council and is for advertisement consent relating to a roundabout at the end of the A491 where it meets the A456 at Hagley. The roundabout is located within designated Green Belt. The roundabout is fast moving with four major entrances and exits leading onto/off it and one minor leading from Park Road on the east side. There are currently a number of mature trees in the centre of the roundabout and highway information signs located in front of each entrance/exit.

Proposal

The applicant is proposing to erect four separate advertisement boards on the centre of the roundabout opposite to each of the four major entrances/exits onto it. Each board would be mounted on two powder coated, metal posts of 800mm in height. The advertisement boards themselves would be 1000mm wide x 500mm in height and would be used by companies who contact the Council to place an advert on these to advertise their business. The proposed signs would not be illuminated.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

Relevant Planning History

N/A

Notes

In terms of PPG19, signs are assessed on visual amenity and highway safety only:

Visual amenity

The proposed advertisement boards would not have a detrimental affect on the visual amenity of the area.

Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway safety.

RECOMMENDATION: that advertisement consent be **GRANTED** for a period of five years.

No conditions required.

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

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

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

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
TAYLOR WIMPEY UK LIMITED “B”	Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works (resubmission of 10/0920) (as amended by Transport Assessment received 07.06.2011).	ADR	11/0431-DMB 22.08.2011

Land at Selsdon Close, Wythall.

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

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

MINDED TO APPROVE

Consultations

WH

Consulted – views received 06.06.11:

- I note that additional information has been provided relating to large vehicle tracking and that a Stage 1 Safety Audit has been provided. This supplemental information demonstrates that the site is accessible by larger vehicles even with on street parking and confirms that there is no safety concern with the design as proposed.
- The applicant should enter into a Section 106 Agreement to promote sustainable access schemes. This will comprise of improvements to the walking and cycling network between the railway station, application site and Wythall Village centre. The required contribution is £40,000 this should be paid prior to the commencement of development.
- No objections subject to Conditions relating to:
 - Closure of the existing vehicular access leading of Lea Green Lane with the exception of any existing residential dwellings and details of the means of closure and reinstatement of this

existing access to be submitted to and approved in writing by the Local Planning

- The submission of engineering details of the resurfacing of Selsdon Close to be submitted and approved in writing by the Local Planning Authority,
- The provision of wheel washing apparatus during construction phase
- Means of vehicular access for construction traffic to the development hereby approved shall be from Selsdon Close only.
- Means of vehicular access to the development hereby approved shall be from Selsdon Close only.
- The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.
- The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a residential welcome pack that promotes sustainable forms of access to the site with the Local Planning Authority.

HA

Consulted – views received 26.05.11:

- No objection
- The site is located approximately 2.2 miles away from the nearest point of the Strategic Road Network (M42 Junction 3)
- Given the size of the proposed development, it is unlikely that the development will have a significant operational or traffic impact on the M42 or its junctions

ENG

Consulted – views received as per 03.11.10 on previous scheme:

- No objection

STW

Consulted – views received 01.06.11:

- No objection subject to Conditions

CLO

Consulted – views received as per 05.11.10 on previous scheme:

- No objection subject to Conditions

EHM: Noise

Consulted – views received as per 24.01.11 on previous scheme:

- Subject to clarification on the noise measuring methods employed, I would agree with the recommendations of the Noise Assessment and confirm that passive acoustic ventilators will be required within the walls of habitable rooms that have rooms facing the railway and a 1.8m high close-boarded timber noise fence shall be located along the garden boundaries adjacent to the railway.

EHM:

Consulted – views received as per 24.01.10 on previous scheme:

Air Quality

- No objection

URB

Consulted – views received as per 18.10.10 on previous scheme:

General

- The Design and Access Statement is an exemplary document,

clearly setting out a set of site planning and design principles based upon analysis and good practice, and resulting in sound decisions.

Density

- The proposed density of 31 dwellings/hectare seems appropriate for this context. Higher denser houses are intended for the main road which is appropriate.

Site Planning

- The planning of the site is based on analysis and intelligent decision-making. The access to the site is limited, but within this limitation sound decisions are made. There is an uncertainty about the location of the “main street”. In the illustrative plans in the Design and Access Statement, this is shown running from Selsdon Close to the pedestrian connection to Lea Green Lane. However, in the whole site block layout plan which is submitted separately from the Design and Access Statement, it is shown running from Selsdon Close to the railway. I consider that the former is more appropriate, as it reflects the predominant movement route of residents and visitors, connecting to the street network beyond the site.

Block, Street and Building Types

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

Sustainable Design

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

Tree Planting

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

Summary

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

SPM

Consulted – views received 01.06.11:

- It is noted that the proposal is a resubmission of planning application no. 10/0920 that was recently refused at Planning Committee and that further evidence now accompanies the application which seek to address the reasons for refusal.
- 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.
- On 16 December the temporary block was removed by the High Court and the weight that the RSS had in the Planning System was left for Local authorities to determine. Further to that a hearing on the 7 February 2011 ruled in the favour of the government and judged that it was lawful for Local authorities to consider the intention to remove RSS's as a material consideration once again. Cala Homes appealed against this decision but on 27 May 2011 the Court of Appeal dismissed Cala Home's claim that the Government's intention to revoke regional strategies could never be a lawful material consideration in planning decisions. The current draft Core Strategy 2 contains the most recent housing targets for the District which are in accordance with those published in the WMRSS phase 2 revision Examination in Public panel report and it is with these in mind that the application should be considered.
- The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information. For Bromsgrove specific housing issues this is considered to be the planning inspectorates report into phase 2 revision of the RSS which recommended an initial housing target of 4,000 dwellings. It should be remembered that this figure was also put forward by the Council at The Examination in Public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a

significant element of the justification for this level of development was the existence of deliverable ADR sites across the district which could help meet the needs whilst not requiring green belt development or a full green belt review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with what was the emerging RSS it is considered by officers as the most relevant target to use when addressing matters of housing supply.

- At April 2010 when using the 4000 figure a supply of only 2.19 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period the 4000 dwellings figure relates to.
- In this case clearly material factors other than just housing supply still need to be considered when releasing an ADR for development. Of particular relevance is BDLP policy DS8 which states that permission for the permanent development of an ADR should only be granted following a local plan review. The BDLP policy was written before the introduction of the current planning regime, which itself is under scrutiny by the coalition government and as outlined above is partially the subject of ongoing legal proceedings. The review of the Local Plan is taking place in the form of the Core Strategy. The Core Strategy is still emerging and has been developed with regular Member involvement over a considerable number of months. Subject to the resolution of the high court proceedings and the publication of the localism bill the Draft Core Strategy 2 is to be published in early 2011. It should be noted that the purpose of the ADR designations in the BDLP was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021, this approach is consistent with emerging policy contained in the both the existing published draft of the Core strategy (October 2008) and also the emerging draft core strategy 2.
- The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery.
- When considering releasing any of this ADR land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging Core Strategy. Within the submitted Planning Statement the applicant has considered the proposal against relevant policies in the Draft

Core Strategy (October 2008) and appears to be in general conformity. For instance the applicant proposes a high proportion of 2 and 3 bedroom properties (70%) and up to 40% affordable housing which will help to address housing need in the district.

