



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY 7TH NOVEMBER 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 10th October 2011 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 10/1189-DK - Replacement of an existing dwelling with 2 no. 5 bed detached houses - 7A Plymouth Road, Barnt Green, B45 8JE - Mr. J. Smart (Pages 7 - 14)
6. 11/0672-DK - Demolition of 129 Birmingham Road, and construction of 27 no. dwellings with associated car parking, access and infrastructure provision - 129 Birmingham Road, Alvechurch, B48 7TD - Piper Homes (Pages 15 - 36)
7. 11/0682-SG - Erection of new conservatory - Gorse Lane Farm, Scarfield Hill, Alvechurch, B48 7DB - Mr. G. Crofts (Pages 37 - 40)
8. 11/0723-DMB - Submission of Reserved Matters (internal access, appearance, layout, scale and landscaping) for the erection of 76 dwellings - Land at Selsdon Close, Wythall - Taylor Wimpey West Midlands (Pages 41 - 50)
9. Appeal Decisions (Pages 51 - 56)
10. 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

27th October 2011



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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](http://www.bromsgrove.gov.uk) email: [committee@bromsgrove.gov.uk](mailto:committee@bromsgrove.gov.uk)

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 10TH OCTOBER 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, Ms. M. T. Buxton (substituting for Mrs. C. M. McDonald), M. A. Bullivant, R. A. Clarke, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh (during minute nos. 67/11 to 71/11, and 73/11 and 74/11) and C. J. K. Wilson

Observers: Councillor J. S. Brogan, Councillor R. Hollingworth, Councillor P. Lammas, Councillor B. Lewis F.CMI, Councillor C. R. Scurrall, Councillor L. J. Turner and Councillor M. J. A. Webb

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

#### 67/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. J. Laight and Mrs. C. M. McDonald.

#### 68/11 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor Mrs. S. J. Baxter	11/0529-DK	Personal. Personal friend of the applicant's agent.
Councillor R. A. Clarke	11/0665-SG	Personal. Knows the applicant.
Councillor C. J. Tidmarsh	11/0568-SC	Prejudicial. It is anticipated that Councillor Tidmarsh's grand-daughter and the applicant's son will live in one of the flats if the application is approved. During consideration of the application, Councillor Tidmarsh left the room and took no part in the consideration and voting thereon.
Councillor C. J. Tidmarsh	11/0742-HR	Personal. Member of the Advanced Institute of Motorists.
Councillor C. J. Tidmarsh	11/0743-HR	Personal. Member of the Advanced Institute of Motorists.

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor J. A. Ruck	11/0743-HR	Personal. Member of Wildmoor Residents' Association.

<u>Officer</u>	<u>Application</u>	<u>Nature of Interest</u>
Mr. S. Hawley, Worcestershire Highways	11/0676-SC	Prejudicial. Applicant is a colleague of his wife and brother. During consideration of the application, Mr. Hawley left the room.

69/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 12th September 2011 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

70/11 **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**

The Head of Planning and Regeneration Services reported the views of the Strategic Housing Manager, together with additional comments received from the Highways Agency.

At the invitation of the Chairman, Ms. A. Garth addressed the Committee and spoke in opposition to the proposed development. Mr. F. Cook also spoke against the proposals, and Councillor J. S. Brogan spoke in his capacity as one of the Ward Members for the area in which the application site was located. Mr. M. Robson spoke on behalf of the applicant in favour of the proposal.

**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) play space provision; and
  - (ii) the securing of 32 affordable housing units;
- (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.

(NOTE: Under paragraph 17.7 of the Council Procedure Rules, Councillors Mrs. S. J. Baxter and J. A. Ruck requested that it be recorded that they abstained from voting on this resolution.)

71/11 **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**

The Head of Planning and Regeneration Services reported the views of the Tree Officer. In addition, she reported the receipt of a Supplementary Planning Statement relating to Housing Densities and the Provision of Affordable Housing, together with the comments of the Strategic Planning Manager and the Urban Designer in response to this document. In response to a request from Members of the Committee, the Head of Planning and Regeneration Services clarified the density of dwellings on both the west side of Birmingham Road, and those on the east side of Willow Brook Road.

She also reported the receipt of two additional letters commenting on the proposals, as well as the receipt of a Unilateral Undertaking in respect of a commuted sum for affordable housing, public open space and education provision.

At the invitation of the Chairman, Mr. N. Gough spoke on behalf of the applicants in favour of the proposals, as did Councillor R. Hollingworth in his capacity as one of the Ward Members for the area in which the application site was located. Mr. J. Cypher also addressed the Committee, speaking on behalf of Alvechurch Parish Council.

**RESOLVED** that permission be refused for the reasons set out on page 76 of the report.

72/11 **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**

The Head of Planning and Regeneration Services reported a correction to the report concerning this application stating that the site was defined as 'residential' within the Bromsgrove District Local Plan 2004, not as Green Belt as printed on page 77 of the report. She also reported the receipt of two emails raising concerns about the proposals.

At the invitation of the Chairman, Mrs. A. Massey addressed the Committee and spoke in opposition to the proposals, as did Councillor M. J. A. Webb in his capacity as one of the Ward Members for the area in which the application site was located. Mr. S. Smith also addressed the Committee and spoke in support of his application.

**RESOLVED** that permission be granted subject to the conditions and notes on pages 82 and 83 of the report, together with the addition of a further appropriately worded condition in respect of delivery time restrictions.

73/11 **11/0665-SG - PROPOSED DETACHED PROPERTY - 5 CAMBRIA CLOSE, MAJORS GREEN, SOLIHULL, B90 1DR - MR. P. SHELDON**

The Head of Planning and Regeneration Services reported the receipt of amended plans for both the existing and the proposed dwelling and explained how the amendments removed the requirement for refusal reason 3 on page 91 of the report. She also reported the views of Worcestershire Highways, the Worcestershire Regulatory Services and the Tree Officer.

At the invitation of the Chairman, Mr. G. Phillips addressed the Committee and spoke in objection to the proposed development, as did Councillor L. J. Turner in his capacity as one of the Ward Members for the area in which the application site was located. Mr. S. R. Peters also addressed the Committee, speaking on behalf of Wythall Parish Council.

**RESOLVED** that permission be refused for reasons nod. 1, 3 and 4 set out on pages 91 and 92 of the report.

74/11 **11/0676-SC - ERECTION OF REPLACEMENT DWELLING - 83 BROOK ROAD, FAIRFIELD, BROMSGROVE, B61 9JY - MR. AND MRS. R. GARVIN**

The Head of Planning and Regeneration Services reported the receipt of an email from the applicant and clarified the comments made therein.

At the invitation of the Chairman, Mrs. L. Harvey addressed the Committee spoke on behalf of Bournheath Parish Council, and Mr. R. Garvin spoke in favour of his application. Councillor B. Lewis F.CMI also addressed the Committee in his capacity as the Ward Member for the area in which the application site was located.

