



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 10TH OCTOBER 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, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, R. J. Laight, 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 12th September 2011 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 11/0343-DMB - Outline Planning Application (Access submitted for determination) for approximately 80 residential units including 12 retirement flats and associated communal facilities; access, parking, amenity space and associated works - Land at Church Road, Catshill, Bromsgrove, B61 0JY - Cala Homes (Pages 7 - 60)
6. 11/0529-DK - Proposed outline planning application to ADR Alve 7, Birmingham Road, Alvechurch, for up to 10 residential dwellings with associated open space, site access and infrastructure - Land at Birmingham Road, Alvechurch, B48 7TE - Mr. D. Reading and Mr. A. Walpole (Pages 61 - 76)
7. 11/0568-SC - Renovation of existing dwelling into 1 no. commercial unit (Use Class A1), 2 no. 1 bedroom flats with on site parking - 25 Alcester Road, Lickey End, Bromsgrove, B60 1JT - Mr. S. Smith (Pages 77 - 84)
8. 11/0665-SG - Proposed detached property - 5 Cambria Close, Majors Green, Solihull, B90 1DR - Mr. P. Sheldon (Pages 85 - 92)
9. 11/0676-SC - Erection of replacement dwelling - 83 Brook Road, Fairfield, Bromsgrove, B61 9JY - Mr. and Mrs. R. Garvin (Pages 93 - 100)
10. 11/0742-HR - 4 x 0.3m², non-reflective metal signs; powder coated steel legs - A456 Hagley Roundabout, Birmingham Road, Hagley - Bromsgrove District Council (Pages 101 - 102)
11. 11/0743-HR - 4 x 0.3m², non-reflective metal signs; powder coated steel legs - Stoneybridge Island, Sandy Lane, Wildmoor, Bromsgrove - Bromsgrove District Council (Pages 103 - 104)
12. Appeal Decisions (Pages 105 - 130)
13. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

29th September 2011



INFORMATION FOR THE PUBLIC

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- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 12TH SEPTEMBER 2011

AT 2.00 P.M.

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

Officers: Ms. T. Lovejoy, Mrs. H. L. Plant, Mr. D. Kelly, Mr. B. Sharp (Worcestershire Highways) and Mr. A. C. Stephens

55/11 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs. C. M. McDonald.

56/11 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

| <u>Member</u> | <u>Application(s)</u> | <u>Nature of Interest</u> |
|-------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------|
| Councillor Mrs. J. M. Boswell | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor M. A. Bullivant | 11/0631-DK | Personal. Member of the Cabinet involved in making the decision to install photovoltaic panels at the Depot. |
| Councillor M. A. Bullivant | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor R. A. Clarke | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor R. J. Deeming | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor R. J. Laight | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |

| <u>Member</u> | <u>Application(s)</u> | <u>Nature of Interest</u> |
|----------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor J. A. Ruck | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor C. B. Taylor | 11/0631-DK | Personal. Member of the Cabinet involved in making the decision to install photovoltaic panels at the Depot. |
| Councillor C. B. Taylor | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor C. J. Tidmarsh | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor P. J. Whittaker | 11.0507-DK | Personal. Knows the applicant. |
| Councillor P. J. Whittaker | 11/0631-DK | Personal. Former Member of the Cabinet having previously been involved in making the decision to install photovoltaic panels at the Depot. |
| Councillor P. J. Whittaker | 11/0698-SG and 11/0709-SG | Personal. Applicant is also a Conservative Group Member of the Council. |

57/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 15th August 2011 were submitted.

Councillor P. M. McDonald questioned the response he had received in respect of Minute No. 54/11 and requested that this matter be discussed under Agenda Item No. 12 (Urgent Business).

RESOLVED that the minutes be approved as a correct record.

58/11 **10/1189-DK - REPLACEMENT OF AN EXISTING DWELLING WITH 2 NO. 5 BED DETACHED HOUSES - 7A PLYMOUTH ROAD, BARNT GREEN, B45 8JE - MR. J. SMART**

The Head of Planning and Regeneration Services referred to this item on the agenda and stated that the application would be deferred in order to obtain further information in respect of the protected trees adjoining the application site.

59/11 **11/0507-DK - DEMOLITION OF A DUTCH BARN; CHANGE OF USE OF OFFICES, LABORATORIES AND BULL PENS TO PROVIDE 12 FLATS; ALTERATIONS TO THE EXISTING ACCESS; AND OTHER ASSOCIATED**

WORKS - AVONCROFT CATTLE BREEDERS LTD., BUNTSFORD HILL, BROMSGROVE, B60 3AS - AVONCROFT CATTLE BREEDERS LTD.

The Head of Planning and Regeneration Services reported the views of the Environment Agency, and clarified access issues to the application site.

At the invitation of the Chairman, Mr. B. Giles and Mr. S. Carter addressed the Committee and spoke in opposition to the proposals, whilst Mrs. M. Rogers spoke in favour.

RESOLVED:

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to -
 - (i) education provision; and
 - (ii) arrangements for the management of the public open space;
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any additional reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

60/11 **11/0610-DK - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE NEW DWELLINGS (RESUBMISSION OF APPLICATION REF. 10/1011-DK) - 2 BERRY DRIVE, BARNT GREEN, B45 8XL - MR. N. ALSOP**

The Head of Planning and Regeneration Services reported the views of Natural England and Worcestershire Regulatory Services.

At the invitation of the Chairman, Mr. J. Watson addressed the Committee and spoke in opposition to the application, as did Mr. T. Flynn on behalf of Lickey and Blackwell Parish Council.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that -

- (a) the number and siting of the dwellings was out of keeping with the character of the area; and
- (b) the development had a cramped appearance;

RESOLVED that permission be refused for the following reason:-

The proposed development, by virtue of its scale and position, would not reflect the character of the area 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).

61/11 **11/0631-DK - INSTALLATION OF SILICON PHOTOVOLTAIC CELLS - BROMSGROVE DISTRICT COUNCIL DEPOT, ASTON ROAD, BROMSGROVE, B60 3EX - REDDITCH BOROUGH COUNCIL AND BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported details relating to the Government's "Feed In Tariff" Scheme and the relative electricity generation and relative income.

RESOLVED that permission be granted subject to the conditions set out on page 31 of the report.

62/11 **11/0698-SG - DEMOLITION OF UNSAFE HALF BRICK GABLE WALL AND RECONSTRUCTION TO WHARF COTTAGE (LISTED BUILDING CONSENT) - WHARF COTTAGE, ALCESTER ROAD, TARDEBIGGE, BROMSGROVE, B60 1NF - MR. S. DUDLEY**

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve Listed Building Consent be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 16th September 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

63/11 **11/0709-SG - AMENDMENT TO APPLICATION 11/0266-SG TO INCLUDE DEMOLITION OF HALF BRICK GABLE WALL FOR RECONSTRUCTION TO WHARF COTTAGE - WHARF COTTAGE, ALCESTER ROAD, TARDEBIGGE, BROMSGROVE, B60 1NF - MR. S. DUDLEY**

The Head of Planning and Regeneration Services reported the views of British Waterways, Worcestershire Regulatory Services, the Drainage Engineer and Worcestershire Highways.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to grant planning permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 16th September 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

64/11 **TREE PRESERVATION ORDER (NO. 3) 2011 - TREES ON LAND AT 53 AND 55 WELLINGTON ROAD, BROMSGROVE, B60 2AX**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 3) 2011 which had been made in respect of trees on land at 53 and 55 Wellington Road, Bromsgrove.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 3) 2011 be confirmed without modification.

65/11 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of an item of business on the grounds that it involves the likely disclosure of 'exempt information' as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:-

| <u>Minute No.</u> | <u>Paragraph</u> |
|-------------------|------------------|
| 66/11 | 5 |

66/11 **PLANNING COMMITTEE MINUTE NO. 54/11 - MEETING HELD ON 15TH AUGUST 2011 - WITHDRAWAL OF PLANNING APPLICATIONS AFTER THE COMMITTEE HAS MADE A DECISION**

(The Chairman agreed to the consideration of this item of business as a matter of urgency in order to reply to a question raised earlier in the meeting relating to the minutes of the last meeting of the Committee.)

Councillor P. M. McDonald referred to Planning Committee Minute No. 54/11 and, in particular, the response to the question raised by Councillor Mrs. C. M. McDonald at the last meeting of the Committee in connection with the withdrawal of planning applications ref.: 11/0426 and 11/0444.

Councillor McDonald asserted that, as the Committee had made a decision on the applications before the request to withdraw them had been received, and that the Council itself was the applicant in both instances, there was no scope for the applications to be withdrawn. He stated that the Council, as a corporate body, would have been aware of the Committee's decision as soon as it was made.

The Head of Legal, Equalities and Democratic Services responded and stated that there was no Case Law or principle which could be referred to in this specific instance. However, she added that the applications were, in fact, submitted by a separate department of the Council who would not necessarily have been aware of the Committee's decision prior to withdrawing them; a detail which would not have been formally notified until the Decision Notice had been issued.

Councillor McDonald disputed this response in that it did not answer the initial question; that is, any Council department would be a part of the Council as a corporate body and that, if the Council makes a planning application to itself, and once a decision has been made, would that mean the decision had been conveyed to the Council at that precise moment? He added that this would mean there would be no 'window of opportunity' in which the application could have been withdrawn.

The Head of Legal, Equalities and Democratic Services reiterated that there was no legal precedent or specific legislation for such circumstances but that it was felt that, just because the Council was the applicant in this case, the decision would not have been formally conveyed immediately upon the vote being taken by the Committee. She added that, as an applicant, the Council would be treated in the same way as any other applicant for planning permission. Furthermore, the Head of Planning and Regeneration Services stated that any application which may have been withdrawn in this way would also invalidate the applicant's right of appeal.

In closing the discussion, the Chairman stated that further legal advice would be sought on this matter, details of which would be reported back to a future meeting of the Committee.

The meeting closed at 3.10 p.m.

Chairman

Agenda Item 5

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| CALA HOMES "B" | Outline application for up to 80 residential units, including 12 retirement flats and associated communal facilities, access, parking, amenity space and associated work. As amended by: <ul style="list-style-type: none">▪ Flood Risk Assessment received 16.05.2011▪ Design and Access Statement received 19.05.2011▪ Landscape Framework Plans received 04.08.2011▪ Proposed Indicative Site Layout (Concept Masterplan) received 08.08.2011 As augmented by: <ul style="list-style-type: none">▪ Indicative Site Sections received 19.05.2011▪ Proposed Site Layout with Remodelled Floodplain Extents Plan received 25.08.2011▪ Indicative Noise Bund Cross Sections Plan received 09.09.2011 Land off Church Road, Catshill, Bromsgrove | ADR LBS | 11/0343 21.07.2011 |

RECOMMENDATION: that, subject to the satisfactory views of the Highways Agency, **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;
and (b) the securing of 32 affordable housing units.

MINDED TO APPROVE

COMMITTEE SITE VISIT: 6TH OCTOBER 2011

Consultations

- WH Consulted - views received 09.06.2011:
- No objection subject to Conditions.
- HA Consulted - views received 24.05.2011 (*not received until 24.08.2011):
- The HA is aware from experience that dwellings in close proximity of the motorway network are likely to be subjected to high levels of noise/traffic related pollution.
 - Whilst there are no concerns with the impact of traffic from the proposal upon the M5 motorway, the HA has concerns with regard to the impact of the proposed noise bund on the M5.

- The HA notes within the Environmental Noise Report, a noise bund (running parallel with the M5 carriageway) is proposed, to mitigate the site from motorway noise. The exact specifications and location of the noise bund are unclear. However, it appears from the plans provided that there is a section of drainage between the development site and the M5 boundary. In addition, a watercourse runs through the development site and underneath the M5 via a culvert.
- In order to demonstrate whether the construction of the proposed bund is practicable and the surface water run off from the bund and development site does not affect drainage, the applicant must submit additional information.
- In light of the above, the HA is unable to fully assess the impact of the proposed development on the M5. Therefore please find attached a TR110 form directing that planning permission is not granted for a period of three months to allow for the provision of this information and the assessment of the impact on the strategic road network.

Additional views received 24.08.2011:

- Further to our letter dated the 24th May 2011, we have not received the outstanding information from the developer.
- Please see attached a further 3 month extended holding direction for the application.

Drainage
Engineer
Severn Trent
Water
EA

Consulted - views received 10.05.2011:

- No objection.

Views received 12.05.2011:

- No objection subject to Conditions.

Consulted - views received 13.06.2011:

- The content of the Flood Risk Assessment (FRA) appears to be in line with Planning Policy Statement 25 'Development and Flood Risk' and has covered the relevant issues.
- As there is no flood level data available for the Battlefield Brook in this location, the FRA consultants have undertaken ISIS modelling to determine the design flood levels to base the FRA on (i.e. siting of development and safe development requirements etc.)
- Given the scale of development / nature of the site we would like to check the ISIS modelling.

Additional views received 20.07.2011:

Flood Map/Historical Flooding:

- Parts of this 6 hectare site lie within Flood Zones 2 and 3 of the Battlefield Brook (ordinary watercourse), based on our Flood Zone Map.
- These are the Medium and High Probability zones identified in Table D1 of Planning Policy Statement (PPS) 25 'Development and Flood Risk'.
- However, the Flood Zone Map at this location has been produced from a national, generalised mapping technique and not from a detailed hydraulic model. This technique ignores the impacts of

structures such as culverts and bridges on the flooding regime and, whilst it is the best available data we hold, is used for 'indicative' purposes only. The floodplain is misaligned from the channel in places on our Map. We have no flood level data available for the watercourse in this location.

- As a consequence, hydraulic modelling has been undertaken by Cole Easdon Consultants to inform a FRA, to support the application. Our comments on the modelling undertaken seek clarification on a number of points.
- The FRA undertaken by Cole Easdon Consultants has also acknowledged local flooding issues in the area (in Paragraph 4.2), identified within your Council's Level 1 Strategic Flood Risk Assessment.

Flood Risk Assessment:

- PPS25 states that FRAs should confirm that new development is safe, does not increase flood risk elsewhere and ideally reduces flood risk overall (Table D1).
- Once the modelling issues have been clarified / resolved, we would accept that the properties are proposed within Flood Zone 1, as highlighted on Drawing No. 3106/505/B (i.e. outside the 1 in 1000 year floodplain extent).
- We also acknowledge that finished floor levels would be set at a minimum of 600mm above the 1 in 100 year plus climate change flood level (paragraph 4.26 of the FRA).
- The finished floor levels should also be set above the point at which floodwater would spill over Church Road, to ensure they are not flooded in the event of a blockage, and this should be confirmed in the FRA.
- However, a key issue that is not currently addressed in the FRA is that of a safe pedestrian access/egress route from the properties during flood events, particularly the 1% plus climate change event.
- We note that the properties proposed to the west of the watercourse have pedestrian routes within Flood Zone 1, to the north onto Stourbridge Road.
- However, from Drawing No. 3106/505/B occupiers of the properties to the east of the watercourse would have to cross over the northern access crossing, and the 1 in 100 year plus climate change floodplain is 50 metres wide at this point.
- The applicant should confirm whether pedestrian access is available from these properties to the existing residential development to the east. If not, further detailed information should be submitted within the FRA to assist your Council/Emergency Planners in making an informed decision on the potential flood risk, e.g. flood depths, velocity, frequency, distance and any hazards along the proposed evacuation route. This would also inform the availability of vehicular access in considering residual risks.
- The FRA should refer to Table 13.1 of the DEFRA/Environment Agency document 'Flood Risk Assessment Guidance for New Development (FD2320)', which highlights the danger to people for different combinations of depth and velocity.

- We are presuming that the access roads on site will be built at existing ground levels but this is not made clear in the FRA. If it was confirmed that there would not be a safe pedestrian access route from the proposed properties, then the suitability of a Flood Evacuation Plan would need to be assessed, in line with Chapter 7 of the PPS25 Practice Guide (December 2009) and in particular Figure 7.2.
- The Emergency Services may require similar flooding information on the site access route through the floodplain, and may need vehicular access to all properties during flood events.
- Further information should be provided to address the above.
- We can provide the following comments on other matters within the FRA for your information at this time:
 - The outline surface water drainage strategy appears to be in line with PPS25 guidance as it will ensure greenfield runoff rates are maintained post development (including climate change increase on peak rainfall intensity). We note that the detailed design will be undertaken at a later stage, but that the FRA refers to underground storage tanks. There is currently limited consideration within the layout to above ground SuDS (sustainable Drainage systems) attenuation features. This is disappointing and we would wish to see a full range of SuDS techniques considered in the drainage strategy, linked to biodiversity issues (see comments below). As low flows are often an issue in the Battlefield Brook it is beneficial for clean surface water to discharge to the watercourse.
 - In order to ensure the two access crossings do not increase flood levels upstream of the structures due to blockages (build up of debris, siltation and vegetation), a regular inspection and maintenance regime would be required.

We support the proposal outlined in paragraph 4.20, where land outside of the floodplain within the site (identified as yellow on drawing no. 3106/505/B) will be lowered to increase flood storage.

- In addition, we note that investigations to reduce flood risk on the 1.5km stretch of the Battlefield Brook immediately downstream of the site are being undertaken, in consultation with your Council (paragraph 4.21). We assume that the delivery of this work (informed by appropriate assessments) would be considered by your Council.
- Any potential culverting of this ordinary watercourse for the 2 access crossings would require our prior written approval under the terms of the Land Drainage Act 1991. However clear span bridges, which are suggested in paragraph 4.18, would not require consent.

Biodiversity

Site Context:

- Catshill Marsh was formerly a Worcestershire Special Wildlife Site until it was de-notified (this has not been mentioned in the Ecological Report submitted with the application). The site has the

potential with the current augmented flows from us, to be restored to a habitat of county importance for its ecology, subject to an appropriate management regime.

Proposed Development:

- Reference is made in the Ecological Appraisal Report (dated April 2011, Rev. D) to the use of wildflower grassland mixes. Whilst this may be appropriate and welcomed in disturbed areas of the site, it should not be used as an easy fix in areas where short or medium term habitat management techniques could restore the habitats that have degraded through lack of management. Typically removing shading vegetation or cutting and removing rank vegetation can help restore previously more diverse floral communities. The pollarding of old riverside willows can extend their useful life and allow more light into the watercourse.
- The recommendations for habitat creation within the Ecological Appraisal Report should be undertaken to offset the impacts of the development. However, these should not just be restricted to the south of the site but extend through the whole river corridor length. Particular consideration should be given for creation and management of water vole habitat, which are colonising the Battlefield river corridor downstream near Bromsgrove (with the advent of improved augmented flows within the watercourse).
- Habitats such as the braided stream channel, significant riverside trees, and areas of swamp and fen should be retained where possible and subject to a sympathetic management regime as part of a co-ordinated and long term Habitat Management Plan (HMP). The HMP should include clear roles and actions for the participants to achieve the sympathetic management required to safeguard and promote the river corridor and floodplain ecology, and we would wish to see this requirement secured as part of any planning permission granted.
- Watercourse crossings should be minimised as far as possible so as to reduce the fragmentation effect of the development and to remove barriers to mammal movements up and down the river banks and channel. Otter and badger maybe using the river and its banks at this location (both fully protected under law). Out of bank flow culverts or mammal tunnels should be incorporated into the bridging structure(s) to allow mammal passage during times of flood flow, to avoid road casualties.
- We would recommend that consultation with Worcestershire Wildlife Trust is undertaken to establish the ecological interest of the site, which led to it being identified a Special Wildlife Site, and for further input on how this interest can be restored and developed.

Summary

- The flood risk issues raised in relation to the hydraulic model and FRA should be addressed to ensure the FRA is PPS25 compliant.
- **In the absence of this information we would currently object to the proposed development.**

- We would be happy to meet with the developer and/or their Consultants to discuss these issues in greater detail. Upon receipt of further information that addresses the comments raised in this response we would be able to review our position and recommend conditions if appropriate.

Additional comments received 17.08.2011:

- The additional information submitted addresses the points raised in our previous response, which means that the EA is now in a position to remove our objection subject to a number of recommended conditions.
- In relation to the finished floor levels (FFLs), we note that they will be set at least 600mm above the 1% plus climate change flood level. However, given the considerable length of the site, the 1% plus climate change flood level varies through the site. Figures for the minimum FFLs (to M AOD) have not been provided (interpreted) for the residential units through the site.
- Please can this information be interpreted onto a plan of the proposed development (i.e. FFLs for residential units split into areas/bands of the site compared to the relevant flood model node). The July 2011 post-development 1% plus climate change flood levels should be used to determine the minimum FFLs.
- Once we have received this information we will then be able to include a recommended condition within our response to secure the detail in accordance with the plan.

Additional comments received 25.08.2011:

- We have received additional modelling and flood risk information which is summarised in a Flood Risk Assessment (FRA) Addendum Report undertaken by Cole Easdon Consultants (dated August 2011). We have also received a revised drawing no. 3106/505 Rev. D titled 'Proposed site layout with remodelled floodplain extents'. This is in response to our letter of 20th July 2011.
- We have reviewed the information and are now in a position to remove our objection to the proposed development subject to Conditions.

Hydraulic Modelling

- Appendix A of our letter sought clarification on a number of points in relation to the hydraulic modelling, undertaken by Cole Easdon Consultants for the watercourse in this location. We note that these points have been addressed as follows.
- Cole Easdon Consultants have undertaken an analysis using the FEH Statistical method, in addition to the FEH Rainfall Runoff method used in their original FRA, to compare flows. The comparison on the two techniques is shown in Table 2.1 of the FRA Addendum Report and illustrates that the FEH Rainfall Runoff approach adopted in the original FRA produces higher flows for both the 1% (100 year) and 0.1% (1000 year) flows. However, paragraph 2.7 of the FRA Addendum confirms that the conservative

FEH-Rainfall Runoff method flows will still be used as a basis for the FRA for this site, in adopting a precautionary approach.

- We also note Cole Easdon's response on the channel cross sections used for their modelling and comments made in paragraphs 2.10 to 2.14 of the report on the sensitivity analyses and model parameters used in the modelling, which have been re-assessed.
- The revised information has included flood levels based on the July 2011 pre- and post-development modelling assessment.

In summary, we are satisfied that the hydraulic model information submitted has addressed the points made in Appendix A of our previous response.

Flood Risk

- The hydraulic modelling has confirmed that part of the site is located within Flood Zone 3 (high probability) and Flood Zone 2 (medium probability). Planning Policy Statement (PPS) 25 'Development and Flood Risk' would class residential development as a 'more vulnerable' use, which within Flood Zone 3a requires the Sequential and Exception Test to be passed.

Sequential Test:

- PPS25, paragraph 14 states that 'a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process.' The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1); (paragraph 17). Whilst part of the site is located within Flood Zone 3 and 2, we note that the applicant has considered the sequential approach in locating the proposed residential units outside of the 1% plus climate change floodplain within Flood Zone 1 ('low probability'). Parts of the proposed access road are located within the 1% plus climate change extent and this is assessed further within the FRA.

Flood Risk Assessment

Finished Floor Levels

- It has been confirmed that the proposed properties with the lowest floor levels will still be set at 2.5 metres above a potential spill route over Church Road (at 123.0m AOD) should a blockage of the culvert occur. In addition, the FRA states that finished floor levels of the proposed development will be set at least 600mm above the 1% plus climate change flood level and it has been confirmed that the revised July 2011 post development model level has been used, which is acceptable.
- It should be noted that, given the length of the site, the 1% plus climate change flood level varies through the site. However, drawing no. 3106/505 Rev. D lists the 1% plus climate levels for the different chainages through the site and the minimum finished floor levels to compare to the relevant chainage. We are satisfied with

the information submitted and would recommend the following condition:

Safe Access/Egress

- The properties proposed to the west of the Battlefield Brook have a pedestrian access route on land at or above the 0.1% flood level for the site i.e. within Flood Zone 1. The FRA Addendum has confirmed that the occupants from properties to the east of the watercourse would need to cross over the northern access crossing (as highlighted on Drawing 3106/505 Rev. D), located within the 1% plus climate change floodplain. However, the report has also confirmed that all access roads will be raised above the 0.1% flood level and that the roads will be designed to allow floodwaters to pass under them within the floodplain extent using wide box culverts or bridges. The impacts of these structures have been modelled, which shows that there would be no significant impact on flood risk as a result of the proposed development.
- A maintenance regime will be required in order to ensure that the openings under the raised roads remain free of debris, in order to ensure they are able to allow floodwater to flow through them if required. In addition, detailed designs of the access roads where they cross the watercourse and floodplain will be required along with further detail on the proposed flood storage areas, shown on drawing no. 3106/505 Rev. D.

Surface Water Drainage

- We acknowledge the comments within the FRA Addendum report that the steep topography of the western part of the site and the relatively wide floodplain limits potential land for surface water attenuation features. However, we would advocate the use of infiltration and permeable paving should further testing indicate that this is feasible. All possible SuDS (Sustainable Drainage Systems) techniques should be considered as part of the drainage strategy and further information submitted once the detailed design has been undertaken.