- The Affordable Housing Delivery Plan highlights that the proposed breakdown of affordable housing is 2/3 social rented and 1/3 intermediate. This conforms with the Council's long term strategy although the views of the Strategic Housing Manager will be pertinent as in the current economic climate a higher percentage of social rented may be preferable.
- In conclusion there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this the prompt submission of a reserved matter application would be required as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme, it is important that this development does actually happen within five years.

SPM
Open Space

Consulted – views received 01.06.2011:

- As the proposal is for 76 units SPG11 should be applied. The amount of play space generated by this development is 7564 square metres. As the scheme is larger than 50 units a local equipped area of play (LEAP) should be provided on-site. The scheme includes a LEAP within the total of 5300 square metres of open space to be provided on site. This on-site provision generates maintenance costs of £199,916. The scheme does however; leave a shortfall of 2264 square metres to be provided off-site. This generates a commuted sum of £504,281.92.

HLS

Consulted – views received as per 18.10.10 on previous scheme:

- In line with PPG17 report and strategic vision of greenspace and infrastructure please accept the following comments:
- Insufficient detail of formal and informal POS, with little reference to calculation of provision and SPG11
- Balancing Pond: full 20 year maintenance schedule calculation for Balancing Pond and associated works - ie dredging, risk assessments, security/safety fencing if required flooding risk etc
- Poor buffer strip in its current design - poor quality and lacks amenity value of this space and has potential associated ASB issues
- Responsibility of the boundary to the railway line - should remain

with Network Rail or developer due to on-going maintenance and health and safety issues

- Poor green space linkages from Selsdon Close to the formal POS -
- Ecological survey required on the natural POS and associated 20 year habitat management plan

SHM

Consulted – views received as per 15.11.10 on previous scheme:

- The above application presents an opportunity to achieve delivery of affordable housing in a part of the District where need is strong and where affordable family housing has been depleted through the Right To Buy. In response to the 40% affordable housing provision proposed by the applicants which consisted of 2 and 3 bedroom houses, in October I responded setting out the requirements for affordable housing across a range of property types to include one bedroom flats, 4 bedroom houses and bungalows for older people.
- As at the 15th November the applicant's representative has indicated a willingness to now also incorporate 4 x one bedroom flats and 2 x four bedroom houses within the affordable housing development. However the tenure split continues to reflect a 2/3 social rent and 1/3 intermediate housing provision. I have responded repeating my original request that the affordable housing delivery should reflect a 75% rent 25% intermediate housing split which I feel is more compatible with post recession levels of affordability.

WCC

(Landscape)

Consulted – views received as per 20.10.10 on previous scheme:

- The site has been identified by the County Landscape Character Assessment as being part of an area of Landscape Character Type "Timbered Pastures" that extends across Wythall and occurs only in the north-east of the county. This Landscape Type is characterised by densely scattered hedgerow oak trees, a small scale pattern of hedged fields and pastoral land use.
- The application site consists of a single large field and the remnant of a smaller field to the south. These have in the past, been subdivided by fences. Land use is rough grassland, used unofficially as an amenity space and also for horses. There are a number of trees in the boundary hedges and within the short section of hedgerow separating the two land parcels. Most of these are shown as retained on the application drawings. The area is in poor landscape condition and is typical of areas within a peri-urban context. The subdivision of the fields, quality of grassland, lack of mature hedgerow oaks and heavy use of the land all contribute to this poor condition.
- In terms of visual impact, the location of the application site is relevant, being situated adjacent to a densely populated area of Wythall and bordered by the railway line. Development here would relate both visually and physically to the existing fabric of the urban area. The site is not overlooked from higher vantage points and is not visually prominent except from the adjacent

railway track. However, even from here the site is seen in the context of an urban situation.

- I would therefore recommend that refusal of this application on landscape grounds, either landscape character or visual impact, could not be justified.

NE

Consulted – views received as per 10.11.2010 on previous scheme:

Protected Species

- Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species subject to any outline planning consent (if approved) incorporating a suitable condition securing adequate safeguards for ecological issues both during construction and afterwards.
- We propose this is achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan.

Enhancing biodiversity

- Natural England welcomes the range of ecological mitigation and enhancement measures set out in the Ecological Appraisal. Section 4.47 summarises these but careful consideration should be given to the preceding text in order to ensure the full breadth of points needing attention is addressed. In order to ensure these safeguards are delivered adequately and the gains offered are realised (e.g. in relation to the northern boundary watercourse and the need to safeguard water quality in the River Cole) we propose that any planning consent should incorporate a planning condition setting out the need for a suitable Construction and Environmental Management Plan (CEMP).
- The Council may wish to consider stipulating the need for an 'ecological clerk of works' in order to oversee implementation of the CEMP.

WWT

Consulted – views received as per 17.11.2010 on previous scheme:

- I am happy that the ecological recommendations are appropriate.
- Accordingly I am happy to defer to Natural England's position on this application and do not wish to make any further comments at this stage.

TO

Consulted – views received as per 25.01.2010 on previous scheme:

- No objection subject to Conditions

WCC(CA)

Consulted – views received 26.05.2011:

- The Archaeological Desk Based Assessment which accompanied the application has confirmed that there are no known heritage assets that would be affected by the proposed development.
- This area of the county is very under recorded in terms of archaeological remains partly due to the high predominance of pasture and the lack of active local history groups, and so it is not easy to determine the sites significance. However, subtle

earthworks lie on the northern boundary and are of unknown origin.

- Consequently as a condition of planning consent I advise a programme of archaeological work prior to and during development. This will entail evaluation trenches to determine the land formation process and potential for buried remains. Should the potential be sufficient, then a programme of strip map and sample excavation may be required as part of the development process.
- In this instance it is believed, on current evidence, that the site is not of such significance to warrant pre-determination evaluation or preservation *in situ*, and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work.

WMC

Consulted – views received as per 21.10.10 on previous scheme:

- Whilst I appreciate this is an outline application and subject to potential changes, I must object on the submitted design layout.
- The link path from the development to Lea green Lane leave the first set of dwellings to attack providing an escape route for offenders.
- This path is at risk of becoming a site of anti-social behaviour or crime due to the layout of the houses and lack of natural surveillance. I understand the concept of encouraging pedestrian traffic to the station but this path could put those users at risk.