**RESOLVED** that permission be refused for the reason set out on page 99 of the report.

75/11 **11/0742-HR - 4 X 0.3M<sup>2</sup>, NON-REFLECTIVE METAL SIGNS; POWDER COATED STEEL LEGS - A456 HAGLEY ROUNDABOUT, BIRMINGHAM ROAD, HAGLEY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported clarified that the 'Certificate Type' for the application was 'Certificate B', not 'A' as per the report. She also reported the views of Worcestershire Highways.

**RESOLVED** that advertisement consent be granted in accordance with the notes set out on page 102 of the report.

76/11 **11/0743-HR - 4 X 0.3M<sup>2</sup>, NON-REFLECTIVE METAL SIGNS; POWDER COATED STEEL LEGS - STONEYBRIDGE ISLAND, SANDY LANE, WILDMOOR, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported clarified that the 'Certificate Type' for the application was 'Certificate B', not 'A' as per the report. She also reported the views of Worcestershire Highways, and that Belbroughton Parish Council had been consulted on the application but no response had yet been received. However, she stated that, as a result of this additional consultation, the recommendation would have to be amended in order that a decision could be made on the application upon the expiry of the publicity period.

At the invitation of the Chairman, Mrs. M. Rees spoke in objection to the proposals, as did Councillor B. Lewis F.CMI in his capacity as the Ward Member for the area in which the application site was located.

**RESOLVED:**

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve advertisement consent be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 31st October 2011; or
- (b) that, in the event of further representations being received before the expiry of the publicity 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.

77/11 **APPEAL DECISIONS**

Consideration was given to a report which detailed the outcomes in several recent planning appeals.

**RESOLVED** that the report be noted.

The meeting closed at 4.30 p.m.

Chairman

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# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. J. Smart 'A'	Replacement of an existing dwelling with 2 no. 5 bed detached houses - 7A Plymouth Road, Barnt Green, B45 8JE	Residential CA	10/1189-DK 15.09.2011

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

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

## Consultations

Lickey and  
Blackwell PC

Consulted: 26.07.2011. Response received: 05.08.2011.

Lickey and Blackwell Parish Council objects to this application, especially when taken into consideration with other recent and current applications.

1. All of the 4 applications we are considering currently in this small area of our parish (10/1189,11/0610,11/0621,11/0626) are sub-divisions of already sub-divided original gardens. The density of dwellings in the area is increasing and is in danger of changing the character of the area. In particular we think that applications should be considered in the light of BDC's Strategic Housing Land Availability Assessment where on page 9, under Appropriate Densities for Potential Sites, it states "Some of the smaller settlements in the district such as Barnt Green and Blackwell are characterised by large properties with large gardens. In such settlements densities of 30 dwellings per hectare or above would cause significant harm to the character and appearance of the area." Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected from becoming part of the urban sprawl by preserving "the openness in residential areas by avoiding subdivision of plots and infill development" Therefore we would like these applications to be seen together for their impact, and would urge that they be put before the Planning Committee.
2. New Government guidelines no longer consider gardens as brown field sites, and that they should be valued.
3. The size and density of the proposal also contradicts building guidelines in the VDS which states that "New houses should generally reflect the character, setting and style of the housing in the immediate vicinity." Berry Drive consists of houses in spacious lawned plots.
4. Over the last decade or so BDC has seen a great increase in the building of large 4 and 5 bedroom houses to the point where we have a surfeit of them. So to rebalance the district's housing supply, what is needed now is smaller 2 and 3 bedroom type.

5. We are, also, aware that the properties in Plymouth Road, the cul-de-sacs off and Brookhouse Road have had a history of problems with flooding, which could be exacerbated by this development. It is reported to us that a watercourse actually runs under this property.
6. We would like to see that the hedge that bounds Plymouth Road is protected as it is the original hedge boundary. Our VDS states that we should "preserve our roadside trees and hedges" and where lost "should be replaced whenever possible. At key locations, replacements should be of sufficient size to give instant visual impact. Native species will normally be required."

Finally, we have concerns that the continued destruction of good, well maintained housing stock such as this is contrary to a sustainable housing policy.

WH Consulted 26.07.2011. Response received 24.08.2011.  
No objection.

ENG Consulted: 26.07.2011. Response received: 19.08.2011.  
No objection subject to conditions.

Conservation Officer Consulted: 26.07.2011. Response received: 08.09.2011.

I note that this site is immediately adjacent to the Barnt Green Conservation Area. The Conservation Area is generally characterised by large detached houses on large plots. 7A was constructed in part of the large garden of the neighbouring property, a distinguished late Victorian property. Although I have no objection to the demolition of the current property which is of little architectural merit, I am concerned that it is to be replaced with two detached properties therefore leading to a further sub-division of the plot.

If you are minded to grant planning permission, I consider that you should condition all the materials to be used and in addition ask for plans at a scale of at least 1:5 showing the detail of the windows and other joinery.

EHO Consulted: 26.07.2011. No response to date.

Tree Officer Consulted 12.08.2011. Response received 07.09.2011.

Objection. In the absence of the precise proximity of the proposed works to the trees on or adjacent to the site and of any works proposed within the Root Protection Area of the trees, I consider that the application will lead to the loss of trees contrary to policies DS13, C17 and C19 of the BDLP 2004 and CTC.5 of the WCSP 2001 and recommend that permission is refused.

*Additional plans received 15.09.2011 to address the Tree Officer Objection. Further response received 09.10.2011:*

The footprint of the proposed dwelling extends over 7 metres into the Root Protection Area (RPA) of the mature Copper beech tree at 7 Plymouth Road. However, as construction of the proposed dwelling should require no reduction of ground levels within the RPA, I consider that this construction is now possible without damaging the tree provided that suitable methods are employed during demolition of the existing building, the design and installation of new foundations and all works within the RPA of this and other trees on the site.

Therefore, no objection subject to conditions:

1. Arboricultural Method Statement
2. Retention of Existing Trees
3. No works within RPA's

Publicity

Neighbour notification:

3 letters sent 26.07.2011, expired 16.08.2011.

Site Notice posted 11.08.2011, expires 02.09.2011.

1 comment received, summarised as follows:

No objection in principle apart from the fact that the houses are sited too closely together. There would be an invasion of privacy for the occupants of both houses. The proposal would not be a marketable prospect.

The site and its surroundings

The application site comprises an elongated bungalow on the west side of Plymouth Road with a large extension at the rear oriented towards the south. A large vernacular revival style dwelling (No. 7) is located to the south east. On the opposite side, there is a modern property adjoining (No. 9). There is a very large garden to the rear with a specimen mature cedar, which is likely to have originally been in the garden of the adjoining property (No. 7). There are mature trees and hedges on all of the boundaries. The site adjoins Barnt Green conservation to the east.

Proposal

The proposal is for the replacement of the existing dwelling at No. 7A Plymouth Road with 2No. 5 bed detached houses. The application is accompanied by a Bat Survey and a Design and Access Statement.

Relevant Planning History

B/17000/1988 Extension forming swimming pool and changing room. Granted 10.10.1988.

BU/163/1963 House. Granted.

## Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, S35A, S36, C4, C17, BG4, TR1, TR11
DCS2	CP18
Others	PPS1, PPS3, PPS9, PPG13, SPG1

## Notes

The application site is located within the low density housing area and adjoins a conservation area.

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

- (i) The principle of development on this site;
- (ii) The impact of the proposal on the layout and character of the site and adjoining conservation area; and
- (iii) The impact of the proposal on the amenity of neighbouring residents.

In this respect, policies BG4, S7, S8 and S35A of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

### (i) Principle

Members should be aware of the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens are unacceptable and each application must be considered on its own merit. The comments in this respect from Lickey and Blackwell Parish Council are noted.

I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

### (ii) Design Density and Layout

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwellings in the current proposal on a site of 0.35Ha would result in a site density of 6 dwellings per hectare. I note that the explanatory text of policy BG4 provides for an indicative density of 1 - 4 units per acre (approximately 3 - 10 units per hectare). I consider that the proposal falls within the parameters of policy BG4 and is therefore acceptable in policy terms.

Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it follows the street pattern of Plymouth Road and would not result in a tandem arrangement. I note that the dwelling

are set off the adjoining boundaries by 1m and the same distance from their common boundary. This is slightly less than the set off of the existing dwelling.

I have concerns about the set forward wings on both of the proposed dwellings to the front and I do not consider that this is acceptable in terms of the character of the streetscene. Amendments have been received.

Policy S35 states that development 'in and adjoining conservation areas' needs to be sympathetic to the character of buildings in the area. This is complex on Plymouth Road, by virtue of the eclectic mix of properties therein. Whilst the proposals are not architecturally unique or outstanding, neither is the property being replaced. The dwellings would reflect the scale and proportions of the adjoining No. 7 more appropriately than the current dwelling. The views of the Conservation Officer are noted.

### (iii) Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings.

There is a 65m gap between the rear elevations of both plots 1 and 2 from the rear garden of No. 5 Woodside Close. Therefore, I do not consider that there would be any loss of privacy or amenity to this property and the extensive boundary treatment is noted. There is a separation distance of 79m to Nos. 6 - 8 opposite because of the substantial set back of these properties from Plymouth Road.

I note that the sides of the proposed dwellings are close to the boundaries of No. 7 and No. 9 Plymouth Road and the proposal is for 2 storey properties compared with the present bungalow. I note that there is a first floor dormer style window on No. 9 and a second floor window on No. 7. In the case of the latter it is set in by approximately 9m from the boundary of the application site. The window on No. 7 faces NW and therefore, I do not consider that the proposal would result in a significant loss of light. The first floor windows on this property have a view of the proposal which is obscured by the existing garage. I note that a planning application for a replacement dwelling has been approved at No. 9 (ref.: 11/0630). The first floor side windows on plots 1 and 2 serve en-suites and I do not consider that there would be a loss of privacy subject to conditions.

In terms of amenity space for the dwellings, the proposal would exceed the requirements of paragraph 9.0 of SPG1 for both of the plots.

Overall, the proposal conforms with the advice of SPG1 and with the requirements of policy S7 (e).

### Tree and Ecological Issues

The scheme was the subject of an objection from the Tree Officer (see above). The site adjoins the Conservation Area and, as such the trees on the adjoining No. 7 are protected. There is also a Giant Redwood in the rear garden which is the subject of a TPO. This tree is a considerable distance from the proposed development. However, there is a beech tree which overhangs the site from No. 7. The applicant has presented a

plan illustrating the position and spread of the existing trees and there is no objection from the Tree Officer subject to conditions.

The application is accompanied by a Bat Survey and no evidence of bats was uncovered in the existing property. I consider that the proposal would not be in conflict with the advice of PPS9, or the Natural Environment and Rural Communities Act 2006.

### Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. Members should note the points raised in the representation received. Although, the properties are located close to one another, the existing bungalow is also located close to the boundary with adjoining properties and the set off is sufficient to comply with SPG1. In terms of the marketability of the dwellings, this is a matter for the applicant and not a material planning consideration.

### Conclusion

Members should note the Draft National Planning Framework which needs to be considered in assessing the application. Paragraph 110 states:

'The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the impacts of doing so *would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.* Applications should be considered in accordance with the presumption'

Taking all matters into consideration, permission should be granted.

**RECOMMENDATION:** that permission be **GRANTED** subject to the following conditions:

1. C1
2. C1A
3. C3
4. C5 (modified)
5. C7
6. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the applicant shall submit an Arboricultural Method Statement and Tree Protection Plan for the approval of the Local Planning Authority. This will provide details of all proposed works within the Root Protection Area of trees on and adjacent to the site and the methods of construction and protection that will be employed to prevent damage to the trees and their root systems.
7. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials those methods detailed in the approved Arboricultural Method Statement and Tree Protection Plan shall be installed, employed and maintained as approved. The methods of protection and construction shall be maintained as approved for the duration of all

works on site shall be varied without the specific prior approval of the Local Planning Authority.

8. No works of any kind shall be permitted within or through the Root Protection Areas of trees on or adjacent to the site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.
9. No trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.

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# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Piper Homes 'A'</b>	Demolition of 129 Birmingham Road and construction of 27 no. dwellings with associated car parking, access and infrastructure provision - 129 Birmingham Road, Alvechurch, B48 7TD	ADR	<b>11/0672-DK</b> 01.08.2011

**RECOMMENDATION:** that, subject to the receipt of appropriate design amendments, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the 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 affordable housing.

## **MINDED TO APPROVE**

### Consultations

Alvechurch PC Consulted 18.08.2011. Response received 12.09.2011.

Alvechurch Parish Council comments are summarised as follows:

- Excessive density of housing units on a small site
- Inappropriate mix of property types compared to local housing requirements
- Low proportion of affordable (social) housing
- Proximity of this dense development to the motorway and noise mitigation issues
- Design issues and unsympathetic assimilation into surroundings and geographic integration to the main village

WH Consulted 18.08.2011. Response received: 21.09.2011.

No objection subject to conditions:

1. HC5 Visibility Splays
2. HC14 Driveway Gradient
3. HC25 Access, Turning and Parking
4. HC35 Cycle Parking
5. HC40 Offsite works
6. HC41 On site roads submission of details
7. HC51 Parking for site operatives
8. HC53 Welcome Pack Condition

and the following informatives:

1. HN4 Private Apparatus within the Highway
2. HN6 Section 278 Agreement
3. HN7 Section 38 Agreement Details
4. HN8 Drainage Details for Section 38
5. HN9 No Drainage to Discharge to Highway

6. HN16 Design of Street Lighting for Section 278
7. HN24 Temporary Direction Signs to Housing Developments

HA	Consulted 18.08.2011. Response received: 02.09.2011. No objection.
ENG	Consulted 18.08.2011. No response to date.
SPM	Consulted 18.08.2011. Response received: 22.09.2011.

The above site is primarily situated within an Area of Development Restraint (ADR) adjacent to the residential area of Alvechurch in the Bromsgrove Local Plan, although does also include the curtilage of 129 Birmingham Road which falls within the settlement boundary of Alvechurch.