Biodiversity

- Reference is made in the Ecological Appraisal Report to the use of wildflower grassland mixes. Whilst this may be appropriate and welcomed in disturbed areas of the site, it should not be used as an easy fix in areas where short or medium term habitat management techniques could restore the habitats that have degraded through lack of management. Typically removing shading vegetation or cutting and removing rank vegetation can help restore previously more diverse floral communities. The pollarding of old riverside willows can extend their useful life and allow more light into the watercourse.
- The recommendations for habitat creation within the Ecological Appraisal Report should be undertaken to offset the impacts of the development. However, these should not just be restricted to the

south of the site but extend through the whole river corridor length. Particular consideration should be given for creation and management of water vole habitat, which are colonising the Battlefield river corridor downstream near Bromsgrove (with the advent of improved augmented flows within the watercourse).

- Habitats such as the braided stream channel, significant riverside trees, and areas of swamp and fen should be retained where possible and subject to a sympathetic management regime as part of a co-ordinated and long term Habitat Management Plan (HMP). The HMP should include clear roles and actions for the participants to achieve the sympathetic management required to safeguard and promote the river corridor and floodplain ecology.

WRS: Noise
WRS:
Air Quality

Consulted 05.05.2011 - views awaited.

Consulted - views received 26.05.2011:

- No objection.
- Modelling indicates that any impacts on local air quality will be negligible.
- The report discusses the potential for dust nuisance to arise and recommends that a site specific Construction Environmental Management Plan is developed.
- This plan should outline the measures that will be put in place to mitigate any potential for dust nuisance to arise. We agree with this approach. Any Construction Environmental Management Plan should be submitted to and approved in writing by the LPA.

Urban Designer

Consulted - views received 16.05.2011:

The Design and Access Statement

- The CABE document on *Design and Access Statements* says that "Statements are documents that explain the design thinking behind a planning application". The submitted Design and Access Statement does not fulfil this criterion well. On page 8 we are given three superseded layout proposals, and on page 9 the currently proposed layout. They are not preceded by any site analysis which would explain why the proposals are in this form. The three superseded plans are of two very different types, and the proposed plan is of a different type again. The earlier plans appear to be of a significantly higher density than the proposed plan, although this is not acknowledged.
- When one reaches the appendices at the end of the Statement, there are three pages titled Site Analysis, but the plans are so small that they are unreadable. The Statement does not even contain a plan of the site as it currently exists.
- This is not merely an academic critique. It is a real obstacle to understanding, because we are left uncertain about the applicant's intentions, and the basis on which decisions have been taken, and uninformed about the history of the design process. For example, we know that proposals have been the subject of public consultation, but we are not told what the responses were, and what changes have been made as a result; it may be that this information would explain the differences between the four layouts contained in the Statement.

Density

- The stated density of the development is 14 dwellings/hectare. This is very low; the Council's *Residential Design Guide* sets the norm as 20-25 dwellings/hectare. No figures for the density of adjoining developments, which might justify a low density contextually, are given, but the plans suggest that adjoining densities are significantly higher.
- There is evidently a good case for maintaining that a large part of the site needs to remain undeveloped because of a combination of a number of factors; motorway noise, steep gradients, wildlife habitats, and the attractiveness of the stream and the flooding risks associated with it.
- If this is accepted, it may nonetheless be possible to build on the remaining parts at a density higher than that proposed. It is difficult to be specific, because of the absence of sufficient information about house types, referred to below.

Layout

- Because of the denseness of plant growth on site, and the absence of readable site analysis drawings, it is difficult to confirm from first-hand experience that the parts of the site selected for development are appropriately chosen.
- But on the limited knowledge available, it appears that the development of a spine of houses down the middle of the site, with east-west orientation, following the contours, and with views over the stream and open space, is a sound strategy. Equally, the U-shaped development of houses on the eastern edge of the site, addressing a children's play area and the open space beyond, is soundly planned.
- The development of a small group of houses on the western edge of the site, adjoining the back gardens of the existing houses on Stourbridge Road, is less convincing. The spatial arrangement has little of the quality of neighbourliness. The new access road exposes the ends of the existing back gardens, with the new houses facing these back gardens, contrary to good practice. I propose that this part of the layout needs to be reconsidered.

Built Form and House Types

- The selection of an appropriate vocabulary of house types for this development is critically important, particularly because of the topography of the western side of the site which is to be built on. But the Design and Access Statement is almost totally lacking in the necessary information. It is not even possible to identify individual houses and plots on the proposed plan. There are some nice perspective sketches which are suggestive of form rather than definitive. There are some photographs of houses elsewhere, not identified. If these are meant to be taken as models this is worrying, as they are of very poor quality.
- There needs to be much more specific information submitted on the range of house types; how they address the topography, how car parking is contained between them, how they meet the public realm, and so on.

- The Design and Access Statement says that the main spine of development "will culminate in a courtyard-style space..." I can see nothing on the plan that could be described as a courtyard. There is an L-shaped building, but the enclosed space is turned away from the road, it is north-facing, and it is fully exposed to the noise of the motorway about 50m away. This seems fundamentally misguided. Moreover, the decision to locate elderly persons' accommodation at this location seems equally misguided. Of the whole development, this is the point most distant from local facilities, and considerably uphill from them.
- The proposed plan shows what appears to be a new car park at the rear of Christ Church, but outside the site boundary. There is only a passing reference to this in the text of the Design and Access Statement, but I consider that this could be an important element of the proposal which needs to be considered further. It is located next to a sharp bend in the road, and at a point where the road branches and the houses start. Taken in conjunction with the east end of the church, all of these factors have the capacity to create a significant place. But if this placemaking is to be achieved, it requires appropriate coordination and design intention.

Access

- If this site is to be developed, there is no choice as to where vehicular access is to be located. The proposed new junction on Church Road, next to the existing road bridge over the stream, has the potential to be a clear and significant entrance to the development. But Church Road is narrow, quite busy, and often contains parked vehicles, and there is the potential to inadvertently increase its hazardousness. I certainly do not advocate any road-widening, but thought needs to be given to slowing traffic speeds at this point, in a way which adds to the sense of place which it already possesses.

Noise

- The site is considerably blighted by traffic noise from the M5 motorway to the north. The noise is fiercest in the north, but is audible throughout the whole site. This negative feature is sadly at odds with the positive features which the site possesses; its topography, planting, wildlife and water. I consider that if the proposed development is to be attractive to potential residents, there has to be significant noise attenuation included. The first superseded plan included in the Design and Access Statement contains what appears to be a physical noise barrier on the north boundary, but this does not appear in the proposed plan. In addition, the proposed plan contains less tree cover on the north boundary than the superseded plans. These changes are not explained.

Summary

- The design process contains some flaws, is lacking in information in some important areas, and is poorly explained. These areas need to be revisited and corrected. But the proposal has some strengths, which have the capacity to be the basis for a development of

considerable identity and attractiveness, if its present shortcomings can be overcome.

Planning Policy

Consulted - views received 16.06.2011:

- The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Catshill in the Bromsgrove Local Plan.
- It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6th June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9th August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 10th November the High Court ruled that the Secretary of State's decision to revoke RSS was unlawful on 2 grounds. Immediately after this ruling the CLG Chief Planner wrote to all local authorities stating that the ruling changed little and the intention to remove RSSs was still a material consideration in the determination of planning applications. On the 19th November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29th November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions.
- On the 16th 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 7th 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 27th May 2011 the Court of Appeal dismissed Cala Homes' claim that the Government's intention to revoke regional strategies could never be a lawful material consideration in planning decisions. It has been recognised that in the majority of cases that the RSS is a still a material consideration.
- 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 1.50 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. The review of the Local Plan is taking place in the form of the Core Strategy. The Draft Core Strategy 2 was approved by Cabinet and Full Council for consultation in January 2011. The consultation period ran for 12 weeks and has now closed. 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 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 to 2021. 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. The Draft Core Strategy 2 identifies Church Road as a development site and highlights in policy 4B key considerations in the delivery of housing

on development sites. These include that residential development should be a high percentage of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. It would appear that the proposals comply with this policy as over 90% of the units are 3 bedrooms or smaller and 40% affordable housing is also proposed. This will help to meet housing needs in the district.

- It is noted that the application makes provision for 12 retirement flats. There is a high level of need for accommodation suitable for the elderly in the district and this is supported by Core Policy 8 of the Draft Core Strategy 2. However, it is important that measures are put in place to ensure that the retirement units are restricted to those of a retirement age in perpetuity.
- The Draft Core Strategy 2 consultation has now closed and 40 responses were received that focused solely on the Catshill Development Site. A number of issues were raised by respondents and these included highway safety, on-street parking, flood risk, impact on wildlife and infrastructure capacity.
- It should be noted the application site boundary does not strictly accord with the boundary of the ADR shown within the BDLP. A small parcel of land on the eastern side of the site falls under policy BROM28. Policy BROM28 within the BDLP proposes a number of areas of open space around the district to meet identified shortfalls. The high levels of open space provided within the site more than compensates for the small parcel of BROM28 that will be covered by residential development. It is therefore considered that the proposals do not conflict with this policy.
- In conclusion there is not currently a 5 year supply of housing land and it appears that the proposal would not undermine the Draft Core Strategy 2. In this instance there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this the prompt submission of a reserved matter application would be required as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme, it is important that this development does actually happen within five years.

Planning Policy
Open Space

Consulted - views received 16.06.2011:

- As the proposal is for 80 units SPG11 should be applied. The amount of play space generated by this development is 6,608 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 39,600 square metres of open space to be provided on site which comfortably exceeds the minimum amount of play space required by SPG11.

- Maintenance costs are charged at £40 per square metres meaning a sum of £1,584,000 is required.
- It will be important to seek the views of Parks and Recreation Officer with regards to the willingness of the Council to adopt such a large area of open space. The applicant may also wish to consider employing a management company to maintain the land in the long term.

Head of Leisure Services

Consulted - views received 10.05.2011:

- I know we own small POS at the end of Marsh Way which is secured by feather board fencing and a wooden access gate which is maintained locked for emergency access to an area of land which is predominantly tree, scrub and marsh land which is locked off to access.
- This area is not included in the plans but runs parallel to part of the open space contribution to the west of the proposed development so it would ideally need to be considered, in my view as part of any development.
- I would be very concerned with regard to the nature of the land proposed for both POS and development in that it is marsh land and as indicated flood risk area. I think the Council's Drainage Engineer should be contacted in relation to the nature of the site and ground conditions.
- With regard to the value of the POS my initial view is that if issues arise from flooding and wet, marsh conditions then the impact on local residents would have to be resolved by the Leisure Services Department in the future - the Drainage Engineer would confirm this.
- I do note that there are two bridges within the scheme across the Battlefield Brook and full inspection regimes by our own staff along with external structural surveys would need to be considered along with the cost implications of repair, replacement and maintenance. Any works associated would also require EA approval and applications.
- Consideration should be given to the maintenance costs associated with the brook course and natural open space and its habitat management would require a 20 year management plan as part of the application.
- The Tree Officer would need to approve any tree removal and specimen of trees to be replanted.
- We would need to consider play provision as there is a play space at The Meadow managed by the Parish - we do also have provision at Bracken Grove, in the location although this play space is old and poorly located.

Strategic Housing Manager

Consulted - views received 04.08.2011:

- No objection.
- Discussions with regard to the provision of 'on site' affordable housing indicate agreement being reached on the basis of the provision of 32 units of affordable housing, the tenure of which will consist of 22 Social Rent and 10 Intermediate units distributed across a range of property types including retirement flats, 2 person general needs flats and 2 and 3 bedroom houses.

Natural England Consulted - views received 26.05.2011:

- We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:
- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.
- Natural England has adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.
- The protected species survey has identified that species protected by domestic legislation may be affected by this application. Please refer to our standing advice on badgers and barn owls and breeding birds to assess the impact on these species.
- Although water voles were not found on site, they are known to be in the area and the site does provide suitable habitat. There are local aspirations to increase the range of this species along the Spadesbourne and Battlefield Brook. With this in mind, we particularly welcome the proposed enhancement of the brook corridor. Please refer to our standing advice on water voles for further information.

WWT

Consulted - views received 10.06.2011:

- There appear to be some important changes to the site since the ecological surveys were carried out. These changes suggest a need to rethink the site layouts and proposed Green Infrastructure, especially in the lower (floodplain) parts of the development.
- Whilst we appreciate that the application is in outline only we consider that the matters raised below could have implications serious enough to warrant fundamental changes to the proposals and accordingly we believe that more information is needed before you can determine the application in line with relevant guidance and the law.
- Key issues are as follows.
- The main watercourse now appears to have split somewhere towards the northern end of the site such that there are two significant channels running through the centre of the development, not just one as shown on the plans. This implies that wetland restoration across the floodplain area here would be relatively easy and given the wetland SWS history of the site we would strongly advocate that the landscaping for the application includes much more wetland creation in the open space design. This should include substantial areas suitable for water voles, with both on- and off-stream features designed in at an early stage. At present the

indicative plans show proposals for areas of drier grassland in many parts of the site. We would advocate that the existing wetter vegetation communities should be maintained and enhanced via careful control of the on-site hydrology wherever possible and certainly for the full length of the on-site brook corridor within the floodplain.

- In addition it appears that the rather wetter nature of the site will have serious implications for the design of the east-west access roads and embankments needed to cross the floodplain. With this in mind we would strongly advocate the removal or re-routeing of at least the northern crossing. Ideally access to the eastern part of the site would be better achieved from the eastern boundary thereby removing the need to cross the cross the ecological corridor. Should either or both of the crossing points be required we would expect to see substantial additional information regarding flood compensation and habitat creation to offset their impact on the brook corridor prior to determination. Given the opportunities that exist for positive wetland enhancement here we believe that more information should be available to you prior to determination so that you can balance the various site priorities rigorously in line with PPS9 and your duties under the NERC Act 2006. As currently proposed we do not consider that the wetland restoration would offset harm caused to biodiversity across the site.
- In association with this there is clearly a high risk that major earth works in the brook corridor will cause pollution of the watercourse. Details regarding mitigation of this risk will be important given the value of the watercourse downstream. Again while we appreciate that this application is in outline only we feel that full details of possible mitigation ought to be forthcoming at this stage.
- We note that further badger setts have become apparent on the site since the ecological surveys were completed, including a main sett which lies directly under the proposed dwellings and associated infrastructure. More work will be required with regard to mitigation for this feature and given its location we would expect this detail to come forward prior to determination in line with PPS9, etc.
- We are aware that further details regarding breeding birds are expected and we look forward to seeing these in due course. Once again these additional details will be needed prior to determination. From observations on site it appears that the scrub and tall herb complex offers substantial opportunity for a range of nesting species.
- In light of the comments made above we have no alternative but to object to the application until such time as the required information becomes available.
- Moreover while we do not object to the principle of development on some parts of the site we have very strong reservations about development of any sort within the potential wetland restoration zone.
- We consider that the opportunity for positive biodiversity enhancement is a material consideration and that wetland

recreation should be a key driver on the site in line with government guidance and the emerging commentary in the recently published Natural Environment White Paper.

- Failure to secure the best possible biodiversity enhancement in the floodplain section of the site could, in our opinion, be a reason for refusal, even at outline. With this in mind we would be very pleased to work with the LPA and the applicants to look for solutions to the biodiversity issues and would welcome the opportunity to discuss these matters further.

Additional views received 03.08.2011:

- Thank you for sending across the amended ecological details for this site. We are pleased to see the revised designs and the updates to species information are most helpful. It would however be useful to confirm the location of the proposed replacement badger sett on the landscape framework plan, primarily to provide comfort regarding its separation from new buildings, etc. In addition we would be pleased to see the outline management plan prior to finalising our position.
- Subject to those matters being resolved we are now minded to remove our objections to the application so long as suitably worded conditions covering the details set out in the landscaping plans and the proposed management plan can be attached to any planning permission the Council may be otherwise minded to grant.

Tree Officer

Consulted - views received 11.07.2011:

- The application site broadly consists of three distinct areas.
- Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook.
- At the north and south ends of this corridor, the Brook has a single channel which is generally quite heavily shaded by mature wetland-tolerant trees such as Willow and Alder with some semi-mature Oak but in the central section of the site, the Brook has broken it's banks within recent years to form three separate channels, is less heavily shaded and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain shown on plan B5278-PL-013.
- On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road and is dominated by a roughly equal mixture of scattered areas of young woodland and open scrub grassland. The woodland consists predominantly of Oak, Hawthorn and Hazel while the scrub grassland is heavily dominated by bramble and nettle.
- To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue. This is more open with few trees other than occasional patches of Hawthorn and is principally dominated by bramble and nettle with some open grassland areas.

Contaminated
Land Officer

Consulted - views received 30.06.2011:

- No objection subject to Conditions.

- Records indicate that the site has historically comprised agricultural land. Agricultural activities can give rise to contamination. Some examples include the use and storage of pesticides, fertilisers, fuels etc. In addition the previously common practice of infilling ponds and hollows on agricultural land with unknown materials can give rise to contamination. Currently no information has been submitted to demonstrate that the site either is or is not adversely affected by the presence of contamination.
- In addition the proposal introduces sensitive receptors in the form of residential dwellings to the site.
- Annex 2 of Planning Policy Statement 23 states that the developer must submit "sufficient information" to demonstrate that a site is either not adversely affected by contamination or that a site can be made suitable for use with regard to any contamination. This applies where a sensitive receptor is proposed, in this case residential housing, or where a potentially contaminative site use exists, in this case agricultural use.
- Please be aware that full contaminated land conditions are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to preliminary risk assessment, has been completed we will more than likely be able to recommend discharge of all remaining conditions (unless of course it is found that it is likely or possible that significant contamination exists on the site). I strongly recommend that the developer is advised of this at the time of any granting of consent.

Conservation
Officer

Consulted - views received 20.09.2011:

No conservation objection to the outline application, but may want to comment further on the Reserved Matters in due course.

WCC(CA)

Consulted - views received 10.05.2011:

- The 'Heritage Statement' provided with the application only discusses the proposals impact on the adjacent listed church, and fails to discuss the wider historic environment as stipulated in PPS5.
- The Historic Environment Appraisal for the area, defined as HECZ 160: Catshill and Lickey End, acknowledges the lack of available information, but goes on to state that "*The survival of archaeological features, under pasture, is uncertain but potentially of significance.*"
- The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Planning Policy Statement 5 - Planning for the Historic Environment.
- Such arrangements for the recording of a site of historic interest can be secured by the application of a negative condition as outlined in Planning Policy Statement 5 - Planning for the Historic Environment Policy HE12.
- Given that this is an outline application, with only access being considered in detail, I advise that as a condition of outline consent an programme of archaeological field evaluation be carried out prior to the submission of a detail reserved matters application. This

West Mercia
Constabulary

- shall allow for any significant remains on site to be appropriately mitigated, either by preservation *in situ* or by formal excavation.
- Consulted - views received from Crime Risk Manager 24.05.2011:
- The area in which the development is proposed is generally a low crime area.
 - At this stage I do not see anything in the design that would particularly encourage crime, however I would like the following comments to be taken into consideration.
 - I note that some of the houses will have rear gardens that back onto open land; therefore perimeter security is an important issue. At this early stage the developers should consider the type of fencing to be used. I would find 1.8 metre close boarded fence suitable, consideration should also be given to planting prickly bushes (Berberis, Holly, etc) along these exposed perimeters to increase security.
 - The Design and Access Statement mentions that some use will be made of courtyard parking. Poorly designed courtyard parking can generate vehicle crime and generally I would advise against this type of parking. However, I would like to see more detailed information before commenting further.
 - Lighting can be a good deterrent to crime and at some stage I would like to see details of the intended lighting plan.

Additional views received from Bromsgrove District Inspector
31.05.2011:

- I understand comment has already been made regarding this planning application by Mr. Peter Aston, Crime Risk Manager, on behalf of West Mercia Police. These comments will relate only to crime and suggestions on crime prevention.
- As the local policing Inspector for Bromsgrove I would like to make the following observations having spoken with both the local policing Sergeant and Constable for this area.
- Church Road is a current PACT priority for parking problems, in particular when events linked to the Church take place.
- This includes inconsiderate parking, on occasions driveways have been blocked and issues due to the sheer volume of vehicles that are parked along this road. PACT is a local community forum consisting of partners (local agencies including the police, district and county council, and many more) and the local community. This specific parking issue along Church Road was raised as a priority at the last meeting.
- With the addition of these proposed houses at this location I have no doubt the parking problems along Church Road will increase causing further problems for the local residents.
- The application states 'Potential to offer new car park for Christ Church to help eliviate on street parking along Church Road during popular services'. It needs to be ascertained who is responsible for this potential carpark, who will pay for it and does it require / have planning permission. If permission is granted on this application will this be a guaranteed part of it?

- I would request all of the above be taken into account when a decision on this planning application takes place.
- Community Safety
Climate Change Officer
Conservation Officer
Western Power Distribution (Formerly Central Networks)
WCC Education
- Consulted 05.05.2011: views awaited.
- Consulted 05.05.2011: views awaited.
- Consulted 05.05.2011: views awaited.
- Consulted - views received 23.05.2011:
- No objection
- Views received 28.07.2011:
- We are not currently seeking education contributions for the Catshill area as there are spare places in all of the local schools. Current numbers on roll (as at May 2011 school census) are:
 - Catshill First School: 158 = 29.8% surplus places
 - Catshill Middle School: 284 = 21.1% surplus places
 - North Bromsgrove High School: 911 (including 6th form) = 12.5% surplus places
 - For the September 2011 intake there are currently 9 spare places at Catshill First, 25 spare places at Catshill Middle and 38 spare places at North Bromsgrove High School.
 - Both the first and middle schools have capacity to increase their admission numbers should this be required in future.
- CPRE
- Views received 07.07.2011:
- It is premature: the land is designated as an ADR and the Council has not conducted a review or authorised its release.
 - This is the only ADR in Catshill. Even if under DCS2, it is to be developed during the coming decade, the development should be phased over a long period to ensure that the Local Needs of Catshill can be met from it. The perceived shortage of housing land within the district as a whole should not be allowed to prevent the desirable objective of meeting the Local Needs of Catshill in Catshill.
 - Despite its size, Catshill is not a market town. Accordingly it is part of a Rural Area, within the terms of WMRSS Policy RR1 and CF2. In such Rural Areas, the Council is required to focus on meeting the Local Needs (as defined) of the area. No assessment has been made so far as I am aware of what the Local Needs of Catshill are. Certainly none is referred to in DCS2. The only assessment that I know of is my own Local Housing Market Areas paper (attached), but that merely seeks to apportion a housing total for the large villages of the district between the villages. It is not an objective assessment of what the village's needs are.
 - The plans show an area of open space at the rear of the houses in Stourbridge Road. In contrast with the valley bottom, this hilltop ought to be developable land.

- The plans place housing for the elderly at the north end of the site. The right place for this should be at the southern end, where it will be closer to the shops. This is important as elderly people are liable to suffer from declining mobility.
- The plans show a considerable area of Public Open Space. It needs to be determined who should be responsible for the maintenance of this and arrangements made for the land to be dedicated as Open Space. I believe that Catshill has a playing field, but nothing else in the way of a park. Perhaps Catshill and North Marlbrook Parish Council should be the beneficiary of this.
- The plans show a new street. This will require at least footpath lighting.
- I welcome the provision of a church car park. This could conveniently double as a car park for those visiting the intended park.
- I appreciate that some of these are detailed points, and that the plans submitted are merely indicative, since this is an outline application. Nevertheless they may be matters that should be dealt with in conditions, or matters to be taken into account by the applicant when moving on to the detailed stage.

Catshill and North Marlbrook PC Consulted - views received 2 June 2011:

- The site has been an ADR since 2002, although this was objected to at the time by the parish council on the grounds of:
 - (1) bio-diversity;
 - (2) landscape (it is part of a flood plain and has heavy sloping);
 - (3) the physical surroundings and infrastructure including poor access.
- The parish council's preference was for the area to remain as open space and a partnership with BDC was proposed to make use of it as public open space and parkland.
- Due to its allocation as an ADR however then it is likely to be developed at some point in the future, in which case the parish council would comment as follows:
 1. This plan shows insufficient detail regarding architectural design, the mix of housing and how the development will blend in with existing landscape and housing styles.
 2. The siting of the housing provision for the elderly is unsuitable as it is at the furthest point from the access on to the site and furthest from public transport stops and shops, and is sited nearest to the motorway.
 3. Insufficient information has been given relating to the site's bio-diversity / wildlife; existing well-established trees will be removed so that anything replacing them will be inferior.
 4. Access and traffic volumes are not well thought out; parking will be an issue requiring attention.
 5. Unreal projections have been made regarding sustainability since experience shows that residents are likely to need to travel to work by car as there are few local employment opportunities, no local railway station and pressure to reduce the current bus services.