CS

Consulted 25.05.11: views awaited

CCO

Consulted 25.05.11: views awaited

CN

- Consulted – views received as per 18.10.10 on previous scheme:
- No objection

NG

- Consulted 25.05.11: views awaited

NR

- Consulted – views received as per 08.10.10 on previous scheme:
- No objection

WCC (EA)

- Views received as per 04.10.10 and 11.11.10 on previous scheme:
- If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with the Supplementary Planning Document on planning obligations for education facilities.
- The catchment area schools are Meadow Green Primary School and The Woodrush High School. Under our current table of charge there is a contribution due for both schools.
- The high school is certainly popular and generally fills. A significant proportion of its pupils come from across the county border in Birmingham, partly because the high school recognises two Birmingham LA primary schools as contributory schools.
- The primary school is more up and down in terms of numbers

but does fill in some years. Again, a proportion of pupils come from across the border.

Solihull MBC
Wythall PC
Publicity

Consulted 25.05.11: views awaited

Consulted 25.05.11: views awaited

21 letters sent 25.05.11 (expire 15.06.11)

5 identical site notices posted 27.05.11 (expire 17.06.11)

1 press notice published 27.05.11 (expires 17.06.11)

10 representations objecting to the scheme on the following principal grounds (a number of representations wish for all previous stated objections to 10/0920 be put forward for consideration in the current application):

- Loss of Green Belt site
- The site was intended as a buffer between Wythall and Solihull and this will be lost
- Loss of character
- Loss of view
- This large scale, high density housing development is an area of mainly individual detached housing, is entirely out of keeping and will destroy the local character of the area
- Lack of local need for development, including affordable element
- There are brownfield sites that should take priority over this development that would alleviate the building proposals in Wythall
- It is noted that the application is in outline and therefore the agreed number of dwellings in the final scheme could be increased significantly

- Existing infrastructure cannot cope with the volume of traffic, with major impact on traffic flowing through village to get to Birmingham, Shirley and Solihull as well as the M42 junction
- Traffic congestion
- Selsdon Close is currently too narrow to have a regular amount of traffic passing each other
- The junction with Selsdon Close would be subject to traffic jams and accidents
- Proposed access opposite Three Oaks Road is dangerous
- Lack of public transport links (bus/trains)
- Bus network is not satisfactory
- Lea Green Lane is too narrow and lack of pavement will make it dangerous for pedestrians with extra traffic
- Nothing has changed since the previous decision and the potential for fatal accidents has increased even more

- Impact on amenity of the occupiers of existing dwellings, especially Lea Green Lane
- Loss of privacy

- Regular use of the link access to Lea Green Lane will lead to accessibility issues, noise and invasion of privacy
- Disturbance of excessive noise, dust and disturbance during construction phase
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- Loss of wildlife and wildlife habitat, including protected species
- Increase in anti-social behaviour, potential vandalism, criminal damage, litter and property theft
- Increased noise
- Increased air pollution
- Prospect of lighting pollution for any additional security car park lighting
- Impact on medical services and dentists
- Impact on school places
- Lack of local facilities

Members are encouraged to review all submitted documentation, including the third party letters summarised above and the additional information on highway matters accompanying this application. This is available to view online via the Council's website or in paper format within the planning application file.

The site and its surroundings

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

The site consists of a single field and the remnant of a smaller field to the south. The land, consisting of rough grassland, has a sloping nature which divides the site into two topographical recognisable areas: the higher, south-western portion – a relatively flat, narrow plateau lying at approximately 149 metres AOD, part of which aligns existing development on the south western and southern boundaries; and the lower, north-eastern corner of the site occupying the valley basin at approximately 140.5 metres AOD,

bounded to the east by the railway embankment and to the north by a hedgerow and beyond that a field pasture.

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

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

Proposals

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

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

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

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

An illustration of the layout is shown on the Master Plan, with design principles set out in the Design and Access Statement. An equipped area of play is proposed to the south of the site, with a landscape buffer to the majority of the eastern, southern and western

boundary. A balancing pond is located to the north-east boundary. The watercourse is retained to the northern boundary.

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

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

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

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

This mix of affordable homes is as follows:

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

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

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

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

Relevant Policies

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

Relevant Planning History

10/0920	Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works (as amended by letter received 22.11.10 and Flood Risk Assessment and Preliminary Drainage Strategy and plans received 10.12.10 and augmented by email received 18.02.10 including highway report and drainage report) Refused: 11 March 2011 Appeal APP/P1805/A/11/2151062/NWF: registered 27 April 2011
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Notes

Background

Members will note that this application represents a resubmission of an identical outline planning application refused in March 2011.

The previous scheme was refused at Planning Committee on 7 March 2011 against the recommendation of the Head of Planning and Regeneration for the following reasons:

- (a) By virtue of utilising Selsdon Close to access the development, the insufficient width of this road and the subsequent conflict with parked vehicles would lead to an adverse impact on the existing amenities of adjoining occupiers, contrary to Policy T.1 of the Worcestershire County Structure Plan, Policies DS13, S7, TR11 of the Bromsgrove District Local Plan and the guidance contained in PPS1, PPS3 and PPG13.
- (b) The proposal would lead to unacceptable traffic implications and perpetuate a traffic hazard in the locality, contrary to Policy T.1 of the Worcestershire County Structure Plan, Policies DS13, S7, T1 and TR11 of the Bromsgrove District Local Plan and the guidance contained in PPS1, PPS3 and PPG13.

The applicant has lodged an appeal against this decision and the Planning Inspectorate has deemed that a Public Inquiry will be held into this matter on 16 August 2011. The applicant is entitled to twin track a subsequent planning application via the Local Planning Authority in addition to appealing against the first planning decision through the formal appeal process.

The applicant has reviewed the two reasons for refusal and has provided the Local Planning Authority with additional information on highway matters.

The submitted Transport Assessment has been revised/added to as follows:

Vehicle Auto-track

The applicant has submitted a vehicle auto-track turning into Selsdon Close and leading into the site. This has tracked both an emergency vehicle and also a refuse vehicle with assumed parked vehicles on Selsdon Close.

Safety Audit Report

An independent Stage 1 Road Safety Audit has been undertaken, which incorporates the proposed site access, the existing length of Selsdon Close and the Selsdon Close/Lea Green Lane T-junction.

In addition, the applicant has revised the Transport Assessment to include a later future year as this application is being submitted in 2011, whereas the previous application was submitted in 2010. The latest version of accident data has also been submitted.