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 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 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, 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 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 broadly comply with this policy as approximately 70% of the units are 3 bedrooms or smaller. It is acknowledged that only 30% affordable housing has been proposed, however a viability appraisal has been submitted to justify this.

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.

SPM Open  
Space

Consulted 18.08.2011. Response received: 22.09.2011.

As the proposal is for 27 units SPG11 should be applied. It should be noted that there is a net increase in 26 dwellings as 1 x 4-bed dwelling will be demolished. For the purposes of this calculation the proposal consists of 2 x 1-bed, 4 x 2-bed, 12 x 3-bed and 8 x 4-bed dwellings and

therefore the amount of play space generated by this development is 2,522sqm. In accordance with SPG11 a LAP should be provided onsite however, the submitted plans highlight no on-site provision therefore an off-site contribution is required. In light of existing level of play facilities within Alvechurch, as set out within the PPG17 study, a contribution towards an additional facility cannot be justified. However, maintenance costs towards the existing nearby MUGA at Swans Length can be justified as residents of the new development are highly likely to use this facility. On this basis a contribution of £67,589.60 is considered appropriate to improve this youth / adult play space in this instance.

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, subject to the validity of the viability appraisal being confirmed. If this is the case, 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 work would need to begin on site promptly 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 that work commences within 12 months of the date of the permission. It is important that this development does actually happen within five years.

Head of Leisure Services Consulted 18.08.2011. Response received: 31.08.2011.

There seems to be provision of buffer strips and very little open space of any amenity value available.

We would like to see a the green linkage into the site into an open 'village green' type landscaped open space which is available as a central location for informal play -this needs to consider road traffic and garages, etc.

At the moment reviewing the open space we would not consider adopting the space or approving the scheme from a leisure and amenity value.

Additional Comments received: 19.10.2011.

A contribution for offsite provision of Public Open Space is preferable to on site provision in this instance and this would fit into our strategy to provide and improve larger, quality open spaces to increase and benefit community cohesion.

Through the recent PPG17 audit there is evidence that there are qualitative issues within the Ward regarding provision for children and young people. The audit identifies Wiggin Memorial Play Area within the Bromsgrove East Ward as lowest quality play sites for children and young people and would benefit from investment.

WCC  
Landscape  
Officer  
Urban Designer

Consulted 18.08.2011. No response received.

Consulted 18.08.2011. Response received 26.08.2011.

The principle of developing this site for residential use seems acceptable. There will be little or no loss of amenity caused to existing land users. The proposed density is 33 dwellings/hectare, which is respectable. The site enjoys a long southerly boundary with exposure to sunlight, and with views of nearby attractive mature poplar trees. I would describe the site's gradient up to the west as an asset rather than, as the Design and Access Statement defines it, a constraint. It could enable more interesting three-dimensional massing of houses, and it provides extensive and attractive views to the east (not mentioned in the Statement), particularly from the western half of the site. The principal defect of the site is the noise from the adjacent M42. The Noise Assessment report contains a lot of technical measurements, but the bottom line is that the noise is tolerable, and can be mitigated to some extent by site planning and technical specification, but only marginally.

#### *Site planning*

It appears from the Noise Assessment report that the acoustic consultants advised the designers after the site layout had been designed. A more appropriate method would have been to draw the site layout based on the acoustic consultants' findings. However, the findings suggest that, whatever arrangement of houses on the site were to be made, the physical arrangement would have only marginal effects on the reduction of noise in external spaces.

Paragraph 2.18 of the Design and Access Statement describes one of the main site planning principles to be the positioning of houses facing north towards the motorway, so as to form a barrier to noise to their south-facing rear gardens. This is a sound principle, but the Noise Assessment explains that, because of the spacing of the houses, it will have only a marginal effect. I believe that

only a continuous wall of houses (a smaller version of the Byker Wall in Newcastle-upon-Tyne) would have a significant sound barrier effect. This would be a possible site planning strategy here, but probably not one which the client would find attractive.

A second stated main planning principle is the formation of south-facing courtyards opening off the access road, serving houses which are perpendicular to the "noise barrier" row. The courtyards would open up views to the large poplars to the south of the site. However, these two principles, both desirable, are of course at odds with each other. This has two consequences. Firstly, the courtyards reduce the sound barrier effect, probably to the point where it hardly registers. Secondly, there is insufficient space left for the courtyard houses (which number only 12 of the 27 total) to enable positive, enclosed, well-designed public spaces, with a sense of place, to be formed.

In the compromise which is being made between the two principles, I consider that the second consequence is the more serious of the two. Noise attenuation to the dwelling interiors can be made satisfactorily by technical detailed design; but without forming a Byker Wall of houses, noise is not going to be significantly reduced in back gardens. The Noise Assessment report concludes that noise levels are within an acceptable band, and one assumes that the village location, and the environment created by the development, will have compensating attractions so that the developer's customers will also perceive the noise levels as acceptable. I propose that the layout could be improved by investing more in the three courtyards; enlarging them, so that they are not merely car parking spaces, and increasing the proportion of houses located there, to achieve a greater degree of physical enclosure and social setting. This would also have the benefit that more houses, particularly those in the western, more elevated, half of the site, could enjoy the extensive views to the east.

Design Principle No.8 states that instead of children's play space being provided within the development, a financial contribution will be made towards its provision elsewhere. While acknowledging the difficulties of planning a site of less than one hectare, this provision will be of no use to parents on the site with small children. Larger courtyards, not so dominated by car parking spaces, could also succeed in providing small well-surveilled spaces for children.

### *Appearance and house types*

Section 5 of the Design and Access Statement describes the intention to base the design of houses on the local vernacular found in the centre of Alvechurch, and to produce "modest cottages". This is a welcome decision; the house types proposed are refreshingly simple and economical. However, although the individual house-elements of the development are well considered (including the design of appropriate corner-types, and the enclosure of back gardens by brick walls), their grouping is disappointing. Building lines on the access road are indeed varied, as stated in the Design Principles in Section 4, but opportunities to create interesting groupings of houses, in the vernacular tradition, are not taken. The rather dull assembly of houses is indicated in the Street Scene elevation and in the perspectives, particularly Perspective View 4.

A more interesting grouping of houses may be assisted by the redistribution of houses suggested in my previous section on site planning, with fewer houses, perhaps more clustered, on the access road, and more houses enclosing the courtyards, again clustered into small groups of three or four.

The proposal to have shared movement space within the development, with no footpaths, as described in paragraph 5.29, is appropriate and welcome. If done imaginatively, this can add considerably to the character of the development. However, the principle appears to be contradicted in the proposed site plan, in which a rather uniform road geometry, including a formulaic turning-head, is bordered by a continuous pavement. This needs to be significantly amended.

I observe that two sets of design consultants are responsible for the proposals; one appears to have produced the Design and Access Statement, and the other the design drawings. This is not a satisfactory arrangement, and I wonder whether it is responsible for the divergence between design intentions and realisation, in both housing layout and shared spaces, noted above.