6. The watercourse is on a flood plain with an open brook which is likely to become polluted when the land around it is developed. Culverting may be a solution but it is often poorly maintained.
7. The local area gets heavily congested and grid-locked when the motorway is closed; the full effect of the new housing off Perryfields Road (Sidemoor) and the suggested Bromsgrove ring-road to the west of the district, on local roads has yet to be known but is unlikely to alleviate current congestion.
8. The provision of nicely developed parkland with ornamental trees does not create a 'wildlife corridor' and the removal of trees from this site will add to the flooding problems and increase noise from the motorway.
9. It is believed that Catshill has done its bit to fulfil the district's need for new housing due to the amount of new development in Catshill that has been allowed over the last ten years seemingly without any restriction - there must be a saturation point beyond which the infrastructure of sanitation, schooling and community will struggle to cope.
10. The 2001 Local Plan is to be replaced by the latest Core Strategy which has yet to be ratified; it is believed this application should be deferred until the Core Strategy has been adopted.

Additional views received 04.07.2011:

- Further to the parish council's comments regarding the application 11/0343, it has been noticed that land designated 'open space' in the district's draft core strategy is not co-incidental with the boundary of the land identified by Cala Homes for development.
- Cala Homes would appear to be applying for permission to build on land to the east of the site that has been identified as 'open space'.

Publicity

39 letters sent 05.05.2011 (expire 26.05.2011)

6 identical site notices posted 24.05.2011 (expire 14.06.2011)

1 press notice published 13.05.2011 (expires 03.06.2011)

2 letters received from County Councillor Mrs. S. L. Blagg 24.05.2011 and 14.07.2011 objecting to the scheme on the following principal grounds:

- Development of land which currently absorbs rainfall.
- Additional surface water run off raising the level of the brook causing the outfalls from the gullies to be less efficient.
- Run off from the new access road adding to the existing road surface run off.
- The proposed bridges over the brook will create hardstanding on the flood plain which needs substantial drainage with no outfall for run off other than the brook which is inadequate.
- Flooding concerns given the contents of the Bromsgrove Strategic Flood Risk Assessment.
- The Code for Sustainable Homes (CSH) Mandatory Elements require that all new developments must not cause surface water run-off greater than that before development.

- The pavements on Church Road are not wide enough for wheelchairs, prams, pushchairs or parents walking side by side of their infant children.
- The incline onto Stourbridge Road is narrow and cars often mount the pavement to move around parked cars.
- The exit onto Stourbridge Road is a tight right turn and requires motorists to swing wide into oncoming traffic.
- Parking in Church Road by those using the Church causes major obstruction to traffic and pedestrians alike.

1 petition received 13.06.2011 containing **184** signatures with the following heading:

We, the undersigned residents of Catshill Village, Bromsgrove, Worcestershire, are totally opposed to the development of Catshill Marshes on the grounds of:

- *The proposed development site would cause the destruction of wildlife habitat where badgers, birds and raptors live and breed.*
- *The proposed development site is designed Flood Plain.*
- *The proposed development would cause the destruction of ecologically sound marshland, which also combats the effects of pollution from the nearby motorway.*
- *The proposed development would contribute to the overcrowding of a residential area, with a lack of infrastructure to support the new residents.*
- *The proposed development site would increase the danger posed to all residents, old and new, by the new road access to the development, due to the dangerous bend and lack of visibility.*
- *The proposed development would ass to the effect of the increased traffic and pollution which would be created of the development went ahead.*
- *Church Road is a "rat run" from the Stourbridge Road and "near misses" are a daily occurrence near the junction of these roads.*
- *Church Road is already used by buses and lorries causing difficulties for vehicles driving from the opposite direction, due to the narrow road and the bend on a steep corner, more traffic would exacerbate this problem.*
- *The residents of Church Road and Minster Walk are already having difficulty with parking and have no option but to park on the road, causing greater concerns for safety, if the proposed access road goes ahead.*

4 letters received from the Catshill Marshes Action Group (24.05.2011 07.06.2011, 20.06.2011 and 23.06.2011) **objecting** to the scheme on the following principal grounds:

- Vehicular access is unsuitable and dangerous.
- Flood risk.
- Preservation of wildlife/green space.
- Air quality and noise pollution.
- Design of the proposed site.
- Impact on infrastructure.

- Travel and transport.
- Loss of natural light.
- Adamant that the site should be allocated Village green status and protected from development accordingly. Therefore give the LPA formal notification that the appropriate application form will be submitted to register the land on this basis.

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

- The site is totally unsuitable for development.
- If more housing is required, there are still a few brown sites that could be developed rather than the unique Catshill Marshes green site.
- With all the building works around the village in recent times, Catshill needs to retain one or two green spaces.
- Church Road is used a "rat run" at peak commuter times and is utilised as a cut through to M42/M5/A38.
- Heavy traffic already exists, particularly between the hours of 07:00 and 0:900 and 17:00 and 18:30 travelling well above the speed limit. The development will substantially increase traffic at peak times onto an already very busy and sometimes dangerous road.
- Proposed site entrance is immediately opposite the resident car parking area for Minster Walk which already has restricted access and visibility.
- Planning consent was denied on at least two previous occasions on the grounds the access was neither suitable nor safe. With the subsequent increase in traffic and congestion that has taken place over the last ten years since the last application was refused, what has altered to make it suitable now?
- Visibility for vehicles leaving the site onto Church Road will be severely restricted in a westerly direction due to the proximity and position of the stream bridge parapet.
- Steep incline onto Stourbridge Road and adverse camber on Church Road poses difficult vehicular manoeuvrability.
- Parked vehicles currently cause congestion on Church Road and Stourbridge Road. This is exacerbated by the bus services routed down Church Road and the proximity of the site to two Churches and a public house.
- Church Road is a residential road and it not intended to or capable of being a local arterial route.
- The development will lead to a least 160 vehicles leaving the site daily putting more stress on an already crowded residential road.
- Concern over the strength/durability of the bridge over Battlefield Brook situated adjacent to the proposed access road onto the site.
- The submitted traffic data is inadequate and flawed.
- The developer states that no other developments in the area would affect the traffic flow through Catshill. This is totally incorrect as the Core Strategy states that the development proposed on Perryfields Road will generate an excessive amount of traffic with some 1,100 dwellings and they will all use Catshill as a cut through to the major roads.

- The cycleway/emergency access crosses private land and is totally unsuitable for emergency vehicles.
- The footpath narrows to less than half the normal width on the northern edge of Church Road next to the Church graveyard wall, with room for a single pedestrian only.
- There is no footpath on the southern edge of this section of Church Road.
- Construction works will lead to access and parking issues.
- Public transport is inadequate.
- The bus stops at Christ Church and the Plough and Harrow do not exist.
- Concern over the technical scope and content of the submitted Flood Risk Assessment reports.
- The land is unspoilt marshland and should be allowed to remain in situ for the protection of Catshill residents from flooding and the noise of the M5 motorway.
- The land is in the floodplain and there are numerous natural springs which fluctuate and frequently flood the lower part of the site. If floods occur they will be to the detriment of existing residents in Catshill and downstream in Bromsgrove.
- The marshland is a natural soakaway for the water run-off from the M5 as well as absorbing water from the Battlefield Brook.
- More concrete and culverting will create more run-off down to an already substantial marshland area.
- The Highways Department have spent a lot of money on improving the drainage, kerbing and repairs to the stream embankment to prevent the bank collapsing into the stream south of Church Road, this was to alleviate water from the marshes, flooding the area south of Church Road. This work will be negated by any development on the site, as this work has narrowed the channel of the stream, thus reducing its capacity to retain flood water.
- The site has major low lying housing to the west and south that will be more vulnerable to further flooding. This area and the downstream run off have a history of flooding adjacent properties.
- The homes in Chadcote Way, Bourne Avenue and Woodrow Close have soakaways to drain rainwater from their roofs that drain directly into the marshes thus adding to the level of water in the wetlands.
- The access road would act as a channel to drain flood water from the site into Church Road, flooding Minster Walk opposite as the adjacent cottages.
- The designated floodplain extends beyond the boundaries of the site according to Insurance Companies.
- Exacerbating the natural flooding from Battlefield Brook is the water run off from the M5 motorway.
- The development indicates three bridges. These will block with silt and debris over time and exacerbate any flooding.
- The development indicates a flood risk that will cut off the access road to the site from time to time. This will present risk to residents, as well as preventing access for emergency vehicles.

- The site is underlain by the Sherwood Sandstones (aquifer) and it also lies within the Environment Agency's Source Protection Zone and this may well inhibit infiltration methods for dealing with surface water drainage (SuDS) hence it should be assumed that this run off will enter the brook course at some point.
- It is not at all clear how additional flood storage areas have either been calculated or located.
- Concerns that additional water course modelling works will not be carried out in order to identify suitable mitigation to avoid or reduce existing or future flood risks. This is based on the concern that there will be very little if any future maintenance either of the development site as such or indeed the areas immediately downstream of this.
- Inadequate or poorly maintained culverts in Church Lane and Green Lane regularly cause overland flows to flow to the Battlefield brook via Gibb Lane, Church Road, Chadcote Way, Marsh Way and Mayfield Close. These overland flow routes will continue to function and there is concern that any new houses build as part of these proposals will be periodically subjected to flooding due to this phenomena.
- The new houses shown at the back of the private garages in Woodrow Close (to the east of the site) appear to be sited very close to the storm water attenuation pond at the marshes access road at Mayfield Close.
- Additional concerns arise from unknown elements such as further changes within the development, such as additional hard standings, drives ways and other impermeable areas that naturally develop over time through the actions of the residents themselves.
- How are the "green spaces" remaining along the brook course to be maintained in the future as well as the culverted bridges and the downstream reaches of the brook course itself.
- Subsidence to existing dwellings due to reduction of water table.
- The sewerage system already in place will be further overloaded.

- Loss of trees and woodlands.
- Loss of wildlife and habitat.
- Unspoilt haven and oasis for wildlife.
- The natural ecological balance would be destroyed.
- Presence of protected species.
- The streams and marshland would become polluted by run off from drives and the general detritus of a residential area.
- The plans to replace with commercial or cultivated shrubs will not replace the existing natural benefits.
- Land erosion following the loss of trees and shrubs.

- Noise levels will be increased due to loss of trees and hedges.
- Light pollution.

- Reduction in air quality due to loss of trees and hedges.

- It is important to retain the site due to CO² emissions. The site is currently a very efficient net absorber of Carbon Dioxide. The proposed housing development will be a net emitter of Carbon Dioxide (heating boilers/vehicle engines/electricity production) with zero CO² absorption taking place.
- A comparably minimal absorption will take place in the proposed green space containing a much reduced biodiversity compared with the species rich ecosystem that currently occupies the site.

- Who will maintain the public open space areas?
- The application submitted extends beyond the area for development detailed in the Core Strategy document. The application extends right up to the edge of Bourne Avenue. However this is indicated as designated open space for residents in the Core Strategy.
- The landscaped bund along the boundary of the M5 cannot be fully achieved as this is located in an area that serves as a run-off catchment area for rainwater from the M5.

- Concern over the draining of the marshland and the impact on the structure of Christ Church due to sandstone foundations.
- The integrity of the Church building (built in 1838 and listed Grade II) should not be compromised.

- Local infrastructure in Catshill will not support new homes: there are only three convenience stores and take-aways. There are no leisure facilities offered and the doctor and dentist surgeries are already full.
- Impact on medical services.
- Impact on school places.

- The unbalanced effects of low cost housing merging with a well established and maintained community would result in local disturbance through not only traffic, noise levels, and potential antisocial behaviour from the increase influx of people.
- The potential for anti-social behaviour would go with low cost housing.

- Loss of light.
- Overshadowing.
- Overlooking and loss of privacy.
- The new dwellings adjacent Stourbridge Road will cause overlooking.

- No clear indication of storage of bins.

Members are encouraged to review all submitted documentation, including the third party letters summarised above. A number of representations have been accompanied by photographs to illustrate highway concerns. All submitted information is available to view in full online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of approximately 6.1 hectares on the north-western fringe of Catshill, approximately 650 metres to the principal facilities located in Catshill and 400 metres northwest of the central area of Catshill. The site is located approximately 3.1 kilometres north of Bromsgrove.

The site is vacant and undeveloped with dense vegetation, mostly consisting of open scrub grassland and scattered trees specimens and is roughly linear in shape. The southern boundary of the site is bounded by Church Road, with the eastern boundary abutting the established residential dwellings located on Marsh Way/Chadcote way/Bourne Avenue/Woodrow Close/Mayfield Close. The western boundary is bounded by the rear gardens of dwellings located on the B4091 Stourbridge Road. The northern boundary runs parallel with the M5 motorway.

The site comprises of steeply sloping land to the west with more level land adjacent to the watercourse, Battlefield Brook, which flows through the site. The site levels vary from some 126.02 AOD to some 122.0 AOD within the watercourse area to the east, with this eastern aspect of the site having similar ground levels to the residential areas in Bourne Avenue and Marsh Way. To the west, the site rises significantly from some 125.0 AOD to some 141.0 AOD. The existing dwellings on Stourbridge Road are elevated further above the western area of the site.

Christ Church (Grade II) is located adjacent the south-western boundary. An electricity sub-station is located on the southern site frontage, enclosed within a compound of metal fencing and low level landscaping. From here, the site has a network of overhead cables.

Battlefield Brook runs through the central/eastern area of the site, which is low lying, wet and marshy. The Brook enters the site from the north, via a culverted section underneath the M5 motorway and moves southwards via a shallow channel. A section of Church Road is elevated as a bridge structure which allows the watercourse to continue further south. The development site lies within Flood Zones 1, 2 and 3 of Battlefield Brook. Existing foul and storm sewers are present along the eastern edge of the site with no-build easements.

There are currently two vehicular accesses serving the site. One is located off Church Road, via a dropped kerb and the other is located in the northern corner of the site located off Stourbridge Road. This is currently gated.

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").

Proposals

This development relates to an outline application for the erection of up to 80 dwellings (including 12 units offering accommodation for the elderly) with associated open space and infrastructure.

The submitted Design and Access Statement details the following key design principles:

- Retain the ecological features of the site, existing wildlife habitats, shrubs and trees. Encourage new habitats within areas of open space and provide tree replacement as part of a mitigation strategy where existing trees need to be removed.
- Retain and enhance Battlefield Brook and ensure that it is an inclusive feature of the development.
- Ensure new development to subservient to the landscape.
- Create a residential development which preserves the character and setting of Church Road and is able to interact and knit into the existing residential context.
- Respect and preserve views of Christ Church.
- Positively address the level changes of the site and design out the need for extensive retaining structures where possible.
- Provide public open space for local residents and provide a mix of family housing that will meet the local housing need.

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 Concept Masterplan (revised August 2011) indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles and addresses the constraints of the site and the surrounding locality.

Access is to be determined at this stage with a new vehicular access via Church Road and a walking/cycling and emergency vehicle access via Stourbridge Road that utilises the existing gated vehicular access in this location.

The development site of 6.1 hectares comprises some 2.1 hectares of developable area. The remaining aspect is to be maintained as open green space and landscaped areas. The Concept Masterplan indicates that new dwellings are proposed to be two-storeys and arranged in linear patterns. The indicative layout proposes two defined residential development zones. The first is proposed in the west of the site consisting of a linear street of dwellings positioned clear of the flood zones and following the land contours of the site. This will consist of mainly semi-detached dwelling, allowing the plots to be gradually stepped in recognition of the topography of the site. The second residential

zone is proposed to the north-west of the site. A U-shaped street is proposed which provides a frontage of houses that overlooks the corridor of public open space and a proposed equipped children's play area.

A single block of twelve apartments for occupation by elderly residents of one, two and two and a half storeys, tiered to address the site topography, is located to the northern boundary. The building is proposed to be located significantly lower than the existing dwellings on Stourbridge Road.

Public open space in two main corridors equating to approximately 3.96 hectares is proposed to the north, east, south and west of the site. POS to the east encompasses the Battlefield Brook, flood compensation plains, existing trees and ecological habitats. This is proposed to extend to the north (encompassing the existing badger setts for retention) and extend along the western boundary where ground level changes are at their greatest. A new landscape bund following excavation of the apartment block is proposed to be located to the northern boundary.

Flood Zones 2 and 3 restrict new built form at the front of the site. The existing green space of trees and shrubs is to be retained. The existing substation is also to be retained, with the relocation of the overhead cables underground. Land behind the substation is proposed to be retained as open space, with a new central area of public open space which extends to the eastern boundary of the site. The watercourse is to be retained.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 14 dwellings per hectare. The anticipated mix indicates an emphasis on 2 and 3 bed dwellings. Twelve two-bedroom retirement flats are also proposed:

| Property Type | No. of bedrooms | No. of units | Proportion of mix |
|----------------------------------------------------------------------------|-----------------|--------------|-------------------|
| House | 2 bedroom | 40 | 50% |
| | 3 bedroom | 20 | 25% |
| | 4 bedroom | 5 | 6% |
| | 5 bedroom | 1 | 1% |
| Flat (over garage) | 2 bedroom | 2 | 3% |
| Retirement flat with communal facilities: (lounge/ dining, kitchen, staff) | 2 bedroom | 12 | 15% |
| Total | | 80 | 100% |

The mix will vary through the development but will predominantly comprise two-storey detached and semi-detached dwellings, in addition to retirement apartment units arranged in a singular block to the northern boundary. The proposals will incorporate a broad range of property types between 2 and 5 bedrooms, with a predominance of 2/3 bedroom dwellings in clearly defined groups and blocks. Car parking will be provided via a mix of garage/driveway spaces and courtyards. A general standard of one/two parking

spaces per property will be accommodated within the development (three parking spaces for the five bedroom unit).

Thirty-two affordable units are provided, which equates to a provision of 40% affordable housing made within the site. The definitive mix of affordable homes is to be confirmed by the Strategic Housing Manager, although it will consist of a mix of rent and intermediate tenures.

Onsite SUDS will comprise attenuation devices (tanked permeable paving, underground storage units) with limited infiltration devices (local soakaways, permeable paving) to be utilised where feasible. The SUDS devices will discharge into the Battlefield Brook at a run-off rate limited to the existing Greenfield rate using suitable methods. Further mitigation measures such as suitable overland flow route, flood resilient and resistant construction and raised finished floor levels in order to mitigate residual flood risks arising from unprecedented or exceptional circumstances.

A Planning Statement, Design and Access Statement, Concept Masterplan, Environmental Noise Report, Air Quality Assessment, Flood Risk Assessment, Ecological Appraisal, Tree Condition Survey, Transport Assessment, Residential Travel Plan and Statement of Community Engagement have accompanied the application and are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

| | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WMSS | UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7 |
| WCSP | SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9 |
| BDLP | BROM5E, BROM28, DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A |
| Draft CS 2 | CP2, CP3, CP4B, 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), Draft National Planning Policy Framework (DNPPF), Ministerial Paper: Planning for Growth |

Relevant Planning History

None

Notes

As the site constitutes a designated Area of Development Restraint (ADR) the main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such

as changes in national policy (including the Draft National Planning Policy Framework), 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 Catshill). 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 BROM5E 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 Inspector's Report (March 2002) considers the application site in this document. Paragraph 1.6.120 notes that the M5 motorway was constructed during the mid-1960s and that this major highway has effectively severed the site from the wider Green Belt beyond, causing it to form nothing more than a wedge of open space dominated by urban influences on all sides and suffering from urban fringe problems such as trespass and fly-tipping. In the same paragraph, the Inspector notes "development [of this site] for housing would help to repair what is at present a rough, untidy and raw urban edge along its eastern side." The Inspector concludes that "when considered in relation to the very limited Green Belt function of the land, its general sustainability and its lower agricultural land quality, I conclude that exceptional circumstances exist which make this site suitable for identification as an ADR - in substitution for other, less acceptable proposals which I assess elsewhere in my report." Members will be aware that policies DS8 and BROM5E 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 Church Road, Catshill 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.

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 29th January 2009; 09/0518 approved 25th September 2009) and the recent application for up to 76 dwellings on land at Selsdon Close (11/0431 approved 15th July 2011). I would also refer Members to the 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 BROM5E ADR where a requirement for it can be demonstrated. In the case of housing development, this requirement is in large part determined by whether the District has an achievable five-year housing land supply in accordance with the 'plan, monitor, manage' approach to housing set out in PPS3: Housing.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is

less than five years supply of deliverable sites, they should consider favourably planning applications for housing', having regard to other policies in PPS3.

The views of the Strategic Planning Manager are noted. The SPM concludes that there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy. As such I am of the view there is an undisputed need for housing and the housing supply situation is in crisis. This stance was taken by the Inspector in the recent appeal decision for Norton Lane, Wythall (APP/P1805/A/11/2150938) (application reference 10/0931).

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

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

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

Members will be aware that the Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The applicant has considered the proposal against relevant policies in the Draft Core Strategy and the scheme would appear to be in general conformity, for example the scheme proposes a high proportion of 3 bedroom units or smaller (93%) which will help achieve the Council aim of building a range of smaller units. In addition 40% of the scheme is proposed to be affordable housing which will help to address housing need in the District. Given these circumstances there appears to be no policy basis for resisting the release of the ADR.

The proposal should thus begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on

commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

A number of shops and services are located approximately between 350 metres to 950 metres walking/cycling distance of the site. Most of the facilities available are less than 650 metres from the site. These key facilities include a convenience store, post office, chemist, public house, take-away restaurants, library, First School and Nursery, Middle School, Special School, dentist and doctors/GP. The site is also located reasonably close to a wider range of services and facilities within Bromsgrove Town Centre (located approximately 3.1 kilometres to the south), including schools, employment opportunities and leisure facilities. Catshill Meadow is located on Meadow Road accommodates sports pitches and an equipped children's play area.

National Cycling Network Route 5 (NCR5) (Stratford-upon-Avon to Birmingham) passes through Catshill some 780 metres to the east. Aligned north-south the route follows Green Lane and Woodrow Lane, the latter of which benefits from an off-road shared footway/cycleway. Between Catshill and Bromsgrove, the route utilises a footpath open countryside, before joining the local highway network at the B4091 Stourbridge Road where it passes beneath the M42. Stourbridge Road benefits from shared footway/cycleways along a large part of the NCR5. The centre of Bromsgrove is approximately 3.5 kilometres (18 minutes cycle time) from the proposed development site via the NCR5. The site also benefits from good public transport opportunities in the form of bus modes (explored in more detail 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.

Furthermore, at paragraph 1.6.122 of the Inspector's Report 2002 report, the Inspector notes that Catshill was accepted at the time of the Local Plan Inquiry by the Council as being within or adjacent to Bromsgrove town for policy purposes and that it provides a range of services and facilities including a local shopping centre, clinic, first, middle and special schools, clubs and public houses and churches.

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; and
- 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 Concept Masterplan and 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 a section of the wider Green Belt landscape to the north-eastern and eastern boundary.

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 limited views afforded from the descent into Catshill on Stourbridge Road to the north of the site

and the access road on Church Road. Views from the mainstay of Stourbridge Road, Marsh Way, Chadcote Way, Bourne Avenue, Woodrow Close and Mayfield Close would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. Views from Church Road would be more definitive given the combination of the access road and the open frontage incorporating the watercourse and green space. 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 eastern, southern and western boundaries, and the defined M5 boundary to the north. Whilst I note an element of the eastern boundary is less clear, 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. As such I am of the view that the proposals can be accommodated without detriment to the Green Belt setting in compliance with paragraph 3.15 of PPG2.

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 Concept Masterplan and extensive information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in two respects. Firstly the site is clearly visible from existing residential properties from Stourbridge Road, Church Road, Marsh Way, Chadcote Way, Bourne Avenue, Woodrow Close and Mayfield Close and the wider landscape to the north and north-east.

The views of the Urban Designer are noted, with particular reference to the submitted Design and Access Statement. This document should set out a clear set of site planning and design principles based on analysis and good practice. The UD is highly critical of this document, with reference to the evolution of the application and the apparent lack of weight attached to the views arising from the pre-application consultation exercise. Concern is raised over the low density of development advocated by the scheme and the need for more specific information on the range of house types, how they address the topography, how car parking is accommodated and how the public realm is dealt with. The north-facing location of the retirement block, with the enclosed space turned away from the road and its full exposure to the noise of the motorway, in addition to its physical location at the most distant from local facilities in an uphill location is deemed misguided by the UD. The UD views the new junction on Church Road to have the potential to be a clear and significant entrance to the development but this is caveated with the requirement to slowing traffic speeds at this point given the width of Church Road, the presence of parked vehicles and the need to not inadvertently increase its hazardousness. Given these circumstances, the UD concludes that the design process contains some flaws, is lacking in information in some important areas and is poorly explained, all of which are required to be revisited and corrected. However, the UD

equally recognises that the proposal has some strengths which have the capacity to be the basis for a development of considerable identity and attractiveness if these shortcomings can be overcome.