Members need to aware of this new information in the determination of the current application.

Appraisal

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

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality
- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

ADR Status and Land Release

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

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

The Inspector recommended that sufficient provision should be made to provide land reserves to about 2021. This equates to approximately 140 hectares. The quantity of ADR land is derived from the housing and employment targets in the Worcestershire

County Structure Plan to 2011 and a projection of those targets in the following period to 2021. The Housing and Employment Land Availability Studies that were available at the time were used as well as an estimated contribution from potential large scale brownfield sites.

Since the adoption of the Bromsgrove Local Plan in January 2004, the site has subsequently been promoted for housing development through the LDF, most notably the application site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA), which concludes that the site is suitable, available and deliverable (ie. has a green rating). The Bromsgrove Draft Core Strategy 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 29.01.2009; 09/0518 approved 25.09.2009). 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 WY15 ADR where a requirement for it can be demonstrated. In the case of housing development, this requirement is in large part determined by whether the District has an achievable five-year housing land supply in accordance with the 'plan, monitor, manage' approach to housing set out in PPS3: Housing.

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

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

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

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

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

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

The proposal should 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. Although I note the views of the Strategic Planning Manager, 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 north-eastern edge of Wythall and 2km south of Hollywood. A few small convenience stores are located within 600 metres walking distance of the site on Station Road to the south-west. The existing facilities include a pharmacy, hairdressers, newsagent and two take-away restaurants. The nearest doctor's surgery is also located on Station Road, approximately 900 metres walking distance from the Selsdon Close. A further surgery is located on Beaudesert Road in Hollywood approximately 1.5km from the site. Coppice Primary School and Woodrush Community Senior School are located at the same site in Hollywood 1km north-west of Selsdon Close. Tidbury Green Junior School is on Dickens Heath Road 1km east of the development site. There is also a children's nursery 300m north of Tidbury Green Primary School. The site also benefits from public transport opportunities in the form of bus and train modes (detailed in further detail in the section entitled *Traffic and Highway Implications* below).

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

Design, Form and Layout

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes 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 on three sides and the wider Green Belt landscape to the north and east, beyond the railway line.

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

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the northern, southern and western boundary, and the

elevated character of the railway line to the north-eastern boundary. These features create a strong and defensible boundary to the development, and these would remain following development of the site, with enhancement created by additional planting. This would benefit both existing and future residents.

The views of the Urban Designer (UD) are noted, with particular reference to the submitted Design and Access Statement. The UD considers this to be an exemplary document that sets out a clear set of site planning and design principles based upon analysis and good practice. I am therefore of the view that the submitted information is sufficient to determine the quality of design and the level of sustainability of the proposals, and it is clear that the design aims of the scheme are high, with attention given to sustainable and attractive layouts, substantial planting and the use of external materials prevalent in the locality (red/grey roof materials, red/orange brickwork with half or full render in cream/off white). This leads me to conclude that the site is able to comfortably accommodate up to 76 dwellings, with associated landscape and open space measures. I thus raise no concern on these issues and consider the development to be able to achieve high quality in all respects as advocated by the Master Plan and the design principles.

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

Density

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

Type of Accommodation

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

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

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and
- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

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

Impact on the Amenity of Adjacent Occupiers

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

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

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

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

Traffic and Highway Implications

Members will be aware that third parties remain concerned with regard to highways safety and traffic, with particular regard to traffic congestion, the use and status of the

existing access leading off Lea Green Lane located opposite Three Oaks Road and inadequate public transport provision.

For clarity, the scheme includes means of access to the site off Selsdon Close to the north, which is subject to a 30mph speed limit and pedestrian/cycle access only from the existing access leading off Lea Green Lane. The proposed access road into the site is 5.5 metres wide with 2 metre wide footways either side. The internal road network is not for consideration at this stage.

Members will note that the applicant has provided additional information on highway matters as a direct response to the two refusal reasons attached to the previous scheme submitted under 10/0920. This is in addition to the re-submission of supplementary information on highway matters requested by Members in relation to the previous scheme. The briefing notes prepared by the applicant's Consultants and Worcestershire Highways have thus been appended to the Transport Assessment accompanying the current application. Members are encouraged to review all such documents.

To clarify and to reiterate matters stated at the beginning of this report, the applicant has reviewed the two reasons for refusal attached to 10/0920 and has provided the Local Planning Authority with additional information on highway matters.

The submitted Transport Assessment has been revised/added to as follows:

Vehicle Auto-track

The applicant has submitted a vehicle auto-track turning into Selsdon Close and leading into the site. This has tracked both an emergency vehicle and also a refuse vehicle with assumed parked vehicles on Selsdon Close.

Safety Audit Report

An independent Stage 1 Road Safety Audit has been undertaken, which incorporates the proposed site access, the existing length of Selsdon Close and the Selsdon Close/Lea Green Lane T-junction.

In addition, the applicant has revised the Transport Assessment to include a later future year as this application is being submitted in 2011, whereas the previous application was submitted in 2010. The latest version of the accident data has also been submitted.

Members will note that the proposed access road into the site is 5.5 metres wide with 2 metre footways either side. The Worcestershire County Council Design Guide for a minor access road states that to serve up to 100 dwellings, a carriageway width of 5.5 metres is sufficient (this application proposed up to 76 dwellings). The vehicle auto-track information demonstrates that emergency and refuse vehicles can safely enter the application site even with parked vehicles located on Selsdon Close. The updated accident analysis (Safety Audit Report) which incorporates the proposed site access, the existing length of Selsdon Close and the Selsdon Close/Lea Green Lane T-junction, does not highlight any problems and makes no recommendations for any further works to be undertaken as part of this proposal. The proposed junction arrangement is therefore considered safe and suitable to serve the site. As before, Worcestershire Highways concurs with these conclusions.

Thus, whilst 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 reiterated that it raises no objection to the scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement to promote sustainable access schemes. This will comprise improvements to the walking and cycling network between the railway station, application site and the commercial aspect of Wythall located at Drakes Cross. WH have requested a contribution of £40,000 for such measures. The applicant has agreed to this contribution. Members will also note that the Highway Agency raises no objection to the scheme on strategic highway matters.

I therefore remain of the view that there would not be any material harm to the safety or free flow of traffic on this part of Lea Green Lane and that there would be capacity within the existing network to accommodate traffic from the development proposed, including Selsdon Close. This is clearly demonstrated by the supplementary information submitted with this current application.

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

As such I am of the view that the scheme accords with national and local planning guidance and policy on highway matters. 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). The use of the existing access leading off Lea Green Lane for walking and cycling opportunities would also promote sustainable transport choices for future residents, with particular reference to accessibility opportunities to Wythall Station. This would also enable greater permeability.