### *Sustainability*

Although the proposed house types are admirably ordinary and vernacular, the reverse side of this virtue is that the development exhibits little in the way of sustainability measures that take it out of the ordinary. The measures listed in paragraph 5.36 amount to little more than south-facing gardens and spaces to encourage cycling. There are

no large south-facing openings, no solar panel installations, and no PVs. There is no mention of sustainable drainage. I suggest that more ambition should be required here, particularly in passive solar energy generation, because of the advantages which the site possesses. Modern generating devices are not incompatible with an attractive vernacular scale and character, as some good recent precedents demonstrate, but this does require some creative imagination.

*Building for Life*

*Building for Life*, though not perfect, is the most objective method we have for assessing housing quality. But the assessment needs to be done by an objective third party; for the applicant's agent to propose their own assessment in the Design and Access Statement, as has been done here, cannot be taken seriously.

COMSAF Consulted 18.08.2011. No response to date.

CLIMHCG Consulted 18.08.2011. No response to date.

Western Power Distribution (formerly Central Networks) Consulted 18.08.2011. Response received 05.09.2011.  
No objection. However, the applicant is reminded that Western Power Distribution have a network within the site and any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Western Power Distribution.

WRS (Contaminated Land) Consulted 18.08.2011. Response received: 12.09.2011.  
No objection subject to the imposition of the following condition:

The site is within 250m of a registered landfill site. 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.

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.

WRS (Noise)	Consulted 18.08.2011. Response received: 16.09.2011.  If the proposal is to be approved, it should be conditioned appropriately to require a noise mitigation scheme including enhanced glazing, ventilation and screening measures to be submitted to and approved by the local planning authority, and for such approved scheme to be completed before occupation of the development.
WCC (Archaeology)	Consulted 18.08.2011. No response received.
WMC	Consulted 18.08.2011. Response received 08.09.2011. The area in which the development is situated is generally a low crime area. The orientation of the houses and the location of the parking areas maximises natural surveillance within the confines of the site. Some of the rear gardens will be exposed and therefore it is important to ensure that the perimeter is secure and all gates are fitted with locks.
BW	Consulted 18.08.2011. Response received 12.09.2011. No objection subject to conditions relating to: 1. Finished floor levels 2. Landscaping
Natural England	Consulted 18.08.2011. Response received 05.09.2011. Standing advice provided. A checklist from the Association of Local Government Ecologists (ALGE) has been provided to assist the LPA in identifying whether they have sufficient information in terms of relevant species before determining a planning application.
WWT	Consulted 18.08.2011. No response received.
EA	Consulted 18.08.2011. Response received 24.08.2011. The application does not require direct consultation with the Environment Agency. The proposed development is less than 1Ha located within Flood Zone 1 (low probability) and the standard Surface Water Management Advice note should be applied.
WCC (EA)	Consulted 18.08.2011. Response received: 01.09.2011. The schools affected by the proposal are Crown Meadow First, Alvechurch Middle and Shared North/South Bromsgrove High. The total required is £61,766.
Viability Consultant	Consulted 16.09.2011. Response received: 14.10.2011.  Our appraisals demonstrate that the land value is critical in the assessment of the viability of the scheme. It is our contention that in this instance Bridgehouse Property

Consultants (BPC) (acting on behalf of the developer) has assumed too high a benchmark value. If a value reflecting the planning policy context is assumed for the site, in line with our appraisal, then affordable housing provision of 40% based upon our mix of affordable units is achievable with a slightly reduced developer's profit.

BPC has also argued that S106 payments in respect of educational provision are unaffordable. However, by reducing both the build costs of the affordable units to the levels contained within BPC's 30% affordable appraisal and developer's profit to 18.56%, the scheme can still be delivered with the full amount of estimated S106 contributions and 40% affordable housing.

STW Consulted 20.10.2011. No response received.

TREES Consulted 18.08.2011. No response received.

CSO Consulted 27.06.2011. No response received.

Publicity 4 letters sent 18.08.2011. Expired 08.09.2011.

2 Site Notices posted 12.09.2011. Expire 03.10.2011.

Press Notice posted 25.08.2011. Expired 15.09.2011.

5 Responses received summarised as appropriate:

- The development is substantial when considered in the context of the development proposed on the opposite side of Birmingham Road
- Children would be at risk on their way to school because of fast moving traffic
- There would be additional noise pollution and damage to the countryside.
- Insufficient capacity in local schools
- The village is becoming increasingly overcrowded
- Harm to wildlife that live and hunt in the field
- There is inadequate visibility turning left out of the entrance towards Birmingham because of the motorway bridge
- There would be an increased risk of flooding due to runoff down the slope into properties fronting Birmingham Road
- The density of the proposal is too high
- Other sites are available within the village
- The applicant has failed to show that there is unmet demand for additional housing in Alvechurch
- There would be parking problems along Birmingham Road
- There would be a loss of privacy to 125 Birmingham Road.

- The proximity of the motorway will cause pollution problems for future residents
- The proposed dwellings have been advertised and there should not be a presumption that permission should be granted
- This site should remain protected as Green Belt
- The proposal is premature in the context of the emerging Core Strategy - this prejudices the plan led approach outlined in the Draft National Planning Framework
- The allocated sites in the villages of the District are coming forward early meaning that future needs can only be met by releasing the Green Belt
- Alvechurch, like Hagley is part of a rural area and is not an identified market town in the WMRSS meaning that development should be restricted to local needs
- There is a five year supply of housing land in Alvechurch which can be fully met by existing commitments
- Whilst the site should not be released yet, it is suitable for housing development
- The scheme should not necessitate the removal of an additional dwelling on Birmingham Road and should make arrangements for access to the remaining part of the ADR land

### The site and its surroundings

The site consists of two components. Firstly, it consists of a self contained field to the west of Birmingham Road Alvechurch and is accessed by a track which follows the northern boundary of No. 129 Birmingham Road. The second part of the site is the existing property (No. 129 and its curtilage) which will be removed in the development. The current access to the site is via a gate located between the entrance to No.129 and the M42 Motorway overbridge to the north. There are attractive views of trees to the south on the site and the land of the motorway verge is substantially wooded on the north side. The site adjoins Nos. 121-127 Birmingham Road to the east and there is an abandoned arm of the Worcester and Birmingham Canal to the west of the site.

### Proposal

The proposal is a full planning application for the demolition of No. 129 Birmingham Road and the construction of 27 No. dwellings and associated car parking, access and infrastructure. There will be 4 two bedroom 12 three bedroom and 9 four bedroom houses. The proposal will also provide 2 one bedroom flats. 30% of the units would be affordable which amount to the delivery of 8 affordable dwellings. (5 social rented and 3 intermediate). The applicant has also presented material details for consideration. The application is accompanied by a Design and Access Statement, Planning Statement, Ecological Assessment, Flooding and Drainage Statement, Scheme Viability Assessment, Arboricultural Survey, Heritage Desk-based Assessment, Noise Assessment, Transport Statement and Pre Application Consultation Statement. Members

are encouraged to read all of the submitted documents which are available on the planning file and on Public Access for Planning. The applicant has also submitted a statement in response to the consultation responses which was received on 20.10.2011. In the interests of clarity, there is a Proposed Site Layout Plan presented with a code indicating each of the house types proposed in the scheme. The elevations of the proposed dwellings are also referenced using these codes.