I have noted these views and the applicant has responded to a number of the points raised by the UD, with particular reference to the rationale behind the location of the proposed retirement apartment block. This primarily relates to the constraints of the topography of the site and the incorporation of such level differences as a design solution in respect of natural surveillance to the open space, the use of perimeter walls to act as retaining structure and the use of tiered massing to achieve a reduction on noise levels from the adjacent motorway. I am satisfied that the site is able to comfortably accommodate up to 80 residential units, with associated landscape and open space measures. However, as advocated by the UD, the design aims of the scheme need refining (with particular regard to sustainable and attractive layouts). Members will, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. However, to provide some comfort to Members, the Design and Access Statement and the Concept Masterplan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied. It is at this stage that the views of the UD can be utilised to shape the design context of such matters.

Density

The development provides a density of 14 dwellings per hectare based on the erection of 80 units. Whilst the density thresholds have been removed from PPS3, there is still a requirement to make the most efficient use of land. Members will be aware of the views of the UD raising concern over the low density of the scheme. The applicant has responded to these concerns and referred to a number of influential factors that have governed density including the topography of the site and how the existing contours of the site have been principally shaped by the Battlefield Brook flood zone. It is also acknowledged that the adjoining residential area in Chadcote Way (for example) has a higher density than the development proposed but this site has a level topography which is commensurate with density. The development proposal will also create a linear streetscene that will echo the existing housing patterns in Stourbridge Road and will be of a similar density.

I am therefore of the view that 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.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings, together with an element of affordable housing. The development also contains 4 and 5 bed dwellings and flatted accommodation. Thirty-two 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 policies 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.

I note the views arising from the consultation process with regard to this issue and with particular reference to a resultant loss of privacy for the occupiers of those dwellings in Stourbridge Road. The Concept Masterplan details a new road running parallel to the western boundary together with a landscape verge to create separation to the rear boundaries of the existing dwellings in Stourbridge Road. This road is designed to serve a group of houses to achieve an active frontage in front of public open space and to create enclosure around this space to counter-balance the rear elevation of houses along the spine road. The topography of the site will result in these new houses being situated lower than existing houses on Stourbridge Road having a separation distance of some 50 metres. This is detailed on the indicative site sectional drawings accompanying the application.

Notwithstanding this, 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 Concept Masterplan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably satisfied that any resultant development can be accommodated without detrimentally affecting the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

For reference, Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (Stourbridge Road/Church Road/Marsh Way/Chadcote Way/Bourne Avenue/Woodrow Close and Mayfield Close) would not wish to lose their existing view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

Traffic and Highway Implications

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

Members will be aware that third party representations have raised concern with regard to highway safety and traffic congestion (with particular regard to the junction of Church Road and Stourbridge Road and egress matters created by ongoing on-street parking on Church Road/Stourbridge Road) and inadequate public transport provision.

Church Road is located to the immediate south of the proposed development site and is the road from which vehicular access to the site will be taken. The proposed walking/cycling/emergency vehicles access is proposed to utilise the existing field-gate access to the north-western corner of the site, close to the bridge over the M5. Although I note the views arising from the consultation process and as documented in the submitted Transport Assessment, the applicant's agent has confirmed that no other vehicular or pedestrian accesses are proposed, including linkages into the existing residential areas to the east of the site.

Church Road is lined by established residential dwellings and has a typical carriageway width of 5.7 metres. Church Road is approximately 300 metres in length, it is aligned east-west and has simple priority junction arrangements at each end with the B4091 Stourbridge Road (to the west) and Wildmoor Lane (to the east). Church Road is subject to a 30mph speed limit and has a continuous footway along its northern side. The footway on the southern side of the road terminates before reaching Stourbridge Road. Church Road benefits from street lighting. Church Road ascends its approach to Stourbridge Road. It also joins Stourbridge Road at an acute angle and visibility is restricted looking left from Church Road for vehicles approaching this junction.

Once over the motorway bridge and past the existing access to the site, drivers travelling southeast along Stourbridge Road enter the urban area of Catshill at a 30mph speed limit. Roundels are painted onto red-coloured carriageway surfacing indicating the change in speed limit, together with a vehicle activated speed limit sign. The west of this point the speed limit is 40mph. Continuing northwest, Stourbridge Road passes through Fairfield en-route to Stourbridge (via the A491). The B4091 Stourbridge Road continues south and reached Bromsgrove after passing beneath the M42. Stourbridge Road forms the major road of the simple priority junction with Church Road. The footway along the

eastern side of Stourbridge Road continues south past this junction and tactile paving and dropped kerbs facilitate pedestrians crossing Church Road.

Wildmoor Lane lead north from a mini-roundabout with the B4184 Meadow Road/Gibb Lane. Wildmoor Lane is residential in nature and leads under the M5 to join with the A491 west of M5 Junction 4. The speed limit within Catshill is 30mph, while Wildmoor Lane also has footways on each side, centreline markings and street lighting. In the vicinity of the site, Meadow Road forms a triangular geometry with Stourbridge Road and Church Road.

With regard to public transport opportunities, the nearest bus stop to the site is located in Meadow Road (Post Office), approximately 550 metres from the centre of the development site. A good level of services (007/90/142/143/144) to Stourbridge, Halesowen, Marlbrook, Redditch, Birmingham, Droitwich and Worcester are served by these stops. Route 318 operates between Bromsgrove and Stourbridge. This service does not operate on a Sunday or Bank Holiday. Route 322 utilises the bus stops on Churchill Road and Green Lane and is a circular service between Bromsgrove Town Centre and the village of Fairfield, located 1.4 kilometres north-west of Catshill. Route 322 operates twice daily on Tuesdays and Fridays. Barnt Green railway station is located 5.5 kilometres to the north-east. Bromsgrove railway station is located 5.5 kilometres to the south. The main railway company which operates this station is London Midland, which runs hourly services from Bromsgrove to London Paddington in approximately 3 hours. Rail journeys to Birmingham New Street via Barnt Green leave hourly and take 30 minutes. London Midland services to Redditch are also available from Barnt Green with a frequency of 30 minutes and a journey time of approximately 14 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.

The new vehicular access leading into the site from Church Road will be 5.5 metres in width and will widen on radii to assist vehicle passing. Swept path analysis has been undertaken that demonstrates a refuse vehicle can successfully negotiate the proposed junction. A two metre wide pedestrian footway will align the road for the first 20 metres and then cross over to a single footway positioned closest to the housing frontages. The existing access on Stourbridge Road to be utilised as a walking/cycle/emergency vehicle access will have the existing gates removed and replaced with bollards to prevent unauthorised vehicular access.

Members will note the internal road network is not for consideration at this stage. For clarification, a proposed new parking area to the east of Christ Church no longer forms part of the proposals.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has engaged extensively with the applicant's Highway Consultant and have reached a satisfactory conclusion to matters. A full Transport Assessment has accompanied the application. Members will note the submitted Transport Assessment demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic and the scheme will have a negligible impact on the operations of the junctions in the locality, including Church Road and

Stourbridge Road. The Residential Travel Plan accompanying the application will further help to reduce the impact of the proposed development to level below that detailed in the submitted Transport Assessment.

Given the consideration of all highway related matters, including the views of third parties and the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on Church Road and that there would be capacity within the existing network to cope with the development proposal, including Stourbridge Lane and Wildmoor Lane. The use of the existing access leading off Stourbridge Road for walking and cycling opportunities, would also promote sustainable transport choices for future residents. This would also enable greater permeability.

Members will note Worcestershire Highways has raised no objection to the scheme subject to the imposition of Conditions. As such, Members are thus reminded that there is no technical objection to the scheme on the grounds of adverse impacts on the highway network grounds.

Although taking regard of the strategic road network, the views arising from the Highways Agency are dealt with in the Drainage Section given the content of the consultation response.

Landscaping and Tree Issues

The application site broadly consists of three distinct areas.

- (a) Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook. At the north and south ends of this corridor, the Brook has a single channel as seen on the submitted plans which is generally quite heavily shaded by mature wetland-tolerant trees such as Willow and Alder with some semi-mature Oak but in the central section of the site, the Brook has broken its banks within recent years to form three separate channels, is less heavily shaded and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain shown on plan B5278-PL-013.
- (b) On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road and is dominated by a roughly equal mixture of scattered areas of young woodland and open scrub grassland. The woodland consists predominantly of Oak, Hawthorn and Hazel while the scrub grassland is heavily dominated by bramble and nettle.
- (c) To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue. This is more open with few trees other than occasional patches of Hawthorn and is principally dominated by bramble and nettle with some open grassland areas.

Two mature hedgerows form part of the vegetated screening from the M5 border the site to the north. Two additional hedgerows run from the site perimeter to the interior. All hedgerows are unmanaged and consist of hawthorn with a mix of hazel, oak, silver birch and willow.

Given the current state of the site, it is inevitable that the indicative scheme will require the loss of a degree of vegetation removal and existing trees and woodland as a result of the proposals, with the majority of cover to the west of the Brook being lost. Two short sections of the watercourse corridor will be cleared to allow for bridging for access roads. A new landscaped bund is proposed to the northern boundary adjacent the M5.

Existing hedgerows and trees will be retained where possible, including the majority of that following the corridor of the watercourse. The hedgerow to the south of the site will be lost. The existing habitat to the east of the Brook and along a buffer zone to the west of the watercourse will be modified during remodelling and flood alleviation works. Following works the site is proposed to be landscaped and replanted to create large areas of public open space that will incorporate managed and natural habitats, retained tree cover and riverine habitats. These areas of soft landscaping will provide a broad habitat corridor the length of the site, continuous with public open space along the northern boundary and the majority of the western boundary. Proposed watercourse enhancement works will create new areas of marsh and reedbed habitats adjacent to the new channel.

Following negotiations, the ecological and amenity value of the site has accurately established and the Tree Officer is now satisfied that the landscaping enhancements being proposed in respect of new tree and woodland planting as well as the habitat improvements, can be sufficient to mitigate that being lost. This programme will include structural planting in the public open space, with preference given to native species of wildlife value. These views can be filtered into the Reserved Matters process in order that such mitigation measures are carried and to ensure any notable features remain integral to the final layout.

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

Open Space and Play Space

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

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

I note the views of third parties and the Parish Council in relation to the use of an element of housing upon land allocated as open space under policy BROM28 of the Bromsgrove District Local Plan. For the reference of Members, there are three key issues to consider in respect of housing on this allocation which support the proposals as submitted:

- (a) The open space, the subject of the BROM28 allocation is yet to be laid out. Thus, the proposals do not result in an actual loss of open space since none exists on the site at present.
- (b) The reasoned justification to policy BROM28 makes clear that the site boundaries for the open space advocated by this policy are yet to be defined and thus can be approached flexibly upon consideration of a specific development when submitted for determination.
- (c) Leading from point (b), the proposals seek to re-locate open space elsewhere on the site. Such an approach is in accordance with the reasoned justification for policy BROM28. The relocated open space proposed as part of the development is situated further to the west of the site, but is in an equally accessible location. In terms of quantum, the area of the BROM28 land which falls within the application site extends to 0.58 hectares. The relocated open space, again within the application site boundary, extends to 1.93 hectares. This calculation excludes any of the 1 in 1,000 post-development flood plain and the potential flood storage areas to be created.

I acknowledge third party concerns on this issue. However, having regard to paragraph 13 of PPG17 which allows for the opportunity to exchange one open space site for another and the compliance with the reasoned justification to policy BROM28, this approach does not provide me with concerns. I thus raise no issue with the approach to the location of open space provision within the application site given these circumstances.

The Master Plan layout shows the provision of an equipped children's playspace (LEAP), in addition to 39,600 square metres of public open space. Both these totals exceed the space requirements of SPG11 (6,608 square metres of open space: including youth/adult play space) and thus the scheme does not attract a commuted sum for suitable off-site provision or enhancement. The formula utilised by SPG11 has, however, calculated a significant maintenance contribution. The applicant's agent has responded to this with a suggested reduced financial amount for such maintenance based on the amount of open space required by SPG11 (the 6,608 square metre figure detailed above), together with the following justification for taking this approach:

- (a) There is a significant benefit arising from the scheme since the open space will be publically accessible both to residents of the application site and the wider community.
- (b) The requirement for maintenance sum in the quantum presently requested causes significant viability issues and acts as a barrier to the provision of open space.
- (c) The nature of the open space is derived from a consideration of the site opportunities and constraints, most notably topography issues, noise, flood risk and drainage and ecology.

- (d) The open areas are designed as wetland spaces some of which are providing flood storage and compensation for the proposals, and in consequence there are significant areas that either will not have a requirement to be maintained or will be the subject of a separate management regime particularly where there are ecological implications.
- (e) On this basis there would appear to be an element of double counting on the maintenance contributions which can be shown to fail the tests set out within Circular 05/2005 and Regulation 122 of the CIL Regulations.
- (f) An alternative area of open space is located within reasonable walking distance of the site in Meadow Lane.
- (g) The draft National Planning Policy Framework makes clear that the development industry should be on the front-foot in promoting growth and investment including that arising from housing development, and that barriers should not be placed in the way of proposals which are in accordance with up to date Development Plans. The draft NPPF also makes clear that Councils should adopt a flexible approach to Section 106 contributions in order not to stymie development. The issue of viability is also contained in the Ministerial Statement: Planning for Growth.
- (h) The applications needs be viewed in the context of a deliverable housing scheme in order to assist in making good the Council's 3.5 year deficit in the supply of deliverable sites compared with the minimum five year requirement.

I have considered these points. The reduced financial contribution for maintenance of the open space put forward by the applicant (equating to some £264,320) would appear to be reasonable given the scale of the development and the circumstances outlined above.

Ground Conditions, Flood Risk and Drainage Issues

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 within the threshold for consultation with the Environment Agency.

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

The FRA indicates that the site is predominantly located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable. Land adjoining the watercourse lies within Flood Zones 2 and 3 with an annual probability of river flooding of between 1 in 1000 (0.1%) and 1 in 100 or greater (>1% AEP) in any year. This indicates that the site partly lies at medium to high risk of flooding from fluvial sources.

Clear span bridges or wide culverts will be installed where the roadway needs to intersect the watercourse channel. Interference with the natural course of the watercourse or floodplain is proposed to be kept to a minimum, with the watercourse crossings adequately scaled so as not to alter the existing flow route or flood storage significantly. On-site SUDS will comprise attenuation devices (tanked permeable paving, underground storage units) with limited infiltration devices (local soakaways, permeable paving) to be utilised where feasible. The SUDS devices will discharge into the Battlefield Brook at a runoff rate limited to the existing greenfield runoff rate using an orifice plate, hydrobrake or similar flow control device.

Members will also note the views of the EA and the progression of matters arising from the issue of flood risk, including the submission of additional information to overcome the concerns raised by the EA in the consultation response of 20 July 2011. In light of the submitted information, including modelling works and clarification of finished floor levels, the EA has raised no objection to the scheme. Members are particularly drawn to the consultation responses received from the Environment Agency detailed in the Consultation Section detailed in the early part of the report.

In terms of drainage issues, Severn Trent Water records show the presence of public foul and surface water sewers within the vicinity of the site. Surface water sewers serving the residential properties to the west discharge into the Battlefield Brook at two outfall points within the site and one just upstream of the northern site boundary. Foul water sewers run parallel to the eastern site boundary and along Stourbridge Road to the south which join to the south of Church Road. STW raises no objection to the scheme.

The Council's Drainage Engineer has also raised no objection to the scheme.

Members will note the views of the Highways Agency and the concerns relating directly to the proposed bund to the northern boundary and the implications for surface water run-off to the adjacent motorway carriageway. The applicant's agent has confirmed there is a section of existing drainage ditch between the application site and the motorway. This is located outside of the application site and thus will therefore remain unchanged. Although I note the views of the HA, full details of the design of the bund (to include drainage details) can be secured through Condition. This has been put to the HA. I will update Members at the meeting of the Committee on the progress of this issue. Members will note the recommendation is dependent on receiving no adverse comments from the HA.

Ecological and Biodiversity Issues

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

Members will note the views of third parties and Worcestershire Wildlife Trust on this issue. Natural England has referred the Local Planning Authority to non-site specific generic standing advice.

The majority of the site is dominated by tall ruderal species (common weed and pioneer species, notable nettle, bramble and rosebay willow-herb) and rank grassland, the loss of which is not considered to be detrimental to the wider local nature conservation resource and value. However, it is noted that some localised features are of notable ecological value including scattered scrub habitat dominated by semi-mature hawthorn, hedgerows, immature and standard broadleaf trees and the Battlefield Brook both as corridors for wildlife movement and habitat. The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. The closest statutory designated site of National Importance is Oakland Pasture SSSI located approximately 1.5 kilometres to the south-west of the site. The nearest non-statutory site is Round Hill Species Wildlife Site, approximately 1.4 kilometres to the east of the site. Impacts arising from this scheme on these two sites is considered negligible due to geographic distance.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter). Although I note the views of third parties, no other protected species are listed as being recorded at the time of the Phase 1 survey and the site supports few habitats suitable for such species. No great crested newts were identified on the site and the only pond within a 500 metre radius of the site lies to the opposite side of the M5. Trees identified for removal as part of the development have been considered to have low or no bat roost potential. These species are therefore not currently considered to present a constraint to the scheme.

An active outlier badger sett (rather than a main sett or annex sett) has been identified to the northern boundary with a single active entrance was recorded during the survey period. The sett and adjacent hedgerow and hedge bank are to be retained, together with the creation of a new artificial sett. Although the development will result in the loss of an area of badger foraging habitat to the south and temporary disturbance to habitats to the west, foraging habitats in the vicinity of the sett and to the north-west of the site will be retained unaltered and will be accessible to resident badgers at all times. No works are proposed within a 10 metre radius of the sett, with no heavy machinery to be permitted within 30 metres to avoid disturbing this sett. This will be monitored throughout the site preparation and construction phases.

The Ecological Appraisal considers that in overall terms, the site will ensure that biodiversity is maintained and enhanced, in particular through the retention of features that are of biodiversity value. Where features of biodiversity value are to be lost, these are to be mitigated for through new planting and enhancement of retained habitats (including suitable water vole habitat). The scheme has been amended to accommodate concerns raised by the Tree Officer and Worcestershire Wildlife Trust. I am thus of the view that the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity, subject to the imposition of suitable Conditions relating to the implementation of mitigation measures.

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 be 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 M5 runs along the northern boundary of the site in a north/south direction. The motorway is considered the dominant noise source to affect the site. An earth bund increasing in height by 2 metres in the south-west corner and up to 5 metres at the north-east corner is located to the northern boundary, with this bund containing dense screen planting.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The assessment details that it will be unlikely that all internal spaces and garden amenity areas will meet with acceptable noise levels and suggests that any impact related to noise from the motorway can be dealt with through glazing specification and ventilation and the use of garden perimeter fencing at a minimum of two metres in height and of solid close-boarded timber construction (or similar). The proposed bund will have a benefit in reducing noise levels within the site. The proposed development, including the bund and effects of the proposed dwellings will also have a beneficial effect at reducing noise levels at existing residential dwellings adjacent the site, including their amenity spaces. This is with particular reference to dwellings located on the western boundary of the site on Stourbridge Road.

Subject to such mitigation measures to be secure through appropriate Conditions, I raise no concern on this issue. WRS has raised no objection to the scheme subject to the imposition of such Conditions.

Air Quality

Members will note the views of WRS. I thus raise no issue on this point. A Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

Archaeological Issues

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

Other Issues

Impact on the Setting of the Grade II Listed Building (Christ Church)

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

The Conservation Officer has raised no objection to the outline scheme.

Crime Prevention

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

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

Members will note the views of the Crime Risk Manager. The application is submitted in outline and contains a Concept Masterplan which is purely indicative at this stage. Concerns over the positioning of rear gardens, courtyard and comments on lighting and defensive planting can be addressed at the Reserved Matters stage. On this basis I am of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection with respect to this at this outline stage.

Climate Change

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

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

The submitted Design and Access Statement provides an indication of such measures, such as the use of solar hot water heating solutions, air source heat pumps and photovoltaic solutions. Further strategies can be employed to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

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

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as demographic change, parental choice and/or with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in or surrounding Catshill.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision in the Catshill area will not be required in this instance as there are spare places in all of the local schools. For the September 2011 intake there are currently 9 spare places at Catshill First, 25 spare places at Catshill Middle and 38 spare places at North Bromsgrove High School. Both the first and middle schools have capacity to increase their admission numbers should this be required in future.

Other Matters

Deliveries to the development site during the construction phase are able to be controlled through a Construction Traffic Management Plan. This could include the following:

- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods.
- Restricting construction vehicles to designated routes.
- Restrictions of the hours of working on site.

Section 106 Agreement

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

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

- Relevant to planning.

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonably related in scale and in kind to the proposed development.
- Reasonable in all other respects.

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

| Amount | Reason for contribution | Payable To |
|----------|-------------------------|-----------------------------|
| £264,320 | Public open space | Bromsgrove District Council |

Members will note the Agreement will also include the provision and securing of 32 affordable housing units.

It is considered that the level of contribution meets the Circular tests in that it is relevant to planning, is considered necessary to make the proposed development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related in scale to the proposed development.

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

Conclusions

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

The Strategic Planning Manager advises that ADR land should not be released before the adoption of the Core Strategy unless the Council is confident that the proposal is in conformity with national guidance and does not undermine the emerging Strategy. Members will note the view of the SPM whereby there is currently not a 5 year supply of housing land and that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR and the proposal should begin to address the serious shortfall in housing land supply. The proposal would additionally assist with the Council's task "*....to maintain a flexible and responsive supply of land for key sectors, including housing...*" as urged in the Ministerial Statement 'Planning for Growth'.

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 on-site public open space, the approach to high quality design advocated by the Design and Access Statement and new landscaping would be of local benefit which are factors that weigh in favour of the proposals.

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

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

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

I am content that the site is able to support the erection of up to 80 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 with the acknowledged constraints of the site, in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of highway related concerns, Members will note WH have raised no objection to the scheme. Members will note the objection received from the Highways Agency in relation to drainage issues. Having considered all material considerations and subject to the receipt of satisfactory comments from the HA, I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision and the securing of 32 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon completion.

RECOMMENDATION: that, subject to the satisfactory views of the Highways Agency, **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;
- and (b) the securing of 32 affordable housing units.

MINDED TO APPROVE

Agenda Item 6

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------|
| Mr. D. Reading and Mr. A. Walpole 'A' | Proposed outline application at ADR Alve 7, Birmingham Road, Alvechurch, for up to 10 residential dwellings with associated open space, site access and infrastructure - Land at Birmingham Road, Alvechurch, B48 7TE | ADR | 11/0529-DK 15.09.2011 |

RECOMMENDATION: that permission be **REFUSED**.

Consultations

Alvechurch PC Consulted 27.06.2011. Response received 05.07.2011.

Alvechurch Parish Council objects to the application. We have broadly supported the emerging Core Strategy 2 (Draft CS2) and consider that this application is quite wrong when compared against the principles and policy intent of the Draft Core Strategy.

There are far too many large houses in the District already, the scale of the houses and plots make for a poor use of land, given the limited availability of land in the Parish and District.

The emerging DCS2 states that on housing sites, residential development should reflect local housing needs and contain a high proportion of 2 and 3 bedroom properties. Development should also contain 40% affordable housing.

There is a context and strategic dimension to this application that cannot be ignored.

APC are obviously concerned about a proposal which now seeks to provide 10 dwellings on a substantial site which could accommodate 30. Given the proposal for development on the site on the opposite side of Birmingham Road, this will effectively take out, in one go all of the available sites for the village. This will inevitably lead to an early unwelcome review of the Green Belt boundaries in the Parish.

The Parish Council is also concerned about the lack of affordable housing being provided on the site given the significant and growing need for it. An appropriate mix of homes on the ADR sites would enable the creation of a more sustainable community.

This proposal would effectively wreck the emerging Draft Core Strategy 2 and the rationale put forward by BDC to the RSS panel. This application should be considered by Planning Committee and Alvechurch Parish Council would seek to exercise its speaking rights at the meeting.

WH Consulted 27.06.2011. Response received: 19.08.2011.

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

The applicant should submit updated drawings of the site access. The proposed road width is indicated at 6m which is excessive for the purpose and allows vehicles to enter the proposed road at greater speed than desirable. Whilst the road width is dependent on the design of the estate and the roads character which is a matter for future consideration the width should be reduces to 4.8m to ensure that it would be compatible with a future design.

Amended plans received 16.09.2011. Further response received from WH 20.09.2011:

No objection subject to condition HC40 - Modified Highway improvements / offsite works.

HA Consulted 27.06.2011. Response Received: 15.07.2011.

No objection. Noise mitigation measures may be necessary. The site is located approximately 115m to the south of the M42 boundary fence therefore, there will be no impact on the integrity of the embankment.

WCC PROW Consulted 27.06.2011. Response Received: 12.07.2011.

The proposal affects a public right of way as recorded on the Definitive Map. The path is Alvechurch footpath 560 (AV-560). Vehicular access appears to affect the public right of way. It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual *public* use. The safety of the public using the public right of way is to be ensured at all times.

However, the proposal should have *no* detrimental effect on the public right of way.

The applicant should note Policy RST3 of the Worcestershire County Structure Plan to ensure that the development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of the public right of way.

RA Consulted 27.06.2011. No response received.