With regard to the status of the existing access to the site leading off Lea Green Lane to the west of the site, the applicant is the registered owner. However, there are rights reserved from a conveyance of the land on 21 January 1955 over the access for the benefit of the adjoining or adjacent properties for a 'party way'. In practice this means that the two properties either side of the access track have a right of way across it to access their properties (36 Lea Green Lane and 40 Lea Green Lane). Members will note both

properties also benefit from driveways off Lea Green Lane and parking to the front of the properties. Concern has been raised by the occupiers of these two dwellings that the use of the access as a pedestrian footpath and cycleway will impede their existing access rights.

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

Landscaping and Tree Issues

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

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

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

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

The Tree Officer has raised no objection to the scheme, subject to Conditions.

Open Space and Play Space

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

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

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

Ground Conditions 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.

Although I note the views of third parties in relation to flooding in the locality, the FRA indicates that the site is located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability 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.

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

In summary:

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

Ecological and Biodiversity Issues

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

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

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

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

The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. It is not considered likely that the site would support a notable bird assemblage. In relation to bats, low levels of bat activity were recorded in most parts of the site surveyed, with a relatively higher frequency of bat encounters recorded along the scrub, trees and hedgerow in the north-east corner of the site and along the northern site boundary. However, the bat species and level of foraging/commuting activity recorded is not unexpected in the context of the habitats present and the site position in the landscape. The site contains not mature trees or buildings of appropriate construction and materials to support roosting bats (the various stable associated buildings are all of a lightweight and temporary nature, being constructed from wooden board, corrugated metal and corrugated asbestos cement, with a lack of voids, felt backing or other features capable of supporting such species). As such it is not considered that the site supports a significant bat population.

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

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

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

the scrub and grassland habitat. The Appraisal puts forward the following recommendations:

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

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

Noise Issues

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

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

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

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

Air Quality

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

Archaeological Issues

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

Other Issues

Crime Prevention

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

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

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

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

Climate Change

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

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

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

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

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

Discussions have been ongoing and I will update Members at your Committee on this issue.

Conclusions

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

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

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

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings. The proposed public open space, the approach to high quality design advocated by the Design and Access Statement and new landscaping would be of local benefit which are factors that weigh in favour of the proposals.

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

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

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 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 76 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land, in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of ecological enhancement works. The site is extremely sustainable and this factor weighs in favour of the application. Having considered all material considerations I am thus minded to approve outline planning permission.

I am aware that this application is identical in planning content to the scheme refused under 10/0920. However, Members will note the revised Transport Assessment submitted as part of this scheme further demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic. The road width of Selsdon Close accords with Worcestershire County Council's adopted highway design guide and the vehicle auto-track information demonstrates that emergency and refuse vehicles can safely enter the application site even with parked vehicles located on Selsdon Close. The updated accident analysis (Safety Audit Report) which incorporates the proposed site access, the existing length of Selsdon Close and the Selsdon Close/Lea Green Lane T-junction, does not highlight any highway issue and makes no recommendations for any further works to be undertaken as part of this proposal. The financial contribution requested by WH is considered to comply with Circular 05/2005 and the submitted Travel Assessment clearly illustrates greater level of contributions to provide major infrastructure improvements are not justified.

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

I am thus minded to approve outline planning permission.

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

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

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Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Council	Advertise Here signage for BDC - Stoneybridge Island, Sandy Lane, Wildmoor, Bromsgrove		11/0444-RL 11.07.2011

RECOMMENDATION: that advertisement consent be **GRANTED**.

Consultations

Worcestershire Highways Consulted 24.05.11 – No comments received to date

Publicity N/A

The site and its surroundings

This application has been submitted by the Council and is for advertisement consent relating to a roundabout along the A491 at Stoneybridge, Wildmoor between Lydiate Ash and Hagley. The roundabout is located within designated Green Belt. The roundabout is fast moving with four entrances and exits leading onto/off it. There are currently a number of mature trees in the centre of the roundabout and highway information signs located in front of each entrance/exit.

Proposal

The applicant is proposing to erect four separate advertisement boards on the centre of the roundabout opposite to each of the four entrances/exits onto it. Each board would be mounted on two powder coated, metal posts of 800mm in height. The advertisement boards themselves would be 1000mm wide x 500mm in height and would be used by companies who contact the Council to place an advert on these to advertise their business. The proposed signs would not be illuminated.

Relevant Policies

WMSS QE3
WCSP CTC.1
BDLP DS13
DCS2 CP3
Others PPS1, PPG19

Relevant Planning History

NA

Notes

In terms of PPG19, signs are assessed on visual amenity and highway safety only.

Visual amenity

The proposed advertisement boards would not have a detrimental affect on the visual amenity of the area.

Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway safety.

RECOMMENDATION: that advertisement consent be **GRANTED** for a period of five years.

No conditions required.

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

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

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

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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	Mr. P. and Mrs. L. Rattigan	10/1046-TC - Proposed two-storey side extension at ground floor level and first floor level - 32 Rowan Close, Hollywood, B47 5RW - See APPENDIX 1 Refused: 21st December 2010. Appeal decision: allowed - 5th May 2011
3.2	Mr. I. and Mrs. D. Perry	10/1191-TC - Proposed erection of a timber garden shed/store - Owl Barn, Tack Farm Barns, Hewell Lane, Redditch, B97 6QH - See APPENDIX 2 Refused: 4th March 2011. Appeal decision: dismissed - 12th May 2011
3.3	Primesight Ltd.	10/0984-TC - Proposed internally illuminated free standing single-sided display unit - Wythall Service Station, Alcester Road, Wythall, B47 6AP - See APPENDIX 3 Refused: 13th December 2010. Appeal decision: dismissed - 6th May 2011

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	Name of Appellant	Plan Ref. / Proposal / Decision
3.4	Mr. and Mrs. P. Adams	<p>10/0717-SG and 10/0718-SG - Proposed removal, raising and replacement of roof to the kitchen wing, removal of wall between the kitchen / dining room, new window to front elevation of kitchen, two new first floor windows to side elevation, new windows to first floor rear elevation, and single storey extension to west elevation of kitchen - Upper Bentley House, Manor Road, Upper Bentley, Redditch, B97 5TB - See APPENDIX 4</p> <p>Refused: 15th October 2010 Appeal decision: allowed - 5th May 2011 Application for costs: refused</p>
3.5	Mr. E. J. Chapman	<p>10/1202-SG - Proposed single storey lean-to extension (dining room) to replace previous lean-to element of original barn - Oak Tree Barn, 1 Brickhouse Lane, Stoke Prior, Bromsgrove, B60 4LX - See APPENDIX 5</p> <p>Refused: 23rd November 2010. Appeal decision: allowed - 27th April 2011</p>

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.