### 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
BDLP	DS3, DS8, DS11, DS13, S4, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, ALVE6
Draft CS2	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), Draft National Planning Policy Framework 2011 (DNPPF)

### Relevant Planning History

P10/0102	Proposed residential development of 22 dwellings with associated access and landscaping. Pre application advice
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### Notes

The site is an identified Area of Development Restraint (ADR6) 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 including the Draft National Planning Policy Framework 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. It must also be considered whether the proposal is meeting the related requirements for physical and social infrastructure.

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 and Ecological Issues
- (vii) Noise

(i) Principle

Members will note the site is identified as an Area of Development Restraint (ADR 6) 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 is stated to be 42.

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 ALVE6 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:

*This particular site of 1.4ha is located at the northern-most point of the settlement in interim Green Belt and is bounded to the east and south by existing residential development. The northern edge of the land abuts an embankment of the M42 motorway while the western limits are defined by a disused arm of the Worcester-Birmingham Canal. These provide for a well-contained site with very strong defensible boundaries. In terms of the purposes of the Green Belt set out in Paragraph 1.5 of PPG2, future development in this location would not lead to encroachment into the countryside, would not encourage settlements to merge and would not represent the sprawl of a large built up area. Instead, it would provide an opportunity to 'round off' the settlement up to the highly defensible boundary of the motorway.*

*I agree with the BDLP Inspector that Alvechurch is a suitable location for designation of ADR land due to its size and sustainability credentials. This is a large village with a reasonable range of facilities and services including local shops. It is located in a transport corridor as defined by the County Council's Transport Corridors Study, being within the 15 minute cycling/walking isochrone of a railway station.*

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 4,000 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 4,000 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), The assessment concludes that the site is identified the site as having no obvious constraints and is suitable and available 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 ALVE6 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.

The scheme will provide for 2 one bedroom, 4 two bedroom, 12 three bedroom and 9 four bedroom properties. Therefore, 66% of the proposed dwellings are three bedroom or smaller types. Members should note that Strategic Planning have confirmed that the mix of property types proposed is acceptable and would conform with the principles of the emerging Core Strategy and with the advice of PPS3.

#### 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 proposal provides for 8 affordable dwellings or 30% of the total and the views of the SPM are noted in this respect. Whilst the figure is below the 40% indicated in the Core

Strategy (Core Policy 4B) and advised at pre application stage, the applicant has presented a viability assessment of the scheme in the form of Planning Obligations in the context of Scheme Viability. This has been prepared by Bridgehouse Property Consultants. The report concludes that 30% affordable housing is the maximum which can be achieved without compromising further scheme viability or reducing the level of financial contribution required from the scheme. This viability assessment has been independently examined by a Viability Consultant and it is concluded that:

'Our appraisals demonstrate that the land value is critical in the assessment of the viability of the scheme. It is our contention that in this instance Bridgehouse Property Consultants (BPC) has assumed too high a benchmark value. If a value reflecting the planning policy context is assumed for the site, in line with our appraisal, then affordable housing provision of 40% based upon our mix of affordable units is achievable with a slightly reduced developer's profit.'

BPC has also argued that S106 payments in respect of educational provision are unaffordable. However, by reducing both the build costs of the affordable units to the levels contained within BPC's 30% affordable appraisal and developer's profit to 18.56%, the scheme can still be delivered with the full amount of estimated S106 contributions and 40% affordable housing. The issue of education contributions will be dealt with later.

Members should note that the provision of an independent viability assessment enables the Council to negotiate for additional affordable housing provision on the basis of its findings. I have concerns about the level of affordable housing proposed in the scheme.

### (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 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.

The advice of PPS1 is also noted in terms of housing design. Local Planning Authorities should not be overly prescriptive in terms of design but new development should be responsive to local character.

## 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 physical landscape features of the site, neighbourhood character, movement to and from the site etc. I note that the appearance of the proposed dwellings reflect the modest traditional character of many buildings in the rest of the village. I consider that the Design and Access Statement contains clear principles in respect of the design concept and accords with the *Guidance on Information Requirements and Validation* (March 2010) in that respect. Members should note the views of the Urban Designer (outlined above) and the applicant has submitted supplementary information to address these points. Members should note that the comments of the Urban Designer are solely a critique on the design of the proposal; these are a material consideration but must be weighed against the other factors weighing in favour of the proposal.

In terms of the appearance of the proposed dwellings, they are notably simple and vernacular, a design concept which is endorsed by the Urban Designer.

## Form and Layout

The layout of the site has been informed largely by the proximity of the motorway to the north. The properties have been oriented towards the north to assist in noise attenuation in the rear gardens. The view of the urban designer is that this is ineffective. However, there are other design principles such as the positioning of gardens to achieve sunlight. The development also proposed south facing courtyards and the urban designer would prefer to see larger, better designed public spaces rather than just access and parking spaces.

Whilst these are valid criticisms, there are a number of constraints overlooked and the applicant has responded to the design comments received. The final layout had to account for the constraints of the motorway as achieving a layout which would have the support of WH. No more than 6 dwellings off a private drive will be accepted. I consider that there is simply not enough land available to achieve positive, well designed public spaces. The land to the south is in separate ownership and there are constraints in term of protected trees. Notwithstanding that, the applicant has put forward the possibility that future development on the remainder of the ADR to the south could be linked to the scheme and this could mutually enhance both schemes potentially. I consider it important that the opportunity for integration with the remainder of the ADR be achieved in the future.

I do not consider that it is feasible to provide on site open space given the size of the site and an off site contribution is preferable in this instance. Members should note the support of Strategic Planning and Leisure Services for this approach.

### Density

The site will contain 27 units on an area of 0.8Ha which is a density of 33.75 dwellings per hectare. I consider that this density makes an effective use of the available land and is not unacceptably high in the context of the surrounding area. The comments from Alvechurch Parish Council are noted and the response miscalculates the actual density, which is not 46 units/hectare. I note that the Urban Designer strongly endorses the density proposed.

### Sustainability

Sustainability is a broad concept which encompasses both the need for accessibility to a variety of means of transport as well as design innovations to reduce energy consumption. There is a bus route on Birmingham Road (the Number 146 Service) and the village centre is within walking distance. I note that the applicant has produced a Building for Life Assessment and it would be preferable if this were carried out independently. When the site was considered for allocation as an ADR, the issue of sustainability was one of the reasons for selection. I am satisfied that it is a sustainable location for development in accordance with the requirements of policy DS13 of the BDLP, PPS1 and PPS3.

### (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.

This is a full planning application and so the detailed design and layout can be considered at this stage. Members should note that there is a gradient on the site from east to west and there is a proposed site layout plan identifying the finished floor layouts of the development.

Firstly, the dwelling No. 129 Birmingham Road will be replaced by two 2 bedroom dwellings in a single unit in a traditional type of form which relates effectively to the design of the dwellings to the south on Birmingham Road. These units are separated by at least 35m from plot 3 to the west. There are no properties opposite on Birmingham Road.