ENG Consulted 27.06.2011. Response received 13.07.2011.

No objections subject to conditions. FRA warranted.

SPM

Consulted 27.06.2011. Response received 16.08.2011.

The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Alvechurch in the Bromsgrove Local Plan.

It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6th June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies (RSS) were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9th August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 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 19th November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29th November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions. On the 16th 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 7th February 2011 ruled in 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 27th 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. It has been recognised that in the majority of cases that the RSS is a still a material consideration. 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. The housing target of 4,000 for the period up to 2021 is set out within the Draft Core Strategy 2. It should be remembered that the 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 up to the year 2021, a supply of only 1.50 years can be demonstrated when taking into account completions and current commitments since 2006, which is the start of the plan period that 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. The review of the Local Plan is taking place in the form of the Core Strategy. The Draft Core Strategy 2 was approved by Cabinet and Full Council for consultation in January 2011. The consultation period ran for 12 weeks and has now closed. 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, appendix 3B of the BDLP also confirms that the purpose of this provision is to provide land that may be needed to meet longer term development needs of the whole district, this approach is consistent with emerging policy contained in the 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 to 2021. 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. The Draft Core Strategy 2 identifies Birmingham Road as a development site that can accommodate a minimum of 27 dwellings and highlights in Policy 4B key considerations in the delivery of housing on development sites. These include that residential development should be a high percentage

of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. It would appear that the proposals conflict with this policy as 60% of the units are 4 bedrooms or larger and only 10 dwellings are proposed. This proposed development of primarily large detached dwellings will not meet the housing needs identified in the Bromsgrove Housing Market Assessment (2008).

The inclusion of just 10 dwellings on a 1 hectare site equates to a gross density of 10 dwellings per hectare. Whilst the minimum density of 30 dwellings per hectare has been removed from PPS3 paragraph 45 does still state that "*using land efficiently is a key consideration in planning for housing.*" Paragraph 50 goes onto emphasise that "*If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.*" This highlights that higher densities can be achieved without harming the character and appearance of Alvechurch. Policy S7 of the BDLP sets out criteria for new dwellings outside the Green Belt including ensuring that the density of development is not inappropriate for a site. The proposed very low density is clearly inappropriate for a site that does not have significant physical constraints and is not burdened by historic built environment designations (e.g. listed buildings, conservation areas). There are significant pressures to release Green Belt land for development in the district and therefore it is essential to make the best and most efficient use of land that is outside of the Green Belt. This will help to minimise the amounts of Green Belt land that will need to be released in the period after 2021.

The scheme provides no affordable housing on site, which is contrary to Policy S15 of the Local Plan. Policy S15 states that the Council will negotiate with the developer on all major sites to ensure that a proportion of affordable housing is provided. Paragraph 9.25 clarifies that major sites have a threshold of 25 or more dwellings or are greater than 1ha in size. In this instance the site measures 1.08ha and therefore an on-site contribution towards affordable provision should be sought. Policy CP7 of the Draft Core Strategy 2 states that 40% affordable housing should be provided. This Core Strategy policy has been acknowledged by the applicant through the offer a financial contribution that equates to 40% provision.

The applicant has acknowledged the importance of providing affordable housing in this area by offering to provide a financial contribution to make up for the deficit in actual provision of new affordable housing on site. Paragraph 29 of PPS3 states "*that the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing.*" It is acknowledged that where it can be robustly justified a financial contribution can be acceptable. The only reason put forward by the applicant is that they are seeking to bring forward a quality development of detached dwellings to both compliment and enhance the dwelling mix currently

available in the village. Alvechurch primarily contains a mix of semi-detached and detached dwellings and there is no evidence to suggest that there is a particular need for a development consisting of just large detached dwellings. There is also no reason why the development cannot still be of a high standard whilst including a larger number and greater mix of dwelling types and sizes including affordable housing. In any case, affordable housing should be designed to the same high standards as market dwellings and therefore the inclusion of affordable housing within the scheme should not undermine the overall quality of the development.

The Draft Core Strategy 2 consultation has now closed and only 3 responses were received that focused solely on the Alvechurch Development Sites. It was highlighted that the sites should only come forward when a need had been proven and that the sites should be protected from speculative low density development.

As the proposal is for 10 units, SPG11 should be applied. The amount of play space generated by this development is 1164sqm. As the scheme is for less than 50 units a local area of play (LAP) should be provided on-site. It is noted that outline proposals include an area of open space on the site that exceeds 1164sqm, however it has been specified that is for private use. With this in mind, it is appropriate for the development to still pay the associated maintenance cost which would be incurred should this facility be maintained by the Council as there is nothing to stop the residents of this scheme using nearby Council facilities. Based on the formula in SPG11 this equates to £40,973.

In conclusion whilst there is not currently a 5 year supply of housing land and the site is allocated within the Draft Core Strategy 2. However, the application is not supported in its current form. The proposal conflicts with PPS3 due to the inefficient use of land and the lack of justification for the financial contribution towards affordable housing provision. The application is also contrary to Policy S15 of the Local Plan due to the lack of on-site affordable housing, and the provision of solely large detached dwellings conflicts with housing needs set out in CP4B and CP6 of the Draft Core Strategy 2. The site has the potential to make a greater contribution to towards meeting identified housing needs through the provision of not only a greater number of dwellings (minimum of 27 in total) but also through a high percentage of 2 and 3 bedroom properties and on-site affordable housing (40%). Until these matters are satisfactorily addressed permission should be refused.

SPM
(Open Space)

Consulted 27.06.2011. Response received: 17.08.2011.

My recommendations are that the offsite contribution for open space enhancement could be used at Wiggin Memorial (The Meadow) and also for allotment provision in the area.

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| EHO (Contaminated Land) | <p>Consulted 27.06.2011. Response received: 12.09.2011.</p> <p>Records indicate that the proposed development site lies within 250m of a former landfill site. The landfill site, known as Perryfields / Roberts Corner was thought to have accept inert, industrial, special and some household wastes between 1987 and 1991. There are no objections, subject to the following condition:</p> <p>A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.</p> <p>Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.</p> <p>Reason: To ensure that the risks to buildings and their occupants from landfill sites are adequately addressed.</p> |
| EHO (Noise) | <p>Consulted 27.06.2011. Response received: 11.08.2011.</p> <p>No objections so long as the scheme is constructed in accordance with the recommendations of the RPS Noise Report B6555/ENV/P1 dated 12th May 2011.</p> |
| SHM | <p>Consulted 27.06.2011. No response received.</p> |
| Urban Designer | <p>Consulted 20.09.2011. No response received.</p> |
| CLIMCHG | <p>Consulted 27.06.2011. No response received.</p> |
| WMC | <p>Consulted 21.09.2011. No response received.</p> |
| WWT | <p>Consulted 27.06.2011. No response received.</p> |
| WCC (CA) | <p>Consulted 27.06.2011. No response received.</p> |
| WCC (EA) | <p>Consulted 27.06.2011. Response received: 29.06.2011.</p> <p>The schools affected by the proposal are Crown Meadow First, Alvechurch Middle and Shared North/South Bromsgrove High. The total required is £36,024.</p> |
| STW | <p>Consulted 27.06.2011. Response received: 08.07.2011.</p> <p>No objection subject to conditions.</p> |

TREES Consulted 27.06.2011. Response received: 21.09.2011.
No objection subject to conditions.

COMSAF Consulted 27.06.2011. No response received.

Publicity Site Notice posted 14.08.2011. Expired 05.09.2011.
Press Notice posted 28.07.2011. Expired 18.08.2011.

1 Response received as follows:

We have become aware that the planning department have indicated that the housing numbers on the site should be increased to 27. Whilst we may support 10 houses, we would not support 27.

The site and its surroundings

The site comprises a self contained field on the east side of Birmingham Road, Alvechurch. The site is bisected by a public right of way running on a north east/south west axis. The property called 'Woodfield' is located to the north of the site but does not adjoin. The site adjoins Old Rectory Lane to the south with residential properties on the opposite side of the lane. There are some mature trees on the boundaries of the site, most notably on the western one. The M42 motorway lies approximately 200m to the north of the site. The site is designated as an ADR (Area of Development Restraint) called ALVE7 under the Bromsgrove District Local Plan 2004 and is identified as a Development Site in the Draft Core Strategy 2 (DCS2).

Proposal

The proposal is an outline application for up to 10 residential dwellings with associated open space, site access and infrastructure. The proposed houses will all be detached and four of them will be three bedroom units and the remaining six will be four bedroom. The application is in outline form and an indicative proposed site plan and street scene have been provided. In this respect, the proposal complies with paragraph 52 of Circular 01/2006 which requires the applicant to submit sufficient detail on the scale and layout of the proposal. The issue of access is being considered at this stage, but appearance, landscaping, layout and scale remain reserved matters. The application is accompanied by a Design and Access Statement, Affordable Housing Delivery Plan, Archaeological Desk based Assessment, Findings of Arboricultural Assessment, Drainage Statement, Ecological Appraisal, Noise Survey, Transport Statement and Registration Ledger from the Public Consultation Day on 26.02.2011. Members are encouraged to read all of the submitted documents which are available on the planning file and on Public Access for Planning.

Relevant Policies

WMRSS CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9,
T1, T2, T3

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

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| BDLP | DS3, DS8, DS11, DS13, S4, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, ALVE7 |
| DCS2 | CP2, CP3, CP4, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23 |
| Others | PPS1, PPG2, PPS3, PPS9, PPG13, PPG17, 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), Strategic Housing Land Availability Assessment (2011) |

Relevant Planning History

11/0046 Outline proposal to build 9 detached dwellings: Pre application advice.

Notes

The site is an identified Area of Development Restraint and the main issues in respect of the application are firstly whether the site should be released for development in the context of the prevailing development plan policies, national guidance and other material considerations. Secondly, it must be considered whether the density, form and layout of the development is acceptable in the context of the development plan and local character.

I consider that the main issues in the consideration of this application are the following:

- (i) The principle of releasing the ADR site for development
- (ii) The Type of accommodation provided
- (iii) The Design, Form, Layout and Density of the proposal
- (iv) Impact on residential amenity
- (v) Highway impact
- (vi) Tree, Landscaping and Ecological Issues
- (vii) Infrastructure provision

(i) Principle

Members will note the site is identified as an Area of Development Restraint (ADR) on the BDLP Proposals Map of the adopted Bromsgrove District Local Plan (BDLP). This is one of two sites which have been removed from the Green Belt to the north of Alvechurch. The site is classified as a development site in the emerging Draft Core Strategy 2 (Draft CS2). Members should refer to Core Policy 4B of the Draft CS2 (Other Development Sites Policy) in which the existing ADR sites are outlined in Table 3 and Map No. 2. The minimum housing capacity of the ADR sites will be discussed in greater detail in Section (ii) below.

Policy DS8 of the BDLP refers to the ADRs as selected sites where land will be held in reserve for future development and the explanatory text states that the ADRs are subject to the same strict measures as land within the Green Belt *until such time that the release of this land can be justified*. Policy ALVE7 specifically identifies the site as an ADR following the recommendation of the Inspector at the (Proposed Modifications) Inquiry 2001. The summary of the site from the report is as follows:

'As regards its sustainability, the objection site is situated relatively close to the village centre which has a range of local facilities. It is located on the main Birmingham Road. This is a bus route with fairly frequent services. The site is within the 5 minute drive isochrone of Alvechurch railway station, and within a 15 minute cycle ride (although research carried out in 1995 for the DoE shows that this mode of travel represents only a small percentage of the total). It is slightly closer, distance-wise, on foot at about 1.5km. While this is beyond the 800m advocated as being within 'easy' walking distance in 'Planning for Sustainable Development: Towards a Better Practice', it is not in my view excessive..... It has no significant constraints that would inhibit future development.'

The Inspector assumes that the identified ADRs in Alvechurch should at least be able to provide a minimum of 20 dwellings/hectare in terms of housing capacity.

In terms of justification for the release of the site, Members should note the views of Strategic Planning. The release of an ADR largely depends on whether there is a five year housing land supply in accordance with the requirements of PPS3. The SPM has commented that the five year supply figure is based on a need to provide 4000 additional homes in the District up to the year 2021, a figure based on robust local evidence and advanced during the Regional Spatial Strategy (RSS) Review. On the basis of these figures, a supply of only 1.5 years can be demonstrated when taking into account completions and current commitments since 2006, which is the start of the plan period that the 4000 dwellings figure relates to. The 1.5 year supply figure was also endorsed in a recent appeal decision at Norton Lane (APP/P1805/A/11/2150938) (Application Ref: 10/0931). In another appeal at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378), 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.

Members should note that the site is also included in the Council's Strategic Housing Land Availability Assessment (SHLAA), enabling contribution to housing supply. Whilst the purpose of the SHLAA is to provide an evidence base for the Core Strategy, the site is identified as having no obvious constraints and is suitable for housing delivery.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, 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.*

Taking all of the above matters into consideration and most notably the absence of a five year housing land supply, there is sufficient justification for the release of ALVE7 for the purposes of housing development.

(ii) Type of Accommodation

Core Policy 4B of the emerging Draft CS2 states that (for solely housing sites), residential development should reflect local need and should contain a high proportion of 2 and 3 bedroom properties. Proposal should also seek to create a sustainable and balanced community that integrates into the existing built fabric of the settlement to which it relates. Development should also contain 40% affordable housing with a tenure mix of 66% social rented and 33% intermediate.

Paragraph 71 of PPS3 states that development needs to achieve a good mix of housing, reflecting the accommodation requirements of specific groups, in particular, families and older people. These consultees are both strongly of the view that the proposal will not provide the type of accommodation needed in the village for the following reasons.

Firstly, the scheme will only provide 10 units and 6 of these are four bedrooms or larger. 60% of the units are 4 bedrooms or larger and only 10 dwellings are proposed. This proposed development of primarily large detached dwellings will not meet the housing needs identified in the Bromsgrove Housing Market Assessment (2008) and clearly conflicts with Core Policy 4B of the emerging Core Strategy. I conclude that this is contrary to the spatial vision for the area and therefore breaches paragraph 71 of PPS3.

Members should note the views of Strategic Planning and Alvechurch Parish Council in this respect. The consensus view is that there is concern about providing 10 dwellings on a substantial site which could accommodate 30. This proposal could inevitably lead to an early and unwelcome review of the Green Belt boundaries Alvechurch.

Affordable Housing

Policy S15 of the BDLP 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.

The explanatory text of policy S15 states that financial contributions towards affordable housing may be acceptable in some circumstances. The emerging Core Strategy policy 7 makes no reference to the provision of a commuted sum in lieu of on site affordable housing provision. This accords with the advice of Paragraph 29 of PPS3 which states *"that the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing."*

I am of the view that a financial contribution towards affordable housing provision off site should only be accepted in the most exceptional circumstance and the applicant has put forward a case in the Affordable Housing Delivery Plan. Paragraph 4.3 of this document states that the proposal is seeking to 'bring forward a quality development of detached dwellings to both compliment and enhance the dwelling mix available in the village and this appear to be the only reason for not providing the affordable units on site. I do accept this argument and there is no reason why appropriate provision of affordable housing cannot be made on site in accordance with the requirements of the Development Plan and National Policy.

The applicant has also presented a report (dated 30.08.2011) detailing the calculations for the off site contribution. There is no further justification for this approach and I note the views of the SPM that, because the density of the proposal is low, therefore the applicant calculates that the requirement for affordable housing units is low so the net outcome is that very few units would be provided (whether on site or through the commuted sum) meaning that the Council would be at an overall loss, given the number of affordable units which should really be provided on a site of this scale.

The Parish Council is also concerned about the lack of affordable housing being provided on the site given the significant and growing need for it. An appropriate mix of homes on the ADR sites would enable the creation of a more sustainable community.

I conclude that the proposal would not provide an appropriate mix of housing or meet the policy requirements for affordable housing, contrary to policy S15 of the BDLP and CP7 of the emerging Core Strategy 2.

(iii) Design, Form, Layout and Density of the proposal

In respect of the above criteria, policies S7 and DS13 of the BDLP and the advice of PPS1, PPS3 and SPG1 are most relevant. Policy S7 of the Bromsgrove District Local Plan states that proposals involving development of new dwellings Local 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.

Members should also be mindful of 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.

Design

The approach to the design of the scheme is outlined in the Design and Access Statement. There is a detailed appraisal of the existing landscape features of the site, movement to and from the site and the design principles employed draw on the surrounding build environment. I note that the vernacular characteristics of the village are reflected in the design of the dwellings. I consider that this allows for a sense of place to be achieved and have no objection to the design per se.

Form and Layout

I note that the application is in outline form and the precise details of scale and layout are reserved matters. However, a considerable amount in respect of form and layout can be determined from the proposed site layout plan for the scheme and by virtue of the fact that the proposal is for 'up to 10 dwellings'. The principles outlined in the Design and Access Statement also focus on the layout as presented at this stage.

Notwithstanding the above, I would have significant concerns about the form and layout of the development. I appreciate the objective of achieving an active frontage for Birmingham Road and this reflects the traditional pattern in the area. However, the proposed housing is set back very substantially (up to 50m) in a crescent shape and this is more than twice the set back of the existing properties opposite on Birmingham Road. I also consider that plots 8 and 9 are poorly related to the other plots and plots 1 and 2 effectively are turned away from the properties on Old Rectory Lane. Notwithstanding the information presented in the Design and Access Statement, there is no street within Alvechurch which has an equivalent form and layout to the proposal.

Density

The application site is just above 1 Hectare in size and therefore the density proposed is 10 dwellings per hectare. Whilst the minimum density requirements of PPS3 have been removed, it is still necessary to use land effectively and efficiently as outlined above.

I do not consider that there are any site specific constraints which limit the density of the proposal. Members should note the concerns of the Parish Council and Strategic Planning that the proposal would result in the loss of a valuable ADR site to a low density housing scheme which could inevitably result in greater pressure on unallocated Green Belt sites. The views of the Urban Designer in terms of the design, density, scale and layout of the proposal are awaited.

I note the existing hedges and trees on the boundaries will be retained. However, I consider that given the layout and low density that this leads to the creation of an enclave of isolated development poorly related to the rest of the village. The density and layout of the proposal also leads to a poorly defined urban edge for the village.

The matter of principle of the development of the site has been established above. However, there are several other requirements which a proposal must fulfil in order to ensure that the policies of the BDLP, those of the emerging Core Strategy and wider planning and housing objectives would not be undermined. The requirement for inclusive and sustainable design is enshrined in local and national policy. It is covered in policies

S7 and DS13 of the BDLP and repeatedly in PPS1 and PPS3. I do not consider that the proposal would result in a sustainable, well designed development taking all matters into account.

(iv) Residential Amenity

Policy S7 and the advice of SPG1 are relevant to the consideration of residential amenity. 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 and overbearing affects. 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.

The application is in outline form with the detailed layout and scale reserved for future consideration. However, it is evident that, on the basis of the indicative site layout, that most of the houses would be separated by between 60m and 80m from the properties opposite on Birmingham Road. I also consider that the separation distance to the properties on the south side of Old Rectory Lane is adequate and the substantial screening on the application site is noted. The private amenity space for each of the dwellings is generous but varies enormously between the plots. This does not lead to an inclusive design, an issue which is reflected in the low density and lack of an appropriate mix of housing types and sizes, as discussed previously.

(v) Highway Issues

Members should note that access to the site is being considered at this outline stage. The application is accompanied by a Transport Statement which concludes that the development can be adequately serviced using a simple access junction onto Birmingham Road without any changes to other roads or junctions. The views of WH are noted and there are no objections raised to the amended plans received 16.09.2011. There is also no objection from the Highways Agency.

(vi) Trees and Ecological Issues

Members should note that the application is accompanied by an Ecological Appraisal and a report on the findings of and Arboricultural Assessment. The site is not covered by any international statutorily designated sites and the Bittell Reservoirs SSSI is too far away for ecological connectivity. There are no in principle ecological objections to the development of the site and the report makes a number of recommendations for further mitigation/survey work.

The existing mature trees are generally on the boundaries of the site and the proposed site plan indicates that these are to be retained. The Arboricultural Assessment report makes a number of standard recommendations in terms of tree protection. The views of the Tree Officer are awaited.

(vii) Other Issues

The application is accompanied by a Drainage Statement which incorporates a Flood Risk Assessment in accordance with the requirements of PPS25. The views of the

Drainage Engineer are noted and there is no objection subject to conditions. The application has been accompanied by an Archaeology Desk based Assessment which concludes that the site has a low archaeological potential. The views of the WCC Archaeologist are awaited. In the interests of clarity, the report refers to the conservation area but this is located considerably to the south of the application and the setting of the conservation area is not an issue with respect to this application.

The issue of noise, due to the relative proximity of the M42 has been addressed in the Acoustics Report presented with the application and a number of recommendations have been made. There are no objections from Environmental Health provided that these recommendations are followed.

In terms of education and public open space infrastructure, (as required by policy DS11), the applicant has been notified of these requests. There is some POS being provided on site and Strategic Planning have requested a contribution for maintenance. The applicant is in the process of preparing a Unilateral Undertaking to meet these requirements and I understand that this will include the off site affordable housing contribution which is still not considered acceptable.

Conclusion

The proposal is located on an allocated ADR in Alvechurch. 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 should note that the Council does not currently have a 5 year supply of housing land and paragraph 71 of PPS3 seeks favourable consideration of planning applications in these circumstances. Members will be aware that the wider spatial planning context should be taken into account. The objectives of the Development Plan and national guidance in PPS1 and PPS3 include the need to make effective and efficient use of land and provide housing development which meets the identified needs of the area. Clearly the provision of large detached houses is contrary to Draft Core Strategy Policy 4B which specifically requires a high proportion of 2 and 3 bedroom properties to be provided on identified sites. The proposal fails to provide an appropriate mix of housing which undermines the spatial vision for the area as outlined in the Core Strategy contrary to paragraph 69 of PPS3.

There is no affordable housing being provided on site and I do not consider that off site provision is acceptable and no valid reasons have been presented to show why it cannot be provided on site.

The layout, form and density of the scheme is unacceptable in physical terms, but the limited provision of critically needed housing on such a large site with good potential is a significant concern, as raised by Strategic Planning and the Parish Council. In a District with 91% Green Belt, it is imperative that the available identified sites are utilised to their proper capacity. I would concur with the view that such a proposal could result in greater pressure for the release of Green Belt sites, further impacting on the emerging spatial vision as outlined in Draft CS2. Furthermore, the low number of units means that limited affordable housing would be provided by the development, whether these were provided on or off site. The low density of the scheme (approximately 1/3 of what would be

expected for the site) results in the reduction in the yield of affordable housing by 66%. (4 Affordable Dwellings would be provided instead of 12).

Whilst there is no highway or other technical objections to the scheme, the design and density proposal is unacceptable. There is a failure to make an efficient use of the limited land supply and the arrangements for affordable housing are unacceptable.

RECOMMENDATION: that Planning Permission be **REFUSED** for the following reasons:

1. The proposal does not reflect the layout, form and density of development in the area contrary to policies S7 and DS13 of the BDLP, and the advice of PPS1 (Delivering Sustainable Development) and PPS3 (Housing).
2. The proposal fails to make an effective and efficient use of land contrary to policies SD8 of the WCSP, S7 of the BDLP and the advice of PPS3 (Housing).
3. The proposal does not provide an appropriate mix of housing to fulfil the housing needs of the area contrary to policy SD5 of the WCSP, policy DS13 of the BDLP, and the advice of PPS3 (Housing).
4. The proposal does not provide affordable housing on site contrary to policy D6 of the WCSP, policies S15 and DS13 of the BDLP and the advice of PPS3 (Housing) and PPS1 (Delivering Sustainable Development).

Agenda Item 7

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------|
| Mr. S. Smith 'A' | Renovation of an existing dwelling into 1 no. commercial unit (Use Class A1), 2 no. 1 bedroom flats with on site parking - 25 Alcester Road, Lickey End, Bromsgrove, B60 1JT | GB | 11/0568-SC 02.09.2011 |

RECOMMENDATION: that permission be **GRANTED**.

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

Consultations

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| WH | Consulted - view received 19.08.2011: No objection s.t.c |
| WMC | Consulted - view received 20.07.2011 - "This is a low crime area. This development will not have a significant impact on crime and disorder in the area." |
| CSO | Consulted 15.07.2011 - no comments received as yet. |
| EDO | Consulted 15.07.2011 - no comments received as yet. |
| CO | Consulted 15.07.2011 - no comments received as yet. |
| Publicity | 5 Neighbour notification letters posted 21.07.2011, expire 11.08.2011 |

15 Letters of objection received from 20 individuals raising the following concerns:

- Insufficient parking to service proposed development.
- Concern that traffic generated by the proposed development will exacerbate current inappropriate parking leading to highway safety issues.
- Concern that road is already congested and that additional traffic generated by the proposal will increase this problem for local residents and cause highway safety issues for the many elderly and young people in the area (a lady was knocked over in recent years).
- Proposal will devalue value of local properties.
- Additional commercial unit may be a target for crime.
- Additional commercial unit will create additional litter.
- Proposal will create additional air / noise pollution.
- No space provided for bins or refuse collection.
- Concern that emergency vehicles can not access site.
- Concern that emergency escape routes from dwelling not provided.
- Concern that commercial unit will become a take-away.