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8. **COUNCIL OBJECTIVES**

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

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

9.1 N/A

10. **CUSTOMER IMPLICATIONS**

10.1 There are no customer implications arising from this report.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

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

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

12.1 N/A

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

13.1 N/A

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 N/A

15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/A

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

16.1 N/A

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/A

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18. **LESSONS LEARNT**

18.1 N/A

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/A

20. **OTHERS CONSULTED ON THE REPORT**

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

21. **WARDS AFFECTED**

21.1 Drakes Cross and Walkers Heath, Tardebigge, Wythall South, Stoke Prior

22. **APPENDICES**

Appendix 1 - Appeal report for 10/1046-TC - 32 Rowan Close, Hollywood, B47 5RW

Appendix 2 - Appeal report for 10/1191-TC - Owl Barn, Tack Farm Barns, Hewell Lane, Redditch, B97 6QH

Appendix 3 - Appeal report for 10/0984-TC - Wythall Service Station, Alcester Road, Wythall, B47 6AP

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Appendix 4 - Appeal report for 10/0717-SG and 10/0718-SG - Upper Bentley House, Manor Road, Upper Bentley, Redditch, B97 5TB

Appendix 5 - Appeal report for 10/1202-SG - Oak Tree Barn, 1 Brickhouse Lane, Stoke Prior, Bromsgrove, B60 4LX

23. **BACKGROUND PAPERS**

23.1 Appeal decision letters received from the Planning Inspectorate, dated 27th April 2011 and 5th, 6th and 12th May 2011.

24. **KEY**

24.1 N/A

AUTHOR OF REPORT

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2148870
Planning Application	10/1046-TC
Proposal	2 storey side extension
Location	32 Rowan Close, Hollywood, B47 5RW
Ward	Hollywood and Majors Green
Decision	Refused; 21st December 2010

The author of this report is Tim Collard who can be contacted on 01527 881334 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to develop a two storey side extension, to the front and side at ground level and a first floor extension to the side, creating two bedrooms.

The Inspector firstly noted that following a site visit a single storey extension has been substantially completed at first floor ground level. This was due to a revised application which received permission on 31.01.2011 for a single storey side extension at ground floor level (B/2011/0009). The Planning Inspector thus determined this appeal on the basis of the proposed development being a ground and first floor extension, as detailed on the application.

The Inspector considered that the main issue was the effect of the proposed extension on the character and appearance of the existing building and the surrounding area.

It was noted that the appeal building is a semi-detached house that is located within a row of houses at the end of a cul-de-sac. The surrounding area is predominantly residential and the dwellings within the cul-de-sac consist mainly of a mix of semi-detached and detached houses that are linked to adjacent houses by a garage. Where the houses are not linked, there is generally a relatively narrow gap between them, but the differences in front building line and the design features on the houses prevent an unacceptable terracing effect.

The Inspector noted that the first floor of the proposed extension would be in line with the front of the first floor of the main house, which would be contrary to the advice in the Council's Supplementary Planning Guidance Note 1: *Residential Design Guide* (SPG). However, it would have a lower ridgeline and would be set back from the existing single storey porch and front of the ground floor extension

behind a pitched roof. As such, it would appear subordinate to the main building and would not detract from its overall appearance.

The Inspector noted the proposed extension would be closer than 1m from the boundary with No 34, which is the minimum distance that the SPG advises is required to prevent a terracing effect. However, the dwelling at No 34 includes a garage that is set forward of the main building line and has a pitched roof at the side that extends beyond the side of the first floor of that building. This, combined with the remaining gap between the buildings, would ensure that the proposal would not result in an unacceptable terracing effect. The gap at first floor level between the appeal building and the building at No 34 would be similar to that between other buildings in the area. As such, the extended house would not appear unduly cramped and would be in keeping with the street scene.

The Inspector noted the Council's reference to a recent appeal decision regarding a development at 22 Moorfield Drive and expressed concern that, by permitting the extension, it would make it difficult to resist other similar proposals which would give rise to a terracing appearance. Nonetheless, the Inspector found that the current appeal proposal would not result in a terracing effect. Furthermore, each case should be determined on its own individual planning merits in the light of prevailing policies and guidance.

In conclusion, the Inspector found that the proposed extension would not have an adverse effect on the character and appearance of the existing building or the surrounding area. As such, the proposal would accord with Bromsgrove District Local Plan policy DS13, as it would protect the area's essential character; and policy S10, as the original building would remain the dominant feature. Therefore, having regard to all matters raised, the Inspector concluded that the appeal should succeed.

The Inspector considered the conditions suggested by the Council should the appeal be allowed, including the standard time for commencement of development. A condition to ensure compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition regarding materials is necessary to protect the character and appearance of the building and the area. The Inspector was satisfied that these conditions are reasonable and necessary and I have worded them to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.

The appeal was therefore allowed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED**.

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2150620
Planning Application	10/1191-TC
Proposal	Erection of a timber garden shed/store.
Location	Owl Barn, Tack Farm Barns, Hewell Lane, Redditch, B97 6QH
Ward	Tardebigge
Decision	Refused; 4th March 2011.

The author of this report is Tim Collard who can be contacted on 01527 881334 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to erect a timber garden shed/store in the garden curtilage of Owl Barn, Tack Farm.

The Inspector considered there were three main issues:

- whether the shed is inappropriate development for the purposes of Planning Policy Guidance: *Green Belts* (PPG2) and development plan policy;
- its effect on the openness of the Green Belt and the purposes of including land in the Green Belt;
- its effect on the character and appearance of the surrounding area; and, if it is inappropriate development, whether the 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.

At the site visit the Inspector observed that the shed has been substantially completed. Consequently this appeal was dealt with as relating to an application for retrospective planning permission.

The Inspector noted that the appeal site is within the Green Belt, as designated in the development plan. The shed is too remote from the existing dwelling to be considered to be an extension, which could be one of the exceptions to new buildings inside a Green Belt being inappropriate, given in paragraph 3.4 of PPG2. In these circumstances, the development represents inappropriate development for the purposes of PPG2, which is not contested.

The Inspector noted in terms of the harm that the shed causes, inappropriate development is, by definition, harmful to the Green Belt. Substantial weight will be given to harm to the Green Belt, in accordance with paragraph 3.2 of PPG2. The shed has a relatively large footprint and is located away from the main dwelling, on the edge of the cluster of buildings that consist of Tack Farm Barns and close to the boundary with an open field. Although it is near to an outbuilding and garage that are within the curtilage of Lilly Cottage, which fronts Hewell Lane, it is a free standing building that adds to the built development that is visible within the rural setting. As such, it fails to preserve the openness of the Green Belt and encroaches on the countryside, which is contrary to one of the purposes of the Green Belt given in paragraph 1.5 of PPG2.