Members should note the levels differences on the site and there is a detailed plan provided of the finished floor levels (Ref: 3027104 Rev B). The majority of the properties have their principal elevations facing north to the access road and motorway verge beyond.

In terms of the remainder of the scheme, the following are noted. I have some concerns about the relationship of plots 4 and 6 and the flank wall of plot 6 is approximately 10m from plot 4 in a southerly orientation. This conflicts with the advice of paragraph 8.7 of SPG1. However, I consider that amendments to this arrangement are possible. The garden of plot 6 is separated sufficiently from the rear windows of plot 3. There is sufficient separation (notwithstanding the change in levels) between the rear windows of the plots 6 - 9 and Nos. 125 and 127 Birmingham Road (>45m with substantial boundary treatment). I consider that there is sufficient distance from the rear first floor windows on plots 6 - 9 from the private gardens to the east.

Plots 5 and 12 are oriented to the west and east respectively. The rear elevation is close to plot 4, but this only contains a door and en-suite window. The side elevations contain living room windows and one side faces the access road and the other the rear garden. The parking area for plots 6 - 9 is directly opposite this elevation and I note that whilst the side elevation of plot 6 is approximately 13m away, there are no windows in this elevation and the view is indirect as a result of the position of a garage. The position of plot 5 in respect of plot 12 is unacceptable as it breaches the arc of Fig. 14 of SPG1. This can be remedied by reorientation of both plots. This would also overcome the overlooking of the rear garden of plot 5 through the position of front windows on plot 12. There are no windows on the side elevation of plot 11.

Plots 10 and 11 are positioned 18m from Plots 6 - 9 opposite and 20m from plots 17 and 18 to the rear. I consider that these distances are just about acceptable for 2 storey properties. The levels differences are noted. However, there are fencing and boundary treatments proposed which I consider would mitigate this impact. However, plots 10 and 11 are indicated as three storey units. This will need to be amended.

The position of plots 14 and 15 and their relationship to the proposed dwellings to the rear (south) are noted. The set off of plot 14 from the private garden of No. 11 is slightly below the requirements of SPG1. However, the level of proposed screening is noted such that I do not consider that the any loss of privacy would be significantly detrimental. The position of the garages to the rear of plots 12 - 16 are noted and I consider that their southerly position in respect of the dwellings, reduces the potential of the south facing orientation of the properties. I consider that this is a matter for future purchasers of the properties.

The rear elevation of plot 20 is sufficiently separated from the flank wall of plot 19. The separation distance between plots 17, 18 and 19 are inadequate given the levels differences (approximately 2m). Plot 19 needs to be moved further west. In doing so, plot 23 also needs to be amended through a reduction in size and a reorientation. The design for plot 21 would be more appropriate here.

In terms of private amenity space, the smaller house types in the scheme have sufficient amenity space in accordance with the requirements of paragraph 9.1 of SPG1. Whilst the larger house types are shorter than the 10.5m minimum garden depth, they all have more than 70sqm of private amenity space and I consider that this is sufficient.

Members should note that the levels on the site are a constraint but an acceptable scheme with sufficient separation distance is possible through the amendments suggested above. Amended plans are awaited from the applicant.

(v) Highway Issues

The proposal has been subject to pre application consultation with WH and due to the constraints on the site including the gradient of the access road and the visibility on Birmingham Road. The development plan requires sufficient parking to be provided and a safe means of access and egress from the site. The application is supported by a Transport Statement.

The development would be served by a simple priority junction with Birmingham Road. The existing access to No 129 Birmingham Road would be closed as well as the gated access to the north of the site. Members should note that there is no objection from the Highways Agency or from WH subject to conditions.

(vi) Trees and Ecological Issues

Members should note that the application is accompanied by an Ecological Assessment which included a Desktop Study and Field Survey. The assessment includes examination of the habitat and investigation into any protected plants and animals that may be present. A specific survey was also undertaken of the existing dwelling to check for the presence of bats. In the case of both of the loft voids examined, no evidence of bats was discovered. On the remainder of the site, there were few opportunities identified for protected or notable faunal species. It is concluded that there are no habitats of nature conservation interest or protected species which would be adversely affected by the proposals. A number of recommendations for ecological enhancements are identified.

There has been an Arboricultural Survey presented with the application and carried out in accordance with BS5837:2005 'Trees in relation to Construction'. Whilst there are some protected trees on the site to the south, there are none on the application site. There are a small number of scattered trees mainly on the field boundaries. The remainder of the field is substantially open. The views of the Tree Officer are awaited.

(vii) Noise Issues

Policy ES14A of the BDLP states that proposals for noise sensitive developments must be located away from existing sources of significant noise.

Members will note the proximity of the M42 motorway to the north of the application site and a detailed Noise Assessment has been conducted to address this issue. The report concludes that the noise levels are not particularly high and the majority of the site falls within the Noise Exposure Category (NEC) B during the daytime. Members should note the advice of PPG24 (Planning and Noise) in respect of acceptable Noise Exposure Categories for residential development. NEC B represents a circumstance where noise mitigation measures may make development acceptable. Members should note that the dwellings have been oriented in such a way as to provide a noise barrier from the motorway and the position of fencing will also have a mitigating impact. The views of Worcestershire Regulatory Services are noted and the noise issue can be adequately dealt with through conditions.

## Other Matters

Members should note the representation received in terms of flood risk. The application is accompanied by a Flooding and Drainage Statement. The site lies within Flood Zone 1 (low probability) and the response from the EA is noted above.

In terms of surface drainage, the applicant has consulted Severn Trent Water through the developer enquiry process and the company has provided details of the existing drainage arrangement and capacity on Birmingham Road. There is no objection from the Drainage Engineer.

The application has been accompanied by an Heritage Desk based Assessment which concludes that there are no heritage assets recorded within the site with a low potential for unrecorded below ground archaeological remains to lie within the site. The views of the WCC Archaeologist are awaited.

## S106 Agreement

In terms of planning obligations for education and public open space infrastructure, (as required by policy DS11), the applicant has been notified of these requests. Members should note that document entitled 'Planning Obligations in the context of Scheme Viability' has been received. The applicant has attempted to demonstrate that the scheme would not be economically viable if full contributions and 40% affordable housing were required. Therefore 30% affordable provision has been offered.

Members should note that any planning obligation required needs to be relevant to planning, necessary to make the development acceptable, be reasonable and directly related to the scale and nature of the development. These provisions from Circular 05/05 are repeated in Section 122 of the Community Infrastructure Levy Regulations 2010.

It is understood that the applicant is willing to contribute towards public open space provision off site and this has been broadly agreed at pre application stage. However, no agreement has been reached on the issue of education contributions and a report has been prepared by Peter Foale Consulting which concludes: 'If the purpose of a Section 106 contribution is to mitigate the impact of a development, it should only be used to provide additional places, i.e. address a sufficiency issue. It should not be used to address other asset management plan issues associated with condition or suitability unless it can be demonstrated that they arise as a direct consequence of any additional pupils having to be admitted. This would not be the case with either of these schools. Developer contributions should not, of course, be used to subsidise other capital projects that the school or the local authority wish to undertake'. This document has been sent to WCC and a response is awaited.