Two signed petitions received:

Petition One - Residents of Alcester Road (39 Signatures, representing 28 households) - Received 09.08.2011

"We the undersigned wish to formally object to the proposed developments at 25 Alcester Road on the basis of the following:

- Increase in traffic along what is already a very busy residential road and the impact of this on both local residents and pedestrians.
- Insufficient parking to accommodate both customers and staff working at the proposed commercial unit which will exacerbate the parking problems that already exist along the road.
- Increase in hazard on the road through customers or staff regularly driving on and reversing off the proposed parking area in front of the commercial unit and onto the carriageway."

Petition Two - Committee Members and users of the Working Men's Club of Alcester Road (24 Signatures, representing 23 households) - Received 09.08.2011

"We the undersigned wish to formally object to the proposed developments at 25 Alcester Road on the basis of the following:

- Increase in traffic along what is already a very busy residential road and the impact of this on both local residents and pedestrians.
- Insufficient parking to accommodate both customers and staff working at the proposed commercial unit which will exacerbate the parking problems that already exist along the road.
- Increase in hazard on the road through customers or staff regularly driving on and reversing off the proposed parking area in front of the commercial unit and onto the carriageway."

The site and its surroundings

The application site is located at the northern end of Alcester Road, Lickey End. The site is presently occupied by two ground floor commercial units (a convenience store and a hairdressers), a two-bedroom flat and a six-bedroom dwelling. The retail element of the site currently occupies the northern two-thirds of the ground-floor of the building. The building was extended by permission B/2002/1365 with the addition of a first floor side extension and three roof dormers. To the north of the building, a driveway provides access to an area of parking serving both the application site and three recently constructed dwellings to the rear. Directly to the north of the application site is the Lickey End Social Club. Residential properties are located directly to the south of the application site and also across the highway to the west. The building is set back from the highway by approximately 5m and this set back provides two parking spaces accessed via dropped curbs. The facing highway is a classified B road (B4096) and the site is located approximately 180m to the south of the nearby motorway junction (M42 Junction 1).

The application site is located within an area designated as residential by the BDLP 2004.

Proposal

This application proposes to convert the existing six-bed residential unit into a ground floor commercial unit (Use Class A1) of 19.8 sq m and two one-bedroom apartments located across the first and second floors.

Limited external changes are proposed and the main visual change will be the introduction of a commercial premises style frontage, similar to the two existing commercial frontages immediately to the north, in place of the current brick finish and bow window. This new frontage will consist of a doorway, window and fascia, with a painted rendered finish to match the existing commercial premises.

Access to the new flats is to be via the existing recessed entry to the six-bed dwelling, set back 7.1m from the main frontage adjacent the residential properties to the south. Lounge, kitchen and bathroom for both proposed flats are accommodated at first floor level and bedrooms are to be located at second floor level. The existing residential courtyard is to be retained to the rear of the property. The ground floor kitchen and WC will be retained within the rear of the building; however, no use is specified at this point.

Relevant Policies

| | |
|----------|---------------------------------------------------------|
| WMSS | QE3 |
| WCSP | CTC.1, SD.1, SD.3, SD.4, SD.5, T.1, T.2, T.4, D.43 |
| BDLP | DS13, S8, S19, S20, S25, S26, E9, TR8, TR11, TR12, TR13 |
| Draft CS | CP3, CP14, CP11 |
| Others | SPG1, SPG2, PPS1, PPS3, PPS4, PPG13 |

Relevant Planning History

| | |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B/1494/1975 | Change of use of lounge / dining room to form extension to shop - Granted - 15.09.1975 |
| B/2633/1976 | Extension to rear of dwelling to form kitchen and bathroom - Granted - 13.08.1976 |
| B/4946/1978 | Conversion of lounge / dining room to shop area - Granted - 17.07.1978 |
| B/8924/1981 | Extension to shop and resiting of garage - Granted - 01.06.1981 |
| B/9413/1981 | First floor extension to shop for storage of general goods - Granted - 04.01.1982 |
| B/2002/1365 | Alterations to retail area to form an additional unit, form separate living accommodation over and provide 3 dormer windows - Granted - 20.05.2003 |
| B/2003/1544 | Three No. 2-bed terraced houses with associated parking and access - Granted - 12.01.2004 |
| B/2004/1454 | Dropped kerb for vehicular access - Granted - 13.01.2005 |
| 10/0763 | The renovation of an existing domestic dwelling into 1 No. commercial unit, 2 No. 1 bedroom flats and 1 no. bedroom apartments with on site parking - Withdrawn - 25.10.2010 |

Notes

This application raises a number of key issues:

1. Whether the principle of developing of an additional commercial unit is acceptable in this location;
2. Whether the proposal would unduly harm the amenities of neighbouring occupiers;

3. Whether the proposal would prejudice the safety or proper functioning of the highway; and
4. The impact of the proposal on the character and visual amenity of the area.

The Principle of Development

The application site is located within a designated residential area and outside of any designated shopping or commercial area. As such, I am satisfied that the principle of residential development in this location is acceptable.

In relation to the proposed commercial unit, national planning policy PPS4: Planning For Sustainable Economic Growth, paragraph EC10.1, requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Local plan policy DS3 aims to centre the majority of growth in the district on the urban area of Bromsgrove, which has the majority of the population and is well served by existing public transport networks including the railway station. It is noted, however, that PPS4 supports small scale economic development in local centres.

It is noted that whilst the application site is outside of a designated commercial or shopping zone, there is a longstanding history of retail use at this site and given the diminutive size of the proposed additional unit, it is not considered that the proposal would negatively affect the vitality and viability of the Bromsgrove Town Centre.

It is viewed that the small scale of the commercial unit proposed is unlikely to be suitable for comparison goods retail space and could reduce unnecessary trips to a major centre, whilst not being of such a scale to attract visits from outside the local area. The existing commercial units provide a local service that can be accessed by sustainable transport (walking / cycling) and the provision of bicycle parking is recommended to be secured via condition.

In consideration of the above, given the longstanding history of commercial units at this site, it is viewed that a further small scale retail unit in this location could provide sustainable economic benefits of a local nature, in accordance with PPS4, and therefore represents an acceptable development, in principle, at this location.

Residential Amenity

Although there is a longstanding history of commercial units at the application site, the site is located in a residential area as defined in the BDLP 2004 and is in particularly close proximity to No. 127 Alcester Road on the southern boundary. Having regard to policy S19 of the BDLP, the District Council will not allow land use that would adversely impact on residential amenity.

Members will note that this proposal has generated a significant number of objection letters from nearby occupiers and two signed petitions submitted in objection to the proposal.

The application proposes an A1 use (Shops) for the additional commercial unit in accordance with the existing commercial units at the site. The A1 use class includes uses such as, convenience stores, post offices, sandwich bars, dry cleaners, travel agents and hairdressers. Such uses are unlikely to generate significant environmental impacts (noise / smells etc) for nearby residents and it is common to have class A1 uses in close proximity to residential properties. Additionally, it is unlikely that extended opening hours for such uses would be required and this aspect of any permission granted could be conditioned to ensure appropriate hours of operation. I consider that noise and disturbance arising from the coming and going of customers and delivery vehicles can be controlled through the use of a condition restricting the opening hours of the unit.

Letters of objection raised specific concerns in relation to litter, refuse collection and crime. Members will note the consultation response of West Mercia Police in relation to the low crime rate of the area and the view that the proposal will not generate a significant impact on crime or disorder. Similarly, I view that litter generated by the proposal would not be significant and the control of carelessly dropped litter is outside of the remit of the planning system. I am satisfied that there is sufficient space within the application site for refuse collection to be managed sensibly without harm to the amenity of local residents.

Highway Impact

Members will note the significant concerns this proposal has generated in relation to its implications for parking, highway safety and the proper functioning of an already busy road. Policy TR11 of the BDLP states that the Council will require development proposals to incorporate sufficient off-street parking. Parking space standards are set as a maximum rather than the minimum. The use of minimum standards is in accordance with Planning Policy Guidance 13: Transport and is designed to reduce travel by private car in favour of more sustainable forms of transport.

The Highways Engineer has been consulted and has not raised an objection in relation to the proposal.

The site is presently occupied by 2 commercial units, one two-bed flat and a 6 bed house, this provides a car parking requirement of 3 spaces for the commercial units, 1 space for the flat and 3 spaces for the house. By comparison the current application would result in 3 commercial units, one two-bed flat and two two-bed flats with a parking requirement of 4 spaces for the retail and 3 spaces for the flats. In the existing and proposed scenario 7 spaces are required. Therefore there is no increase in car parking demand. Also in practical terms there is 5 car parking spaces to the rear of the site and 2 formal spaces to the front, 1 additional space could be provided by altering the kerb, but this is not required to make the application acceptable.

It is accepted that small retail units may create more demand for car parking than can be practically provided. However, the existing shops are local facilities that the local community can access through sustainable travel means such as walking and cycling in accordance with PPG13. PPG13 guides that the provision of car parking should be limited to encourage such sustainable travel methods. The car parking standards for retail developments are maximum standards and when considering the additional commercial space in this application, a maximum of 1 space is required and this is already available.

It would not be appropriate to provide parking facilities to provide for the peak hour parking need.

The Highways Engineer is of the view that as the required parking standard is not changed by the current application and is already available, a highway refusal reason could not be substantiated as the application will not result in the displacement of vehicles onto the carriageway. Conditions are recommended to ensure that appropriate cycle storage is provided for the proposed commercial unit and the additional flats for commuting and leisure purposes.

Having regard to this specialist advice, though I note the significant concerns in relation to parking and highways safety, I am satisfied that the proposal will be appropriately serviced from a parking perspective and will not be detrimental to the proper functioning or safety of the highway. As such, I consider the proposal to be in accordance with policy TR11 BDLP.

Visual Amenity

As noted earlier, the proposals introduce limited external changes. The introduction of the new shop frontage, given adjacent retail units, does not raise concerns and is not viewed to introduce an incongruous element into the street scene.

Conclusion

In consideration of the above, it is viewed that the residential and commercial elements of this proposal are acceptable by virtue of the small scale nature of the commercial unit proposed in the context of an existing mixed use residential and commercial site. The proposal does not increase the existing parking requirement of the site and the impact on the amenities of nearby residents can be satisfactorily limited through the use of suitable conditions. I therefore recommend that planning permission be granted.

RECOMMENDATION: that permission be **GRANTED**.

Conditions:

1. **C001** (Standard time - three years)
2. **C001A** (In accordance with approved plans)
3. **HC35** (Cycle parking - single unit)
4. **HC36** (Cycle parking - multi unit)
5. **The commercial unit hereby approved shall only be open between the hours of 08:30 and 18:00 hours Monday to Saturday and 10:00 to 16:00 on Sundays and bank holidays.**

Reason: To protect the amenity of nearby residential occupiers in accordance with policies DS13 and S19 of the Bromsgrove District Local Plan 2004.

Notes

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the

11/0568-SC - Renovation of existing dwelling into 1 no. commercial unit (Use Class A1), 2 no. 1 bedroom flats with on site parking - 25 Alcester Road, Lickey End, Bromsgrove, B60 1JT - Mr. S. Smith

Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

| | |
|----------|---------------------------------------------------------|
| WMSS | QE3 |
| WCSP | CTC.1, SD.1, SD.3, SD.4, SD.5, T.1, T.2, T.4, D.43 |
| BDLP | DS13, S8, S19, S20, S25, S26, E9, TR8, TR11, TR12, TR13 |
| Draft CS | CP3, CP14, CP11 |
| Others | SPG1, SPG2, PPS1, PPS3, PPS4, PPG13 |

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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Agenda Item 8

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Mr. P. Sheldon 'A' | Proposed detached dwelling in garden and alterations to include demolition of garage and set forward extension, and erection of new integral side garage set back from principle elevation - Site at 5 Cambria Close, Majors Green, Solihull, B90 1DR | RES | 11/0665-SG 17.10.2011 |

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

RECOMMENDATION that permission be **REFUSED**.

Consultations

| | |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WH | Consulted 30.08.2011; expired 13.09.2011 - no comments received. |
| Wythall PC | Consulted 30.08.2011; expired 20.09.2011 - <ol style="list-style-type: none"> 1. Overlooking aspect for properties in Rushleigh Road; 2. Distance between proposed property and existing properties in Rushleigh Road does not conform to the Supplementary Planning Guidance; 3. This is effectively back-land development and the opening up of secure rear garden which would adversely affect the properties in the immediate vicinity. |
| SPM | Consulted 30.08.2011; expired 13.09.11 - no comments received. |
| TO | Consulted 16.08.2011; expired 30.08.2011 - no comments received. |
| ENG | Consulted 30.08.2011; expired 13.09.2011 - As stated in the application, there are separate storm and foul systems available, both are initially private drains / sewers that eventually discharge to public sewers. On-site works need to respect existing systems and new connections need to be proved that storm goes to storm, etc. No flood risk assessment. |
| BW | Consulted 30.08.2011; expired 20.09.11 - no objections. |
| Publicity | Neighbour notification: 8 letters sent 30.08.2011; expired 20.09.2011. 12 objections received, summarised as follows:- <ul style="list-style-type: none"> ▪ Rebuilding of the garage will reduce the amount of light entering our dining room. ▪ The roof of house would need to be steeper than existing houses to accommodate space in roof - which is not in keeping with style of other houses. ▪ Intrusion / loss of privacy. ▪ Windows will provide significant viewing access to adjoining properties and gardens including bedrooms. ▪ No long term certainty with retaining the conifer trees. These can be removed at any time because they are not protected. ▪ The development will cause significant loss of light. ▪ Negative impact on the landscape of Cambria Close and surrounding roads. |

- Temporary nature of garden fence could allow future occupiers to increase car parking.
- Additional pollution from vehicle emissions, noise and lights, particularly at night.
- Negative parking implications on Cambria Close.
- Potential to set a precedent for back garden development in the area.
- Out of character and style with the rest of houses on the close, particularly its height.
- Building work will cause chaos, excess dirt, dust in the air and noise pollution.
- The development will contravene requirements of SPG1 in respect of distance separation - 21m arc window to window and 5m per storey where it adjoins a private garden. Also will breach parking arrangements.
- Outlook will be adversely affected.
- Devalue existing house prices.
- This area of land had been turned down for planning permission with the initial development Cambria Close back in 1966 due to lack of ground area.
- New property will leave our property vulnerable in terms of security and unauthorised access.
- Lights from cars coming and going to site from shared driveway will create light pollution.
- Entrance to house on side elevation will contribute to regular disturbances and assume lighting would be required on this side.
- Overbearing impact from kitchen window of no. 4 Cambria Close.
- Planned parking adjacent to the fence outside kitchen window of no. 4 would be 1m from kitchen window. Potential to cause health and safety issues with regards to fumes close to area of food preparation.
- Impact on different species of birds and wildlife that visit the garden.
- The proposal would not follow the pattern of development with houses being side - by -side and frontages facing out into the road.
- Form of no. 4 Cambria Close is shown incorrectly as the single storey extension is not showing.
- Use of current access point to front of no. 5 has potential to more than double.
- Concerns regarding safety of individuals and vehicles at top of driveway to no. 4 Cambria Close.
- Access of emergency vehicles will be restricted due to angle and width of entrance.
- Request for materials to match existing houses.
- Extensions added to adjoining properties are not shown on the location / site plan.
- The floor plans indicate that the ground floor and first floor bedrooms will be 2.45m wide and have an unusual layout which will compromise amenity and likely to result in future modification in the design of the proposed house.

- Future modifications likely for the dormers to allow for more headroom to satisfy building regulations.
- New dwelling will be 900mm higher than existing properties in the road. Will result in dominating effect of the new property within the existing street scene.
- The properties in Cambria Close are characterised by large areas of glazing which in the case of no. 5 and no.5 will to the front elevations. The new front elevation to the proposed house will be completely at odds with the fenestration character of the open facades of Cambria Close with small well spaced windows.
- No communal public space to the development has been provided.

The site and its surroundings

This application relates to the sub-division of the domestic curtilage of a detached dwelling, no. 5 Cambria Close in the north-west corner of the cul-de-sac, Cambria Close, Majors Green. Cambria Close is characterised by two storey semi-detached properties which face the highway and follow the layout of the highway. No. 5 represents the only detached dwelling in the close. No. 5 has a large garden to the side of the property which adjoins the rear garden of no. 4 Cambria Close and the rear gardens of 6 properties on Rushleigh Road. The site is located in a residential area.

Proposal

This proposal is for the construction of a detached two storey dwelling with integral garage located on the existing side garden to the north of the property at 5 Cambria Close. The proposal also includes demolition of the existing garage and set forward extension at no. 5 and erection of new attached side garage set back from the front elevation. It is understood that the proposal includes alterations to the existing house to provide provision for parking and a shared access.

The plans submitted show the creation of two adjacent plots measuring approximately 10.8m x 28m and 15m x 22.5m, with the new dwelling proposed for the slightly larger plot. The proposal seeks a 3 bedroom, three storey detached dwelling measuring 7.5m wide, 8.35m deep at ground floor and 6.5 at first and second floor, and a height of 7.7m. A shared driveway is proposed with the existing dwelling at no. 5 and car parking provision is proposed to the front of the new dwelling. Private amenity space is proposed to the rear of the house.

Relevant Policies

| | |
|--------|-------------------------|
| WMSS | QE3 |
| WCSP | CTC.1 |
| BDLP | DS13, S7, S8, TR11, ES4 |
| DCS2 | CP3 |
| Others | PPS1, PPG13, SPG1 |

Relevant Planning History

None.

Assessment

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 its effect on the amenity of adjoining occupiers and on the surrounding neighbourhood.
- (iii) Highway issues regarding parking and access.

In this respect policies S7, S8 and DS13 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

Principle of Development

The proposal is located within residential garden land and on land that is designated as residential within the Bromsgrove Local Development Plan. Members should note that garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3, on which there was a presumption in favour of development. In light of these amendments it is now necessary to consider the principle of the development in this location.

It should be noted that the amendment to PPS3 does not mean that garden land may not be developed for housing, but it does give local planning authorities the opportunity to consider the feasibility of a site in strategic and contextual terms. In this case, the site is located within a built up area. There is a nearby local shopping area and a number of bus services running along nearby roads.

The requirement in PPS3 and other national policy documents to use land efficiently and effectively, and the national planning policy objective of increasing the housing supply is also noted.

Character, Density, Form and Layout

The comments received from third parties are noted.

Policy S8 of the Bromsgrove District Local Plan 2004 relates to plot sub-division and requires proposals for housing on sub-divided plots to be in keeping with the character, traditional pattern or amenity of the location.

Policy S7 of the Bromsgrove District Local Plan 2004 relates to new dwellings outside the Green Belt and requires developments to respect the character and layout of development in the area and be of a density appropriate to the area. The site area is 0.036Ha. This represents a density of 27 dwellings per hectare. I consider this density to be appropriate in the context of the surrounding area which, for the main part comprises of semi-detached dwellings on similar sized plots.

The pattern of development on Cambria Close consists of properties fronting the highway around the hammerhead of the close. The surrounding roads near to the application site including Rushleigh Road have houses which follow this arrangement. The row of 6 houses immediately south of the application site follow a cohesive building line with each of the properties fronting the highway and being set back by a similar distance of 8m. The ground floor front elevation of the proposed dwelling would be sited 4.4m behind the established building line and the upper floors would be sited a further 1.8m back. By virtue of its siting in the side garden of no. 5, I note that the proposed dwelling would front the side elevation and rear garden of no. 4 Cambria Close. In these respects, the proposal would fail to respect the layout of development established in the Close.

I have concerns regarding the positioning of the proposed house and the lateral space between no. 5. In view of the fact that the house would be positioned 1m from the side wall of no. 5; I consider the proposal would have a cramped effect in the street scene. I consider this cramped effect would be emphasised by the design of the nearest side wall which constitutes a large blank gable end with contrasting roof pitch than the surrounding houses. Furthermore, I recognise that a 2m gap between adjacent properties is established by the existing pattern of development.

Visual Amenity

There is a distinct uniformity between the housing styles on Cambria Close. The principle elevations front the highway and include the front and garage doors. Main windows are sited on the front and rear elevations with secondary windows to the side. The front elevations of the existing properties are also characterised with large expanses of glazing. The design of the proposed dwelling does not correspond with this character. The front elevation of the proposed house depicts a primarily blank façade with small openings that are well spaced. The front entrance and some main windows are positioned on the side elevation while the garage and secondary windows are on the front elevation. In this respect, the proposal depicts a contrived design in which the fenestration character is out of keeping with the street scene.

Having assessed the site contextually in relation to form and character, I consider the principle for a new house on this site to be unacceptable.

Residential Amenity

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

In respect of privacy and the advice of paragraphs 8.0 - 8.4 of SPG1, the house has been designed so that all main windows on the first floor are sited on the side and rear elevations. To secure an acceptable level of privacy between the main rooms of the proposed house and neighbouring properties, SPG1 notes that a minimum separation of 21m is required to achieve a degree of privacy within two storey dwellings. To safeguard the privacy of existing residents adjoining new development, as a general guide new development with main windows overlooking existing private spaces should be set back

by a distance of 5m per storey from the site boundary where it adjoins a private garden area.

With regard to the proposed dwelling, I note that the first floor bedroom window on the side elevation would be approximately 8.3m from the side boundary which adjoins the rear gardens of 9 and 11 Rushleigh Road. The windows on the rear elevation would be a minimum distance of 9.6m from the rear boundary adjoining the private gardens of 33 and 35 Rushleigh Road. I consider the distance between the side elevation and adjoining gardens would fall short of the requirements of SPG1 and consequently cause undue overlooking. I consider the distance from the rear elevation to the rear garden boundary would be acceptable to safeguard overlooking for a two storey development; however the dormer windows in the roof slope provide a third floor where a distance of 15m is required. I do not consider there is enough space between the proposed dormer windows and the gardens of 33 and 35 Rushleigh Road to provide an acceptable level of privacy. In this respect I consider the proposal would adversely affect the amenities of adjoining occupiers. I do not attach weight to the presence of the conifer trees sited along the northern boundary for the purposes of safeguarding privacy in view of the fact that these are not protected and could be removed in the future without planning permission.

In terms of the window to window distance detailed in SPG1, I consider the main windows on the side and rear elevations would comply with the 21m separation distance between 2 storey dwellings and 27.5m distance for 3 storey living with those properties on Rushleigh Road.

Having carried out a site visit, I recognise that no. 4 Cambria Close has been extended with a single storey side extension containing the only window to serve the kitchen. The first floor windows on the side elevation of no. 4 serve secondary rooms. On the basis that the front elevation of the proposed dwelling adjacent to no.4 would be largely blank, I consider the advice provided at 8.7 of SPG1 to be relevant. This deals with the proximity of large blank walls adjacent to existing building in order to prevent of overshadowing and a visually intimidating effect. This states that as a general guide [there should be] a minimum distance of 12.5 metres for two storey conventional houses. I note that there would be a distance of 10.5m (approx) between the largely blank front elevation of the dwelling and the adjacent kitchen and office window of no.4. In respect of this distance I consider the proposal would have a visually intimidating effect from no. 4.

The set back positioning of the proposed house and its proximity with the existing dwelling at no. 5 would result in a loss of light to no. 5 Cambria Close. The proposal would breach the 45 degree code with the nearest windows on the rear elevation of the existing house and significantly impede on light into the side windows. The ground floor window on the side elevation of no. 5 would appear to serve a main room. With regards to the positioning of the set back garage for no. 5, I recognise that this may breach the 45 degree code with no. 7 Cambria Close. On the basis that the garage would be single storey I do not consider this aspect of the proposal would significantly harm the amenities of the occupiers at no. 7.

On a related matter I have concerns regarding the proximity of the proposed parking area adjacent to the ground floor side windows of no. 4. Nonetheless, I do not consider this part of the proposal would warrant refusal of the application on this basis.

I note that the size of the private amenity accords with the guidance as set out in SPG1.

On balance of the above I consider the proposal would adversely affect the amenities of adjoining occupiers contrary to criterion (e) of policy S7.

Trees

The site is mainly lawned with a number of conifers along the northern boundary adjoining the gardens of numbers 9, 11 and 15 Rushleigh Road. Whilst the views of the Tree Officer have not been received, I do not consider these trees to be worthy of protection from an ecological perspective.

Highways

No comments received as yet.

Services

The Drainage Engineer has been consulted and is satisfied that the dwelling could be adequately serviced with the imposition of planning conditions.

Conclusion

The siting of the proposed development would be incongruous with the existing pattern of development in Cambria Close by virtue its set back position and outlook towards a neighbouring property rather than fronting the highway. The proximity of main windows facing private amenity space would be substandard to maintain an acceptable level of privacy. The front elevation would have a visually intimidating effect on the occupiers of 4 Cambria Close. The design of the development would fail to respect the scale and character of existing dwellings in Cambria Close. As such, the proposal would be contrary to policy CTC.1 of the Worcester County Structure Plan, policies S7 and S8 of the Bromsgrove District Local Plan, the District Council's Residential Design Guide SPG11, and National Planning Policy Statement 3: Housing.