Turning to character and appearance, the shed has a domestic appearance, with a prominent pitched felt roof to be finished in wood chippings, and dark stained timber walls that are significantly different from the predominantly brick construction of the main building and most of the other nearby buildings. It stands out as an incongruous structure near the brow of a hill, and is visible across the surrounding attractive rolling countryside. As such, it increases the urbanisation of the rural setting and therefore harms the character and appearance of the area.

With regard to other considerations, the appellants suggested that the building is a similar size to that which could be built under permitted development rights had they not been removed under a planning condition. The Council's Supplementary Planning Guidance Note 7: *Extensions to Dwellings in the Green Belt* (SPG) gives this as an example of a consideration that may amount to the very special circumstances, but the SPG indicates that the local planning authority will assess the weight to be attributed to it. In this respect, the shed is not visually closely related to the dwelling house and is a relatively large structure. Also, the Inspector observed at the site visit that the extent of built development within the curtilage is currently being increased by the construction of a previously permitted extension to the house. Therefore, in the above circumstances, the matter regarding permitted development rights does not carry any significant weight.

The appellants have referred to a possible strategic housing site that has been identified as Option 1 on a concept masterplan. However, the Inspector was given limited details to determine the feasibility of this site for housing and how advanced any proposals are in terms of the development plan policies. Therefore, only limited weight was attached to this consideration.

The appellants indicated that the shed is required for storage and, without it, the garden equipment will need to either be stored outside, which would be intrusive to the Green Belt, or stored away from the site, which would increase vehicle use to fetch it. However, the shed is a permanent structure that increases the coverage of land by built development and reduces its openness. Such

encroachments may, in themselves, have little effect but they can be repeated too often and the cumulative effect could be considerable. Therefore, the Inspector gave very little weight to the need to store garden equipment.

Taking account of the above, the Inspector found that the appellants have not put forward other considerations that are sufficient to clearly outweigh the harm identified.

For the reasons given, the Inspector found that the shed is inappropriate development, reduces the openness of the Green Belt, and has an adverse effect on the purposes of including land in the Green Belt and the character and appearance of the surrounding area. Other considerations in this case do not clearly outweigh the harm the Inspector identified, and the very special circumstances necessary to justify the development do not exist. As such, the development conflicts with PPG2; Worcestershire County Structure Plan 1996-2011 policies D.38 and D.39, and Bromsgrove District Local Plan 2004, policies DS2, DS13 and C4. Therefore, having regard to all matters raised, the Inspector concluded that the appeal should fail.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED**.

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/H/11/2146763
Planning Application	10/0984-TC
Proposal	One internally illuminated free standing single sided display unit.
Location	Wythall Service Station, Alcester Road, Wythall, B47 6AP
Ward	Wythall South
Decision	Refused; 13th December 2010

The author of this report is Tim Collard who can be contacted on 01527 881334 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to erect one internally illuminated free standing single sided display unit adjacent to the Alcester Road.

The Inspector considered that the main issue was the effect of the proposed display of the advertisement on the character and appearance of the surrounding area.

It was noted that the site includes a petrol filling station with a shop located on the east side of the A435 Alcester Road dual carriageway and is within the designated Green Belt. Although it is adjacent to a row of houses and opposite a hotel, the surrounding area has a rural character and appearance, due to the nearby fields and the substantial trees and hedgerows that line the road.

The Inspector noted that the proposed display would be sited adjacent to an existing totem sign which has advertisements on it that are in connection with the petrol filling station and the shop. Although it would be mounted at a lower height than the existing sign, it would be illuminated and would be sited closer to the road. It would be large enough to stand out against the backdrop of vegetation and would be too distant from the structures and forecourt to be viewed within the commercial context of the site. As such, it would appear as an incongruous feature amongst the generally rural setting and would add to the level of clutter in the locality, which includes other signs and poles. Therefore, the proposal would harm the visual amenity of the generally rural area.

It was noted as the proposed advertisement would effectively be within the open countryside, it would fail to accord with Appendix E to the Annex to

Circular 03/2007, which indicates in paragraph 5 that poster advertising is out of place in such an area. Also, it would not be one of the exceptions to the presumption established by Bromsgrove District Local Plan policy S47 against advertising on sites fronting onto or dominating views from main roads.

For the reasons given above, the inspector concluded that the display of the advertisement would have an adverse effect on the character and appearance of the surrounding area. Therefore, having regard to all matters raised, the inspector concluded that the appeal should fail.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED**

Recommendation

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

Appeal made against the refusal of planning permission and Listed Building Consent

Appeal reference	APP/P1805/A/11/2143233 APP/P1805/E/11/2143242
Planning Application Proposal	10/0717-SG and 11/0718-SG Removal, raising and replacement of roof to kitchen wing; removal of wall between kitchen/dining room; new window to front elevation of kitchen; two new first floor windows to side elevation; new window to first floor rear elevation; and single storey extension to west elevation of kitchen.
Location	Upper Bentley House, Manor Road, Upper Bentley, Redditch, B97 5TB
Ward	Tardebigge
Decision	Refused

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 enlarge the kitchen on the ground floor and bedroom above by a “forward” extension of the kitchen footprint and the upward extension of rear wing to provide more space at first floor level.

The planning and listed building applications were determined under delegated powers and refused on the basis of harm to the Green Belt and detrimental impact on the Listed Building. The refusal reasons are noted below:

1. The proposal, by virtue of the extension and raising of the roof to the kitchen wing, would have a detrimental impact upon the historic character and special interest of this Listed Building. As such, the proposal would be contrary to policy CTC.19 of the Worcestershire County Structure Plan, policy S39 of the Bromsgrove District Local Plan, and the guidance contained in PPS5.
2. The proposal represents an inappropriate form of development in the Green Belt which would be harmful to the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policies D38 and D39 of the Worcestershire County Structure Plan, policy S11 of the

Bromsgrove District Local Plan, Supplementary Planning Guidance Note 2: Extensions to dwellings in the Green Belt, and the advice of PPG2.

The Council considered that the additional height and width of the extension would result in a bulky addition to the building that would dominate the side elevation. It was also considered that the elongated sloping roof would replicate and mirror the existing form of the modern extension which is unsympathetic to the character of the original building. On this basis, the Council was of the opinion that the proposal would have a detrimental impact on the historic character and special interest of the Listed Building.

While the Inspector also notes that the proposed new asymmetric roof construction would certainly contrast with the historic house, it was considered that the twentieth century extension would continue to be distinguished from the historic part of the building on the line of a large, two-storey screen window, which marks the junction of the two elements. Although the extended kitchen would lie close up to this window, its function, to mark the junction between new and old construction, would not be lost.

The Inspector was persuaded that the general form of the kitchen and bedroom element, as proposed to be altered and extended, forms an acceptable adaptation of the existing construction that would not harm the architectural or historic character of the older part of the house. It was noted that also internally the new layout would not impinge on the older part of the fabric. Therefore, the Inspector did not consider that the proposals would harm the architectural or historical qualities of the listed building or the setting of the older elements which are of crucial importance.

With regard to the Green Belt, the Council's planning history highlighted that approximately half of the original house was taken down under the 1989 proposal. Therefore, the Council considered that the current building was made up of 103.68m² of original floor space and 108.92m² of new/additional floor space as was constructed under the 1989 application. Since a large proportion of the original timber framed house was demolished during the early 1990s; this floor space was not used for the purposes of calculating floor space. In accordance with SPG7, the Council allows for extensions up to a maximum of 40% over and above the size of the original house.

The Council found that the existing additions to the original house resulted in a 105% increase and that the proposed kitchen extension would create an additional 5m² of floor space, which taken together with the existing additions would create an increase in size of 110%. On this basis the Council considered that the proposal would clearly represent a disproportionate addition to the original dwelling and would not comply with the 40% allowance. As a means to demonstrate very special circumstances, the applicant proposed to demolish part of the detached garage which sits some 27 metres from the house. It was

proposed to demolish 12.73m² of floorspace from the garage to compensate for the proposed increase in floorspace of 6.58m² at the main house. Given the physical relationship between the garage and the main house, and the fact that the garage is not original, the Council were doubtful that there would be any tangible benefit from the removal of the garage aspect and offsetting this with the main house extension to outweigh the harm that would be caused to the openness of the Green Belt. For those reasons, no very special circumstances were found to exist by the Council. In addition, the Council considered that the additional volume to be added to the rear part of the building would detract from the openness of the Green Belt

The Inspector notes that the extension built during the 1990s is substantial but has regard to its appearance which looks to have replaced some earlier additions to the building of indeterminate date and character. The Inspector considers the additional volume now proposed would be very modest; would have a very limited effect on the overall scale of the building and would not have a significant impact on the openness of the Green Belt.

The Inspector disagrees with the approach adopted by the Council in terms of calculating original floorspace. While the Council argue that the part of the original dwelling that was taken down during the 1990s should not be taken into account in terms of Green Belt policy. The Inspector considers that in strict terms, however, reference ought to be made to the "original dwelling" (as at 1 July 1948) and therefore does not find the Council's approach in this respect to be convincing. The Inspector is of the view that a broader approach is preferable to a mathematical analysis and, even taking account of the scale of the work carried out in the 1980s, he considers the proposed extension of the house can fairly be described as being not "disproportionate" in the context of Green Belt policy.

In reaching that conclusion, the Inspector also considered the significance of the existing garage on the land and the proposition that it should be partially demolished, in compensation for the extension of the kitchen and bedroom. The Inspector notes that the garage is of indeterminate age and may not have been in existence in 1948. Considered more generally, the Inspector does not believe that the removal of part of the garage would significantly enhance the Green Belt or protect its nature and does not find the "offer" of partial demolition to be a decisive factor. For this reason, the Inspector believes that the Council's suggested condition to require the partial demolition of the garage is unnecessary.

Overall, the Inspector was persuaded that the proposals can properly be regarded as "not inappropriate" in terms of Green Belt policy and does not consider that they would erode the openness of the Green Belt or undermine Green Belt policy.

Costs application

The application for an award of costs against Bromsgrove District Council was refused.

Appeal outcome

The appeal was **ALLOWED**.

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/11/2148797
Planning Application	10/1202-SG
Proposal	Single storey lean-to extension (dining room) to replace previous lean-to element of original barn
Location	Oak Tree Barn, 1 Brickhouse Lane, Stoke Prior, Bromsgrove, B60 4LX
Ward	Stoke Prior
Decision	Refused 23.11.2010

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 for a single storey lean-to extension (dining room) to a replace previous lean-to element of original barn.

The application was determined under delegated powers and refused on the basis of its form and design in relation to the character and appearance of the original building and harm to the Green Belt in terms of inappropriateness. The two reasons for refusal are noted below:

1. The siting, form and design of the proposed extension would detrimentally erode the simple form and utilitarian character and appearance of the original building contrary to Policy DS2 and C27C of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and Policy D.16 of the Worcestershire County Structure Plan.
2. The proposed extension would be harmful to the openness of the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal conflicts with policies D38 and D39 of the Worcestershire County Structure Plan, policy DS2 of the Bromsgrove District Local Plan and the advice of PPG2.

The Inspector notes Policy C27C of the Bromsgrove District Local Plan which states that proposals for extensions to converted rural buildings will be assessed against the impact of the scheme on the character of the original building as it existed immediately prior to conversion, rather than the use to which it has been converted. With this in mind, the Inspector gives significant weight to the photographic evidence presented by the applicant which showed that the space

to be occupied by the proposed lean-to extension was formerly occupied by an open sided lean-to of greater footprint. The Inspector considers that the lean-to had been an integral part of the barn prior to its conversion to a dwelling. The Inspector concludes that the extension would not harm the plain, simple and utilitarian appearance of the original building, whether assessed against the style and appearance of the original building, or as subsequently converted to a dwelling.

With regard to the Green Belt, the Inspector noted that the proposed extension would only be visible in an arc of views from the east south-east around to the south-west. In all these views the lean-to would be viewed against the taller and more extensive L-shaped barn which comprises the existing dwelling. There would be no material increase in the visual width of the barn and the proposed lean-to extension would have no detrimental impact on the openness of the Green Belt.

The Inspector has regard to paragraph 3.4 of PPG2 that indicates that limited extensions to existing dwellings (subject to paragraph 3.6 of PPG2) are not inappropriate development. The Inspector gives weight to the photographic evidence that the space to be occupied by the proposed lean-to extension was formerly occupied by an open-sided lean-to of greater size than that now proposed to be constructed. The Inspector therefore considered that the proposed lean-to extension will not, therefore, result in a disproportionate addition over and above the size of the original building. Moreover, as an extension of modest size, it can reasonably be considered to be a limited extension to the existing dwelling. The Inspector did not therefore consider the proposal to be inappropriate development in the Green Belt.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED**.

Recommendation

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