RECOMMENDATION: that permission be **REFUSED**.

1. The siting of the proposed development would be set back from the established building line and have an outlook towards the side elevation of a neighbouring property, which would be incongruous with the existing pattern of development. This would adversely affect the appearance and character of the locality contrary to policies DS13, S7 and S8 of the Bromsgrove District Local Plan, policy CTC.1 of the Worcestershire County Structure Plan 2001, Supplementary Planning Guidance Note 1: Residential Design Guide and the principles of good design advocated in Planning Policy Statements 1 and 3.
2. The proximity of the proposed dwelling to the neighbouring properties would create significant issues of overlooking and impinge on the privacy of adjoining occupiers. The proposal would therefore be detrimental to the amenities of adjoining occupiers contrary to the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide and policies DS13 and S7 of the Bromsgrove District Local Plan.

3. The proximity of the front elevation which constitutes a primarily blank wall would provide a visually intimidating effect on the occupiers of 4 Cambria Close, which would be detrimental to their amenities contrary to the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide and policies DS13 and S7 of the Bromsgrove District Local Plan.
4. By virtue of its siting and design, I consider the proposed development fails to respect the character and appearance of existing dwellings in Cambria Close contrary to policies S7 and DS13 of the Bromsgrove District Local Plan and the guidance contained in PPS1 and PPS3.

Agenda Item 9

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|------------------------------------------|----------------------------------------------------------------------------------|--------------------|--------------------------|
| Mr. and Mrs. R. Garvin 'A' | Erection of replacement dwelling - 83 Brook Road, Fairfield, Bromsgrove, B61 9JY | GB | 11/0676-SC 27.09.2011 |

RECOMMENDATION: that permission be **REFUSED**.

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

Consultations

| | |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WH | Consulted - view received 09.09.2011: No objection s.t.c. |
| Belbroughton Parish Council | Consulted - view received 06.09.2011 - "The Council objects to the revised plans for a considerably enlarged garage. The Council considers this to be a disproportionate addition to the approved dwelling." |
| Policy | Consulted - view received 03.05.2011: Policy advice provided. |

The proposal is to erect a replacement dwelling in the Green Belt, so PPG2, policies DS2, S12 and SPG7 are relevant. PPS1 and PPS3 are also relevant.

Policy S12 states that "a replacement dwelling may not be acceptable where:- it significantly enlarges the original dwelling by increasing the volume and / or floor area; and it has a demonstrable and adverse impact on the character and purpose of the Green Belt". Paragraph 9.20 goes on to say that "account will also be taken of the applicants 'permitted development rights' and ability to extend existing properties under other policies, e.g. S11". SPG7 states that "a maximum extension of up to 40% of the original dwelling (i.e. the original dwelling plus extension) may be regarded as a proportionate addition over and above the size of the original dwelling." It is important to note that the percentage criterion is the maximum percentage and is subject to the impact on the character and purpose of the Green Belt.

PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted... To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques..." Building for Life (www.buildingforlife.org) is one of the tools suggested in PPS3 for assessing the design element of housing development.

| | |
|-------|---------------------------------------------------|
| Trees | Consulted view received 09.09.2011: No objection. |
|-------|---------------------------------------------------|

DRNG Consulted 11.08.2011: No comments as yet.

PROW Consulted 11.08.2011: No comments as yet.

Ramblers Consulted 11.08.2011: No comments as yet.

Publicity Site notice posted 22.08.2011, expired 12.09.2011.
2 Neighbour notification letter posted 11.08.2011, expired 01.09.2011.
Press notice published 18.08.2011

 No letters or representations received.

The site and its surroundings

This application relates to two existing dwellings, No. 81 and No. 83, on the southern side of Brook Road, Fairfield. No. 83 is a substantial two-storey dwelling typical of those constructed in the 1930's, with a hipped roof and front elevation gable projection. No. 81 is a very small, single-storey cottage dwelling of a simple gable ended form located approximately 6m north-east of No. 83. Both dwellings appear to be unoccupied at present. The smaller dwelling (No. 81) appears to have been unoccupied for a significant period of time, is in an extremely poor state of repair and would require a significant amount of work before meeting acceptable living standards.

Recent images of the application site show a clear separation between the properties, with a close boarded fence and significant boundary foliage separating the two properties. This fence and the majority of the vegetation surrounding No. 81 has recently been removed, however No. 81 remains overgrown and damaged by this overgrowth.

The site is located within defined Green Belt and could be described as an open countryside location, with fields to the rear of the site and also across the road from the properties.

Proposal

The applicant is applying to replace the existing dwellings at No. 81 and No. 83 Brook Road with a large detached two-storey dwelling and garage with parking for two cars, cycles and a gym. The proposed dwelling and garage are set back 8m and 9m from the road respectively. Rather than directly facing the road, the dwelling and garage are obliquely oriented to Brook Road, facing each other, either side of a repositioned access.

Relevant Policies

WMSS QE3
WCSP CTC.1, D.39, D.38
BDLP DS2, DS13, S12, TR11, ES11
Draft CS CP3, CP14
Others SPG1, PPS1, PPS3, PPG2, PPS22

Relevant Planning History

- 11/0116 Erection of replacement dwelling - Granted 07.04.2011.
11/0652 Erect a new brick amenity building (Certificate of Lawfulness) - currently under consideration.

Notes

This application follows the recently approved application 11/0116 for the construction of a replacement dwelling and garage on this site. The dwelling proposed by this application is of exactly the same scale and design as that approved under 11/0116. The main significant change from this earlier permission is the increased scale of the proposed garage which has increased in externally measured floor space from 22.5 sq m to 67.7 sq m.

Assessment

In respect of the development proposed, the main issues to take into consideration are whether the proposals would constitute inappropriate development in the Green Belt and if so whether any 'very special circumstances' exist to outweigh the harm caused to the openness and visual amenity of the Green Belt.

It is also necessary to consider the design of the proposal, its impact on the character of the street scene, its impact on the amenity of the nearby occupiers, issues relating arboriculture and bio-diversity, and technical matters relating to highways and drainage.

Green Belt Policy

Paragraph 1.5 of national policy PPG2 lists the five purposes of including land within the Green Belt, including "to assist in safeguarding the countryside from encroachment" and paragraph 1.4, explains that one of the intentions of Green Belt policy is to keep land permanently open. It is noted that the most important attribute of Green Belts is their openness.

The reference in paragraph 3.6 of national policy PPG2 in respect of replacement dwellings in the Green Belt should be noted. It states that the replacement of existing dwellings need not be inappropriate providing that the new dwelling is not materially larger than the dwelling it replaces. It is for the Local Planning Authority to determine the circumstances in which replacement dwellings will be acceptable. Policy S12 of the Bromsgrove District Local Plan 2004 sets out these criteria:

"Within the Green Belt a replacement dwelling will be considered on the site of an existing building providing the proposal is for a replacement of a similar scale and character to the original building. A replacement may not be acceptable where:

- (a) it significantly enlarges the original dwelling by increasing the volume and/or floor area;
- (b) it has a demonstrable and adverse impact on the character and purpose of the Green Belt;

- (c) it has unacceptable traffic implications or where it perpetuates a traffic hazard;
- (d) the original structure was not constructed as a permanent static dwelling."

The current dwellings on the application site appear not to have been significantly extended over and above their original externally measured habitable floor space. A planning history search has been performed and there is no record of previous extensions to the dwellings at the site. The age of the rear conservatory of No. 83 is indeterminate and for the purposes of floor-space calculations has been assumed to be original.

Table 1 - Proposed Increase in Externally Measured Habitable Floor Space

| | Approximate Externally Measured Habitable Floor Space (sq m) |
|--------------------------|--------------------------------------------------------------|
| Original House (No. 83) | 137 sq m |
| Original House (No. 81) | 27 sq m |
| | |
| Total Original | 164 sq m |
| | |
| Proposed Main House | 216 sq m |
| Proposed Garage | 67.7 sq m |
| Total Proposed | 283 sq m |
| | |
| Increase over existing | 119.7 sq m |
| % increase over existing | 73% |

Table 1 above depicts the proposed increase in externally measured floor space. With regards to the criteria of policy S12, it is noted that in terms of scale, the proposed replacement dwelling represents a **119.7m² (73%)** increase over the externally measured habitable floor space of the current dwellings on the application site.

Policy S12 does, however, guide that consideration should be given to the ability to extend existing properties. Policies S11 of the Bromsgrove District Local Plan and Supplementary Planning Guidance Note 7 outline the key considerations in determining whether an extension in the Green Belt will be acceptable.

Supplementary Planning Guidance Note 7 (SPG7) - 'Extensions to Dwellings Within The Green Belt' guides that a maximum extension of up to 40% (or a maximum total floor space of up to 140 sq m) of the original dwelling may be viewed as a proportionate and acceptable addition. SPG 7 also states "In addition there may be instances where a figure of less than 40% or 140 sq m represents a disproportionate addition to the original dwelling, especially given a very prominent extension."

Policies S11 of the Bromsgrove District Local Plan - 'Extensions to Dwellings In The Green Belt' outlines that

"Within the Green Belt, limited extension of an existing dwelling will be permitted, subject to:-

- (a) the extension not resulting in a disproportionate addition over and above the size of the original dwelling;
- (b) the works respecting the scale and character of the existing dwelling;
- (c) no material harm to the amenity of nearby occupiers."

Whilst the current application refers to a replacement dwelling rather than an extension, as a guide, any increase of the externally measured habitable floor space should be limited to what would be realistically acceptable given to the ability to extend the existing properties. In consideration of this, it is viewed that the 73% increase in externally measured floor space exceeds the floor space increase that could be considered realistic if the two existing dwellings were extended separately. Whilst there is difficulty when dealing with hypothetical extensions, it is accepted that the larger dwelling (No. 83) could be extended by the full 40% allowance of SPG7.

In relation to No. 81, however, given the small scale nature of the dwelling (27 sq m) and the extremely limited space around this dwelling, it is viewed that that increasing the size of the dwelling to 140m² is not a realistic prospect and one that would not respect the scale and character of the existing building contrary to policy S11. Indeed, even allowing for a 100% increase in the scale of No. 81, this would only allow for a total floor space of 245 sq m across both dwellings. As such the proposed replacement dwelling at 283 sq m and representing a 73% increase in floor space is viewed to represent a disproportionate increase in floor space and is viewed as inappropriate and contrary to both local and national Green Belt Policy.

Very Special Circumstances

In relation to Green Belts, the emphasis is on developers to demonstrate that very special circumstances exist to outweigh a proposal's harm to the Green Belt. The requirement for 'very special circumstances' to be provided by the applicant is stated within paragraph 3.4 of PPG2.

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

No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

Design/Street Scene

National Policy PPS1 stresses the importance of promoting good design through the planning system and states that design which is inappropriate in its context should not be accepted (paragraph 34).

The existing street scene is characterised by sporadic development. The existing hipped roof dwelling (No. 83) is clearly of a different era and style to the dwellings nearby, the majority of which are gable roofed and of a low key vernacular. The spatial arrangement of nearby dwellings is loose and informal, without any uniformity in layout. As such, replacing the current dwellings with buildings on a different footprint and with a differing design to existing does not, in itself, raise concerns.

I am satisfied that the proposal reflects design elements of nearby dwelling's gable ended and low key vernacular. It is viewed that the proposed dwelling, though large, will sit comfortably within this rural setting.

Residential Amenity Issues

SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

In respect of privacy, overlooking and private amenity space, the proposed designs satisfy the criteria set out in SPG 1.

It is noted, however, that the current dwelling at 79 Brook Road has a number of windows on the rear elevation that face the rear of the proposed garage. SPG 1 guides that, 'Care must be taken when windows overlook adjacent blank walls' to avoid overshadowing or a visually intimidating impact. I am of the view, however, that the current boundary treatment mitigates any additional impact of the garage at ground floor level. The proposed garage has a maximum height of 4m and, as such, the impact on first floor windows will be limited given the separation distance between these windows and the garage is in excess of 10m.

The proposed dwelling is set within a well sized plot and in respect of private amenity space, exceeds the total area required by SPG1. Considering the above points, the proposed designs are not viewed as adversely affecting the amenities of neighbouring properties and are viewed to be in accordance with the residential amenity guidelines as set out in SPG 1.

Highways and servicing issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking. The County Highways Officer has been consulted with regards to the designs and has raised no objection subject to conditions.

Other matters

The Tree Officer has been consulted and has raised no objections.

Conclusion

In conclusion, it is considered that the replacement dwelling proposed is inappropriate development materially harmful to the openness of the Green Belt by virtue of its

increased scale. The proposal is therefore considered contrary to policies DS2 and S12 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

RECOMMENDATION: that permission be **REFUSED**.

1. It is considered that the replacement dwelling proposed is inappropriate development in the Green Belt by virtue of its significantly increased scale over and above the size of the original dwellings to be replaced. The proposal would therefore unacceptably harm the openness of the Green Belt, contrary to policies DS2 and S12 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of PPG2. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

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Agenda Item 10

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------|
| BROMSGROVE DISTRICT COUNCIL 'A' | "Advertise Here" signage for Bromsgrove District Council - A456 Hagley Roundabout, Birmingham Road / Kidderminster Road / Stourbridge Road, Hagley | GB | 11/0742-HR 06.10.2011 |

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

Consultations

| | |
|-----------|------------------------------------------------------|
| WH | Consulted 15.09.2011 - No comments received to date. |
| Hagley PC | Consulted 15.09.2011 - 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 at the end of the A491 where it meets the A456 at Hagley. The roundabout is fast moving with four major entrances and exits leading onto/off it and one minor entrance/exit 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.

The roundabout is located within designated Green Belt as defined in the Bromsgrove District Local Plan 2004.

Proposal

For the reference of Members, the previous scheme proposed 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 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.

This scheme has been revised. The current scheme proposes 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 white steel posts of 800mm in height. The maximum height from the ground to the base of the advertisement would be 300mm. The maximum height of the individual letters and symbols would be 14cm and the colour of the text would be white and orange on a green background. The advertisement boards themselves would be 600mm 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.

The main difference between this scheme and the previous scheme is that the proposed advertisement boards are smaller in scale as their width has been reduced from 1000mm wide to 600mm wide.

Relevant Policies

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

Relevant Planning History

11/0426 "Advertise Here" Signage for Bromsgrove District Council: Withdrawn 19.07.2011.

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 effect on the visual amenity of the area. The proposed advertisement boards have also been reduced in scale from the previous (withdrawn) scheme and therefore would harmonise with their setting.

Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway or pedestrian 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 (BDLP) 2004 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 advertisement consent.

Agenda Item 11

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------|
| BROMSGROVE DISTRICT COUNCIL 'A' | "Advertise Here" signage for Bromsgrove District Council - Stoneybridge Island, Stoney Lane, Wildmoor, Bromsgrove | GB | 11/0743-HR 06.10.2011 |

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

Consultations

WH Consulted 15.09.2011 - 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, Bromsgrove, between Lydiate Ash and Hagley. The roundabout is fast moving with four major 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.

The roundabout is located within designated Green Belt as defined in the Bromsgrove District Local Plan 2004.

Proposal

For the reference of Members, the previous scheme proposed 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 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.

This scheme has been revised. The current scheme proposes 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 white steel posts of 800mm in height. The maximum height from the ground to the base of the advertisement would be 300mm. The maximum height of the individual letters and symbols would be 14cm and the colour of the text would be white and orange on a green background. The advertisement boards themselves would be 600mm 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.

The main difference between this scheme and the previous scheme is that the proposed advertisement boards are smaller in scale as their width has been reduced from 1000mm wide to 600mm wide.

Relevant Policies

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

Relevant Planning History

11/0444 "Advertise Here" Signage for Bromsgrove District Council: Withdrawn 19.07.2011.

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 effect on the visual amenity of the area. The proposed advertisement boards have also been reduced in scale from the previous (withdrawn) scheme and therefore would harmonise with their setting.

Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway or pedestrian 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 (BDLP) 2004 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 advertisement consent.

PLANNING COMMITTEE

10th October 2011

APPEAL DECISIONS

| | |
|------------------------------|-------------------------------------------------------------|
| Relevant Portfolio Holder | Councillor C. B. Taylor |
| Portfolio Holder Consulted | No |
| Relevant Head of Service | Head of Planning and Regeneration Services |
| Ward(s) Affected | Alvechurch; Charford; Hagley; Hillside; Sidemoor; St. Johns |
| Ward Councillor(s) Consulted | No |
| 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 detailing the issues and conclusions in each case.

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications arising from this report

Legal Implications

3.2 There are no legal implications arising from this report.

Service / Operational Implications

3.3 The appeal decisions are as follows:-

| Name of Appellant | Plan Ref. / Proposal / Decision |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3.1 Mr. C. Ryder | 10/1036-DK - Proposed demolition of Girl Guides hut, change of use to C3 dwelling house, and erection of one dwelling - Guide Hall, Hewell Lane, Barnt Green, B45 8NZ - See APPENDIX 1 Refused: 17th December 2010 Appeal decision: dismissed - 16th August 2011 |

**PLANNING
COMMITTEE**

10th October 2011

| Name of Appellant | Plan Ref. / Proposal / Decision |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3.2 Mr. D. Allenby | 11/0077-TC - Proposed first floor side extension - Glendale, Sandhills Green, Alvechurch, B48 7BT - See APPENDIX 2 Refused: 14th April 2011 Appeal decision: allowed - 30th August 2011 |
| 3.3.3 Mr. B. Forrest | 11/0320-RL - Proposed loft conversion and a new staircase to loft - 17 Middlefield Road, Bromsgrove, B60 2PW - See APPENDIX 3 Refused: 1st June 2011 Appeal decision: allowed - 15th September 2011 |
| 3.3.4 Mr. and Mrs. S. Marshall | 11/0319-TC - Proposed side utility / wc extension with bedroom over - 312 Birmingham Road, Bordesley, Redditch, B97 6RJ - See APPENDIX 4 Refused: 1st June 2011 Appeal decision: dismissed - 19th September 2011 |
| 3.3.5 Mrs. C. Madden | 11/0337-RL - Proposed bedroom over existing garage - 23 Middleton Road, Sidemoor, Bromsgrove, B61 8NH - See APPENDIX 5 Refused: 1st June 2011 Appeal decision: allowed - 19th September 2011 |
| 3.3.6 Dr. J. J. Jenkins | 11/0442-RL - Proposed two-storey rear extension - Brakemill Cottage, Brake Mill, Hagley, DY8 2XY - See APPENDIX 6 Refused: 1st June 2011 Appeal decision: allowed - 20th September 2011 |

**PLANNING
COMMITTEE**

10th October 2011

| Name of Appellant | Plan Ref. / Proposal / Decision |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3.7 Mr. M. Ali | <p>11/0054-RL - Change of use of ground floor of premises from a retail shop (Class A1) to restaurant (Class A3) with takeaway facilities, without complying with a condition attached to planning permission Ref. 09/0353-MT (which states "The use hereby permitted shall operate between the hours of 16:00 hrs. and 23:30 hrs. on Monday to Friday, between 12:00 hrs. and 23:30 hrs. on Saturdays, and between 12:00 hrs. and 23:00 hrs. on Sundays and Bank Holidays) - Elachi Indian Restaurant, 33-35 Worcester Road, Bromsgrove, B61 7DN - See APPENDIX 7</p> <p>Refused: 1st April 2011 Appeal decision: allowed - 21st September 2011</p> |

Customer / Equalities and Diversity Implications

3.4 There are no customer / equalities and diversity implications arising from this report

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

Appendix 1 - Appeal report for 10/1036-DK - Guide Hall, Hewell Lane, Bant Green, B45 8NZ

Appendix 2 - Appeal report for 11/0077-TC - Glendale, Sandhills Green, Alvechurch, B48 7BT

Appendix 3 - Appeal report for 11/0320-RL - 17 Middlefield Road, Bromsgrove, B60 2PW

Appendix 4 - Appeal report for 11/0319-TC - 312 Birmingham Road, Bordesley, Redditch, B97 6RJ

Appendix 5 - Appeal report for 11/0337-RL - 23 Middleton Road, Sidemoor, Bromsgrove, B61 8NH

Appendix 6 - Appeal report for 11/0442-RL - Brakemill Cottage, Brake Mill, Hagley, DY8 2XY

Appendix 7 - Appeal report for 11/0054-RL - Elachi Indian Restaurant, 33-35 Worcester Road, Bromsgrove, B61 7DN

6. BACKGROUND PAPERS

**PLANNING
COMMITTEE**

10th October 2011

Appeal decision letters received from the Planning Inspectorate dated 16th and 30th August, 15th, 19th, 20th and 21st September 2011.

AUTHOR OF REPORT

Name: Andy Stephens
email: a.stephens@bromsgroveandredditch.gov.uk
Tel.: 01527 881410

Appeal made against the refusal of planning permission

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Appeal reference | APP/P1805/A/11/2151672 |
| Planning Application | 10/1036-DK |
| Proposal | Demolition of Girl Guides hut, and erection of a dwelling (as augmented by plans received 17.11.2011, as amended by plans received 19.11.2010) |
| Location | Guide Hall, Hewell Lane, Barnt Green, B45 8NZ |
| Ward | Hillside |
| Decision | Refused (delegated decision): 17th December 2010 |

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

Discussion

The main issues are whether the proposed development would provide an acceptable standard of living accommodation for future occupiers in terms of (1) private amenity space, and (2) protection from noise.

In the Inspector's judgment, the design of the proposed building is an intelligent and creative response to the constraints and opportunities of this particular site.

The amount of private amenity space available to future occupiers would comfortably exceed the minimum recommended by the SPG, and the provision of a proportion of this space within a south-facing internal courtyard would create the potential for a sitting-out area in the part of the premises least likely to suffer from noise associated with the adjoining railway line.

In respect of the first main issue then, the Inspector found that the proposed dwelling would meet the objectives of policies DS13 and S7 of the Bromsgrove District Local Plan (2004), which seek to ensure that new development reflects the need to safeguard and improve the quality of life of residents, and does not adversely affect their amenities. It would also accord with the guidance set out in the Council's SPG.

Turning to the second main issue, National planning advice set out in Planning Policy Guidance (PPG) 24: *Planning and Noise* clearly explains that when assessing proposals for residential development near a source of noise, it is necessary to determine into which of four Noise Exposure Categories (NECs) the proposed site falls. The NECs for sites exposed to noise from rail traffic are defined in a table at Annex 1 of PPG 24. If a site falls within NEC D, planning

permission should normally be refused; if it falls within NEC C, planning permission should not normally be granted, unless a commensurate level of protection against noise can be ensured.

In the absence of any evidence at all concerning the noise levels to which future occupiers would be exposed, the Inspector was unable to reach a reliable judgment as to whether or not the mitigation measures incorporated within the proposed design would render the residential development of the site acceptable.

Without such evidence, the Inspector could not conclude that the proposed development would satisfy the requirements of Policy ES14A of the Local Plan or of PPG 24, both of which seek to ensure that where new housing is located close to an existing source of noise, the impact of that noise upon future occupiers can be adequately mitigated.

The Inspector concluded that while the proposed development would provide an acceptable standard of living accommodation in terms of private amenity space, there was insufficient information on which to assess whether it would provide adequate protection from noise.

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

| | |
|-----------------------------|-------------------------------------------------------------------|
| Appeal reference | APP/P1805/A/11/2156034 |
| Planning Application | 11/0077-TC |
| Proposal | First floor side extension |
| Location | Glendale, Sandhills Green, Alvechurch, Worcestershire, B48 7BT |
| Ward | Hillside |
| Decision | Refused (delegated decision): 14th April 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to develop a first floor side extension.

The Inspector considered the key issue was that the site lies within the West Midlands Green Belt. Therefore the following issues needed to be addressed:

- (1) Whether the proposal is inappropriate development for the purposes of Planning Policy Guidance Note 2: Green Belts (PPG2) and development plan policy;
- (2) The effect of the development upon the openness of the Green Belt and the character and appearance of the area; and
- (3) If the development is inappropriate, 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.

It was considered that that the disputed part of the proposed development is a first floor side extension to a terraced dwelling which had already been extended. The Inspector noted from the Council's calculations that the existing additions were already nearly 63% over the size of the original dwelling. The proposed first floor extension, which is an increase of over 22m², would bring the total of the additions to over 82%, well over the 40% allowed in the SPG.

The Inspector noted that the proposed development would be a disproportionate addition to the property and contrary to paragraphs 3.4 and 3.6 of PPG2. As such, it would be inappropriate development in the Green Belt. Paragraph 3.2 of PPG2 says that inappropriate development is, by definition, harmful and that substantial weight is attached to the harm caused by it. The guidance in PPG2 on extensions has not been substantially altered by the publication of the

Government's draft National Planning Policy Framework (dNPPF). The proposal would also be contrary to saved policy S11(a) of the Bromsgrove District Local Plan 2004 (BDLP).

It was considered that the proposal would be at first floor level and would be a subordinate extension, well-separated from the side boundary of the property. However, it would increase the bulk of the property and therefore there would be some harm to the openness of the Green Belt, although this would have only limited weight, given its visual impact.

The Inspector considered the design of the extension would be appropriate to the existing dwelling and would only be likely to be visible from views from directly in front of it. In addition, the materials would match the original dwelling which could be ensured through the imposition of a suitably-worded condition. Therefore, the proposed development would not be harmful to the character and appearance of the area and would not harm the visual amenities of the Green Belt. As such, it would comply with saved policy S11(b) and policy DS13 of the BDLP, the Council's adopted Residential Design Guide (RDG) and would be a neutral factor in weighing the harm to the Green Belt.

The Inspector noted the appellant's claim that another extension could be built using permitted development rights and this would be more harmful in terms of its effect on the Green Belt, on the character and appearance of the area and on the living conditions of neighbours. The appellant says that this is a fallback position which, if this appeal is dismissed, would be built. The alternative would have a hip to gable roof extension which would be out of keeping with the overall design of the terrace, as the opposite end has kept its original hipped roof. The bulky roof would be dominant in views of the dwelling and be harmful to the openness of the Green Belt and its visual amenities and to the character and appearance of the area. It would be similar in floorspace to the proposed extension and therefore would also be inappropriate in terms of its size. In addition, this option is objected to by the occupiers of the neighbouring properties at Hillview, on the grounds that it would alter the character of the terrace, and Ingleside, on the grounds that it would have adverse impact on their outlook and daylight. There is no objection by neighbouring occupiers to the development which is the subject of this appeal.

The Inspector acknowledged the Council's comment that there are no permitted development rights for a two storey side extension but considered this related more to the appeal proposal rather than the alternative put forward by the appellant which would convert the roof space of the original house. However, the appellant's claim to permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, (GPDO) as amended, has not been supported by any Certificate of Lawful Use or Development and this lessens the weight that can be attached to this claim. Another appeal decision submitted by the appellant, appeal ref .APP/P1805/A/09/2103765, was supported

by a certificate but two others appeal ref.'s APP/L3245/A/10/2128255 and APP/P1805/A/11/2146921, were not so supported.

The Inspector noted that a previous application for similar development on the site, application ref. B/2008/0186, was refused and then subsequently dismissed on appeal but, since that time, the GPDO has been amended, the effect of which is to give more generous allowances for the extension of dwellings. The proposed extension would be within the roof of the original part of the house, would not be higher than the existing roof, would not extend beyond the plane of the roof forming the principal elevation facing the highway and would not produce more than the 40m² additional floorspace allowed for terraced houses in this part of the GPDO. The Inspector considered it is likely that the appellant could construct the additional bedroom required using permitted development rights and great weight needs to be given to this matter.

It was considered that the proposed first floor extension would be inappropriate development in the Green Belt and there would be substantial harm as a result. In addition, there would be limited harm to the openness of the Green Belt. However, the Inspector considered this would be clearly outweighed by the other considerations in this case in that the fallback position would be worse in terms of its harm to the openness and visual amenities of the Green Belt and to the character and appearance of the area. Therefore the very special circumstances necessary to justify the development would exist in this case. As such, it would comply with the guidance in PPG2, saved policies DS13 and S11 of the Bromsgrove District Local Plan 2004 and the Council's adopted SPG7.

The Inspector concluded that planning permission is granted in the light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions. It is necessary that the development is carried out in accordance with the terms of the application subject to the following conditions:

- (1) The development hereby permitted shall begin not later than three years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan and drawings 100 and 102A.
- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development in Classes A, B, D and E of Schedule 2, Part 1 of that Order, shall take place other than that expressly authorised by this permission.

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.

Appeal made against the refusal of planning permission

| | |
|-----------------------------|---------------------------------------------|
| Appeal reference | APP/P1805/D/11/2157054 |
| Planning Application | 11/0320-RL |
| Proposal | Loft conversion and a new staircase to loft |
| Location | 17 Middlefield Road, Bromsgrove, B60 2PW |
| Ward | Charford |
| Decision | Refused (delegated decision): 1st June 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a Loft conversion to include a new staircase to loft.

The inspector considered that main issue was the effect of the development on the character and appearance of its surroundings.

The Inspector noted that the proposal represented an amendment of a rejected scheme, in that a Juliette balcony has replaced the rear open balcony proposed before. It was considered that this amendment has successfully overcome the Council's previous concerns as to overlooking.

The Inspector considered that the Council's sole concern relates to the side extension, which would be built over the narrow path to the side of the house, to the appeal property's side boundary. The Inspector noted that this has the potential, in the Council's view, to cause a 'terracing effect' contrary to provisions of its Residential Design Guide.

The Inspector considered the Council appears to have attached little weight to the fact that the appeal property is comprised within a terrace of 4 properties, that is, a terrace effect already exists. The Inspector commented that terraces are not an uncommon feature in the street as another lengthier terrace incorporates numbers 25-35 Middlefield Road.

The Inspector noted that the proposed modest side extension would be very narrow, so that the existing terrace would only be extended marginally. The gap between the extended appeal property and the two-storey element of the next-door property at No. 15 would not be affected significantly, and a clear and distinct separation between the two storey elements of the terrace and No. 15 would remain. It was noted that the side extension would also display an

interesting arched feature, designed to maintain pedestrian access to the rear of the property.

The Inspector this did not share the Council's design concerns, and therefore concluded that the proposal would sit acceptably in its visual context without harming the character and appearance of its surroundings, in conformity with the provisions of policy S10 of the Bromsgrove District Local Plan requiring extensions to dwellings outside the Green Belt to be of a matching design to the host dwelling, and subservient to it.

The Inspector imposed a condition as to materials, in the interests of local visual amenity. Otherwise the Inspector allowed the appeal as set out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

Finally the Inspector considered that no other matter raised outweighs the considerations which led the Inspector to conclude that the appeal should succeed.

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.

Appeal made against the refusal of planning permission

| | |
|-----------------------------|------------------------------------------------------|
| Appeal reference | APP/P1805/D/11/2156930 |
| Planning Application | 11/0319-TC |
| Proposal | Side utility/wc extension with bedroom over |
| Location | 312 Birmingham Road, Bordesley, Redditch, B97 6RJ |
| Ward | Alvechurch |
| Decision | Refused (delegated decision): 1st June 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The Inspector considered the key issues were:

- Whether the proposed development is inappropriate development for the purposes of *Planning Policy Guidance Note 2: 'Green Belts'* (PPG2) and local development plan policy;
- If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- The effect on the openness of the Green Belt (GB); and
- The effect on the character and appearance of the surrounding area.

The Inspector quoted *Planning Policy Guidance 2: Green Belts* (PPG2) which says that provided that the proposed development does not result in disproportionate additions over and above the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. The Inspector considered that aspects of policies DS2 and S11 of the Bromsgrove District Local Plan (BDLP) reflect the thrust of national policy guidance in this respect, with the latter policy being specifically related to extensions to dwellings in the GB.

The Inspector noted the Council's supplementary planning guidance on extensions to dwellings in the green belt (SPG) which advises that an extension or cumulative extensions of over 40% of the original floorspace is likely to be disproportionate in the context of GB policy. The Inspector attached significant weight to the SPG since it has been subject to extensive public consultation, and assists in clarifying the provisions of local and national green belt policies.

It was noted that the proposal follows another recently refused planning permission, and aims to overcome the previously identified deficiencies. According to the Council's calculations, the proposed two-storey extension, added to the size of previous extensions, would result in the floorspace of the original dwelling (as at 1st July 1948) being exceeded by approximately 75%. The Council's calculations have not been seriously challenged.

In the light of the guidance on the size of extensions contained in the Council's SPG, the Inspector considered that the proposal would amount to a disproportionate addition to the original dwelling. The proposal would therefore be inappropriate development which, by definition, is harmful as set out in paragraph 3.2 of PPG2. This attracts substantial weight against the grant of planning permission.

The Inspector noted that the appeal property is contained within a long ribbon of development stretching alongside the A441 to the north of Redditch. The SPG recognises that development proposals contained within such ribbons need to be carefully evaluated, on their merits, to judge the effect on openness. Judging from the officer report on the application, the Council does not consider the openness of the GB would be harmfully affected by the development.

It was noted that that the most important attribute of Green Belts, according to PPG2, is their openness. The extension would impinge on the openness of the Green Belt, by erecting new built form in an open area, above the carport alongside the house, where none currently exists. Although the effect on openness would not be widely seen or felt, this represents additional harm to the Green Belt over and above that resulting from the inappropriate nature of the development. However, having regard to the location of the property within a ribbon of development, and the SPG's guidance where such circumstances arise, the loss of openness involved attracts limited weight.

The Inspector noted that within the ribbon of development there are a variety of house designs, but the Inspector considered that the properties between 306-316 (inclusive) are read as a group of fairly substantial detached dwellings, with each dwelling's individuality being currently safeguarded by the nature of the gaps between them.

The Inspector shares the Council's view that the loss of the gap would lead to the creation of a harmful terracing effect when viewed from the street, which, if repeated too often, would radically change the visual character of the area, contrary to the provisions of policy DS13 of the Bromsgrove District Local Plan (BDLP).

The harmful effect of the development on local character was considered by the Inspector to attract significant weight.

The inspector noted that in the design of the extension, the appellant has attempted and succeeded in ensuring that the extension would appear subservient to the main dwelling, and this attracts limited weight.

The inspector also noted that the appellants raise the issue of precedent, that is, some local examples of extensions or properties built to their side boundaries already exist, and I saw the 4 properties specifically mentioned. However, precedent is rarely a good reason, in itself, to justify the grant of permission, and the examples provided by the appellants amply demonstrate the type of harmful development the Council is currently seeking to prevent and discourage, lest the character of the area be further compromised. The Inspector attributed little weight to the issue of precedent.

The harm identified, by the Inspector, as a consequence of the inappropriateness of the development, its effect on openness, and local character and appearance carries substantial, limited and significant weight respectively, which collectively bears heavily against the development. The other considerations identified carry limited or little weight, and the Inspector concluded they were insufficient to clearly outweigh the harm to the Green Belt. The very special circumstances necessary to justify the inappropriate development therefore do not exist. The proposal conflicts with the thrust of the advice of PPG2 and BDLP policies DS13 & S11.

The appeal was therefore dismissed.

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

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|-----------------------------|-----------------------------------------------------|
| Appeal reference | APP/P1805/D/11/2158896 |
| Planning Application | 11/0337-RL |
| Proposal | Bedroom over existing garage |
| Location | 23 Middleton Road, Sidemoor, Bromsgrove, B61 8NH |
| Ward | Charford |
| Decision | Refused (delegated decision): 1st June 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a first floor side extension.

The inspector considered that main issues are the effect of the proposal: (a) on the character and appearance of the locality, and (b) on the living conditions of the residents of 21 Middleton Road with particular reference to visual impact.

The Inspector considered that Middleton Road displays a variety of house types and designs, but the appeal property is a detached, brick-built dwelling of relatively modern construction. The front wall of the bedroom addition would be set back from that of the host dwelling, and its ridge would be lower. These are features which appeal to the Council in the context of its Supplementary Planning Guidance on Residential Design (SPG). However the Inspector noted, the side wall of the bedroom would be sited on the common boundary separating No.s 21 and 23 Middleton Road, and in the Council's view, this has the potential to create a 'terracing' effect.

The Inspector noted that it appears that the Council would be content with the extension if it were reduced in width, so as to be set off the boundary by a metre, so as to accord with the advice of the SPG. However, the appellant's reluctance to do so is understandable, since the internal width of the bedroom, already narrow, would be reduced to a virtually impractical level.

The Inspector considered the Council's concerns to be misplaced. Such is the significant difference in levels between No.s 21 and 23 that the feared terracing effect would not occur. The ridges of the 2 dwellings would be set at substantially different levels, so that neither they, nor the dwellings, would be perceived as unified. Additionally the Inspector noted, a sufficient gap would remain between the 2 respective side elevations to maintain visual separation.

The Inspector noted that it appears that the Council's decision, in part, was affected by the prospect of a similar proposal arising from No. 21. However, no such proposal is before me, and it will be for the Council to determine any such proposal, should it arise, on its merits.

It was considered that the proposed extension is well designed, and therefore it would sit acceptably without harming local character and appearance; it would conform with those provisions of policy S10 of the Bromsgrove District Local Plan (LP) requiring extensions to dwellings outside the Green Belt to be of a matching design to the host dwelling, and subservient to it.

It was noted that number 21's porched main entrance is sited at the side of the house. The porch has a door and window facing the street, but it has a blank wall facing No. 23. The porch is separated from the boundary by a gate providing pedestrian access to the rear of the dwelling. An obscurely glazed window serving a bathroom is set in the main gabled side wall of no. 21 facing the appeal site. There is no other fenestration in the side wall.

The Inspector considered that the proposed bedroom addition would not materially affect the internal living conditions of No. 21's residents. They would be aware of the heightened wall on their boundary when entering and leaving their property, but the Inspector did not regard its effect on them as oppressive, claustrophobic or harmful. It would have no materially greater effect in this regard than the siting for the proposed extension suggested by the Council.

The Inspector concluded that the residents of 21 Middleton Road would not suffer material harm to their living conditions by reason of visual impact. The proposal therefore conforms with the provisions of BDLP policy S10 requiring extensions to dwellings outside the Green Belt not to adversely affect the existing amenities of adjoining occupiers.

Otherwise than as set out in this decision and conditions the Inspector stated it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

The Inspector took account of the representations made by the residents of 21 Middleton Road, but neither these nor any other matter raised are of such significance as to outweigh the considerations that led the Inspector to conclude that the appeal should be allowed.

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/11/2158574 |
| Planning Application | 11/0442-RL |
| Proposal | Two-storey rear extension |
| Location | Brakemill Cottage, Brake Mill, Hagley, DY8 2XY |
| Ward | Hagley |
| Decision | Refused by Planning Committee: 18th July 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a two storey rear extension.

The Inspector considered the main issues to comprise were:

- Whether the proposed development is inappropriate development for the purposes of *Planning Policy Guidance Note 2: 'Green Belts'* (PPG2) and local development plan policy;
- If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- The effect on the openness of the Green Belt (GB); and
- The effect on the character and appearance of the surrounding area, and the amenity of nearby property;

The Inspector noted *Planning Policy Guidance 2: Green Belts* (PPG2) says that provided the development proposals do not result in disproportionate additions over and above the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. The Inspector further commented that aspects of policies DS2 and S11 of the Bromsgrove District Local Plan (BDLP) reflect the thrust of national policy guidance in this respect, with the latter policy being specifically related to extensions to dwellings in the GB.

It was noted that the Council's supplementary planning guidance on extensions to dwellings in the green belt (SPG), however, advises that an extension or cumulative extensions of over 40% of the original floorspace (as at 1st July 1948), or which results in a total floorspace of over 140 sq m, is likely to be disproportionate in the context of GB policy. The Inspector attached significant

weight to the SPG since it has been subject to extensive public consultation, and assists in clarifying the provisions of local and national green belt policies.

It was noted that the Council and appellant agree that the proposed extension, in terms of the floorspace created, would result in a significant breach of the SPG's guidance, both in terms of the percentage increase and the total floorspace of the extended dwelling.

In the light of the guidance on the size of extensions contained in the Council's SPG, the Inspector considered the proposal would amount to a disproportionate addition to the original dwelling. The proposal would therefore be inappropriate development which, by definition, is harmful as set out in paragraph 3.2 of PPG2. This attracts substantial weight against the grant of planning permission.

It was noted that although there are other dwellings and buildings in the locality, the appeal property lies clearly in the countryside. The extension would be built to the rear of the property, on a flat patio area between the existing dwelling and a bank of rising land. It was noted the proposed extension would largely be sheltered from view from the public footpath to the west of the site by the timber fence running on the appeal site's boundary. From the footpath running outside the eastern boundary, the proposed extension would be substantially screened by a hedge. However, some of its roof and first floor could be seen from parts of the footpath. When approaching the property from the south, or from the north, the extension would not be discernible.

The Inspector noted that PPG2 provides that the most important attribute of Green Belts is their openness. However, since the extension would be well screened, the effect on openness would be slight, and not easily perceptible from outside the site. Nonetheless, since a built form would be erected where none currently exists, openness would be affected, attracting but limited weight against the proposal.

It was considered that the proposed extension is well designed, and relates well to the attractive host property in terms of its mass and proportions. The extension would not be prominent, and would sit acceptably in its rural visual context in compliance with the requirements of BDLP policy S11. The design of the scheme attracts limited weight in favour of the development.

Since there is no other dwelling in close proximity, the Inspector shares the Council's view that the extension would not affect the amenity or living conditions of any nearby resident, and therefore accords with the third criterion of BDLP policy S11. This factor attracts little weight in favour of the proposal.

It was noted that the appellant and the Council agree that buildings of a significant size, in terms of volume and floorspace, could be built within the curtilage of the dwelling without the need for planning permission on the basis of

the Certificate of Lawfulness granted by the Council on 28th March 2011 (*the fallback scheme*). An earlier certificate was also granted, but the appellant relies mainly on the March 2011 decision in pursuit of her arguments in this respect, which are based on a 2009 appeal decision involving an extension to a property in the Bromsgrove area, within the green belt (*Ref.: APP/P1805/A/09/2103765*).

The Inspector was satisfied on the basis of the nature of the accommodation which could be built within the buildings comprised in the fallback scheme, their close proximity to the existing dwelling, which almost ranks them as extensions, and the appellant's representations, that if the appeal proposal was not erected, there is every likelihood that the fallback scheme would take place.

In terms of the floorspace created, the Inspector noted the fallback scheme would be broadly similar to the appeal scheme, a factor which in my view should attract significant weight in the light of the SPG guidance on the appropriate size of extensions.

The Inspector considered that the fallback scheme would be no more noticeable from the west and north than the appeal proposals, but the effect would be slightly less when viewed from the east, because of the single storey nature of the development.

It was noted that the larger of the 2 buildings would be clearly seen from the south, from the main footpath approach to the dwelling, albeit its southern face would be set back from the main front elevation of the dwelling. However, since it would be clearly apparent from the south, whereas the appeal scheme would not, the fallback scheme would have a far greater negative impact on openness and the perception of openness, a factor which attracts significant weight in favour of the appeal proposals.

It was noted that the appellant would be prepared to forego the rights of permitted development accruing to the property if the appeal were allowed. I attach significant weight to this in view of the potential benefits to openness which may arise.

The harm the Inspector identified as a consequence of the inappropriateness of the development and its slight effect on openness carries substantial and limited weight, respectively, against the proposal, but the Inspector could identify no other real harm caused by the extension proposed. Other considerations, including the effect on local character and residential amenity carry limited or little weight in its favour. However, the Inspector considered that significant benefits would arise in terms of maintaining the openness of the GB when the respective sizes and effects of the appeal proposals and the appellant's fallback scheme are compared, and in removing permitted development rights from the property.

The Inspector concluded that, together, these considerations clearly outweigh the harm by reason of inappropriateness such that, in the Inspector's view, the very special circumstances exist justifying the grant of planning permission, subject to conditions to ensure that some of the perceived benefits arise.

It was decided that in order to ensure the openness of the GB is maintained, certain permitted development rights shall be removed. The Inspector considered that maintaining the openness of the GB ranks as an exceptional circumstance in the terms of *Circular 11/95: The Use of Conditions in Planning Permissions*.

The Inspector noted that otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

It was also considered, in the interests of visual amenity, that a condition be imposed in respect of external materials.

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.

Appeal made against the refusal of planning permission

| | |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appeal reference | APP/P1805/A/11/2154916 |
| Planning Application | 11/0054-RL |
| Proposal | Change of use of ground floor of premises from a retail shop (Class A1) to restaurant (Class A3) with takeaway facilities, without complying with a condition attached to planning permission Ref. 09/0353-MT (which states "The use hereby permitted shall operate between the hours of 16:00 hrs. and 23:30 hrs. on Monday to Friday, between 12:00 hrs. and 23:30 hrs. on Saturdays, and between 12:00 hrs. and 23:00 hrs. on Sundays and Bank Holidays) |
| Location | Elachi Indian Restaurant, 33-35 Worcester Road, Bromsgrove, B61 7DN |
| Ward | St. Johns |
| Decision | Refused (delegated decision): 1st April 2011 |

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a Change of use of ground floor premises from retail shop (Class A1) to restaurant (Class A3) with takeaway facilities at Elachi Indian Restaurant.

The main issue is the effect of the proposal on the locality with particular regard to noise, odour, nuisance and disturbance.

It was noted that the principle of using the premises as a restaurant with take away facilities was accepted by the Council when it granted planning permission for the use in 2009, having first assessed the merits of the development against the prevailing development plan policies.

It was noted as the proposal does not include any physical alterations to the building, it would not have a material impact on the integrity, character or appearance of the Appeal building which is "listed." The Appeal site is located within Bromsgrove Town Conservation Area, where the prevalence of shops and other commercial premises trading throughout the day contributes to its character and vitality. The proposed extended opening hours would be consistent with and would make a positive contribution to the vitality of the conservation area during

the daytime. Accordingly the proposal would preserve the character and appearance of the conservation area.

It is noted that the premises are also located within a secondary shopping street, close to both the High Street and a public car park. As such it is an active area during the day where retail and other commercial uses including restaurants and cafes with take away facilities are concentrated. The Appeal property does not adjoin any residential properties and there is a cafe on the opposite side of the road which is open from early morning. Further to the northeast are a number of restaurants and cafes which have a variety of opening times. They add to the diverse range of uses which contribute to the vitality of the shopping area.

It was considered given the location of the Appeal premises, the proposed trading hours would be consistent with policy EC4.1 of Planning Policy Statement 4 - *Planning for Sustainable Economic Development* (PPS4). It seeks to promote competitive town centre environments and provide consumer choice by supporting a diverse range of uses and small scale economic uses.

It was noted with regard to odour, noise, or other nuisance, as stated above the premises do not adjoin any residential properties and it is an active area during the day. It was noted the Appellant has commented that since the use of the premises as a restaurant with take away facilities commenced there have been no complaints concerning noise or odour. This is despite the fact that the premises have opened late into the evening, when the potential for noise and nuisance is generally greater. The proposal includes reducing the evening opening hours on Mondays to Saturdays from 23:30 hours to 23:00 hours, which should reduce the potential for late night noise or disturbance.

It was noted that no concerns have been expressed by the police, Environmental Health, Worcestershire Highways or Community Safety. Also that condition 4 of the original planning permission requires that the extraction equipment is regularly maintained, and that the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the local planning authority.

It was noted that the Council has expressed concern that the proposal, if allowed, could set a precedent for extended opening hours at other hot food takeaway outlets in the area. This could result in further noise, odour and nuisance which would harm the locality. However, the Appeal premises have permission for a restaurant/cafe, with a takeaway facility. As such they are in a different "Use Class" to the takeaway outlets in the locality and provide a broader facility for the public. Other restaurants and cafes in the area operate a variety of hours, which likely reflects consumer demand and the precise nature of the outlets concerned. Accordingly the current proposal would not set a precedent for the extension of opening hours by takeaway outlets in the locality.

The inspector noted that for these reasons the proposed extended opening hours would be highly unlikely to result in material harm within the locality due to noise, odour or other disturbance. That is other than early on Sunday and Bank Holiday mornings, when activity levels are generally lower. During this period the activity generated by the restaurant and take away service could result in noise and disturbance in the locality. This is addressed in the replacement opening hours condition, which restricts the opening time on Sundays and Bank Holidays to 10:00 hours.

It was noted that the Appellant would be willing to modify the proposed opening hours, to facilitate opening between 12:00 hours and 23:00 hours on Mondays to Fridays. However, on the basis of the above findings this is unnecessary and would thus fail to comply with the tests set out in Circular 11/95, which deals with the imposition of conditions.

The Inspector concluded that the proposal would not result in material harm to the locality due to increased noise, odour, nuisance or disturbance. Accordingly it would comply with policies DS13 and S19 of the Bromsgrove District Local Plan 2004 which seek to provide a high quality environment and safeguard and improve the quality of life for residents. It would similarly comply with Government policy and advice regarding the quality of the urban environment and sustainable economic growth, as set out in PPS1 - *Delivering Sustainable Development* and PPS4.

The Inspector allows the appeal and grant planning permission for change of use of ground floor premises from retail shop (Class A1) to restaurant (Class A3) with takeaway facilities at Elachi Indian Restaurant, 33 - 35 Worcester Road, Bromsgrove, B61 7DN in accordance with the application Ref. 11/0054 dated 20th January 2011, without compliance with condition number 2 previously imposed on planning permission Ref. 09/0353 dated 15 July 2009 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

- 1) The permitted use shall not operate outside the following hours: 07:00 hours - 23:00 hours - Monday to Saturday 10:00 hours - 23:00 hours - Sundays and Bank Holidays.

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.