In terms of affordable housing and viability, a Viability Consultant has been engaged by the Council to independently assess the Viability Report. It is concluded that the additional affordable housing and education contributions can be provided without making the scheme unviable. This information has been sent to the applicant's consultant and the issue will be the subject of continued negotiations. Members will be updated on the progress of this matter.

## Conclusion

The proposed residential development is located in an identified 'Area of Development Restraint (ADR) to the north of Alvechurch. The site is identified as a development site in the emerging Core Strategy. As stated above, there is currently an issue of housing undersupply in the District and a five year housing land supply cannot be demonstrated. On the basis of the current and emerging development plans and on the advice of paragraph 71 of PPS3, the proposed development is supported in principle.

Notwithstanding the acceptability of the proposal in principle, there are a number of significant constraints on the site including proximity to the M42 motorway and a considerable gradient on the site. The proposal is acceptable in highway terms following lengthy negotiations with WH. As outlined above, there are amendments required to the scheme to achieve an acceptable degree of privacy and residential amenity for future residents. In general, the scheme has a relatively limited impact on the existing residential properties on Birmingham Road which are set a considerable distance away from it. The level of affordable housing provision is still not agreed and will be subject to further negotiation. Members will be updated on this matter at the meeting of the Committee. Provided that these negotiations are concluded satisfactorily and the design amendments requested are acceptable, then permission should be granted.

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

- (c) play space provision; and
- (d) the securing of affordable housing.

**MINDED TO APPROVE**

# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. G. Crofts 'A'</b>	Erection of new conservatory - Gorse Lane Farm, Scarfield Hill, Alvechurch, Birmingham, B48 7DB	GB LPA	<b>11/0682-SG</b> 13.10.2011

**RECOMMENDATION** that permission be **REFUSED**.

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

## Consultations

WH	Consulted 22.08.2011, expired 05.09.2011 - no objection.
Tutnall and Cobley PC	Consulted 22.08.2011, expired 12.09.2011 - no objection.
RA	Consulted 22.08.2011, expired 05.09.2011 - no comment.
WCC (PROW)	Consulted 22.08.2011, expired 12.09.2011 - no comment.
WCC (Mins and Waste)	Consulted 22.08.2011, expired 12.09.2011 - no objection.
Publicity	Site notice posted 02.09.2011, expired 23.09.2011. Press notice published 08.09.2011, expired 29.09.11. No objections received.

## The site and its surroundings

This application relates to a detached two storey house with single storey detached outbuildings located on the north side of Gorse Lane, Alvechurch. The site occupies a relatively remote location with open countryside surrounding the site. The site is located in a landscape protection area in the Green Belt.

## Proposal

A new conservatory is proposed to adjoin the south elevation of the dwellinghouse. The conservatory would have dimensions of 4.7m x 4.0m x 4.0m (h).

## Relevant Policies

WMSS	QE3
WCSP	CTC.1, D38, D39
BDLP	DS2, DS13, S11, C4
DCS2	CP3
Others	PPS1, PPG2, SPG1, SPG7

## Relevant Planning History

11/0398	Proposed new entrance lobby and bed sitting room annex (as amended by plans received 02.08.2011). Granted 04.08.2011.
B98/0292	Two storey extension comprising utility room and study. Granted 13.07.1998

BR/757/1972 Additions to dwelling. Granted 22.08.1972

B/84/1974 Extension to lounge and rebuilding boundary wall. Granted 03.06.1974

### Assessment

The key issues in the determination of this application are the impact of the development on the openness of the Green Belt and on the amenity of the neighbourhood. As such policies DS2 and S11 of the BDLP, D39 of the WCSP and SPG1, and SPG7 are most relevant in determining the application.

### Green Belt

The floor space of the original dwelling is taken to be 241.765m<sup>2</sup>. The house has been extended with two 2-storey rear extensions (under BR/757/1972 and B/1998/0292), and a lounge extension (under B/84/1974). The existing additions have a combined floor space area of 142m<sup>2</sup> which constitutes an increase of 58.8% over the size of the original house. A small extension representing 5.24m<sup>2</sup> of floor space has recently been allowed under 11/0398. Together with the existing additions, following the build of the recently approved development (under 11/0398); the extensions would constitute an increase of 60.9% over the size of the original house.

The proposed conservatory would create a further 18.8m<sup>2</sup>. Taken together with the existing extensions and small pipeline development (under 11/0398); the proposal would create total additions of 68.6% over and above the size of the original house. It is important to note that the proposal represents a 4.9% increase over and above the size of the existing house.

The applicant has submitted supplementary information (dated 18.10.2011) which contest some of the calculations provided above. This information indicates that the original porch, single storey rear extensions (labelled 2, 4 + 6 in Schedule 1) and the third floor of the rear part of the house (labelled 1A in Schedule 1) have not been included in the floor space calculations for the original house. In view of the fact that these parts of the original house have been demolished and replaced with new extensions I do not consider the floorspace of these parts of the house should be attributed to the size of the original house. With regards to the size of the original outbuilding, I concur with agent's assessment which indicates that the floorspace of the upper floor of one barn was not included and that the addition of the barn was under-assessed. In taken these inaccuracies into account, I take the original house to be 254.36m<sup>2</sup> and total extensions to be 146.1m<sup>2</sup> which equates to existing additions over and above the size of the house to be 57.4%.

Notwithstanding these discrepancies, the applicant agrees that the house has been extended by 60% over and above its original size.. Members will note therefore that the house has already been increased at 20% above the Council's 40% allowance stipulated in SPG7.

Having regard to SPG7, I note that a maximum extension of up to 40% of the original dwelling may be regarded as a proportionate addition over and above the size of the original dwelling; unless there are very special circumstances. On this basis it is for me to

consider whether there are any very special circumstances that would outweigh the harm that would be caused to the openness of the Green Belt.

By virtue of its siting, the proposed conservatory would not be attached to any part of the original house and instead, would be attached to the side wall of the 2-storey rear extension approved in 1972. The conservatory would therefore fail to meet criterion (h) of Class A, Part 1, Schedule 2 of the GPDO 2008 (for side extensions) in view of the fact that the extension would not extend beyond a side wall forming a side elevation of the original dwellinghouse. Having reference to CLG's Technical Guidance August 2010, the cumulative impact of extensions is also important to consider when assessing whether a development is permitted development. In this instance the cumulative impact of the development, by virtue of its attachment to the 2-storey rear extension approved in 1972 would go beyond the measurement allowances for rear and side extensions under Class A of the permitted development rights. For the reasons above, I do not consider the extension has a convincing permitted development fall back position to represent a very special circumstance to justify the granting of planning permission.

Furthermore, although the development cannot be seen from the highway, this does not make it appropriate development since this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances.

PPG2 places emphasis on the applicant to show why permission should be granted in proving very special circumstances exist to justify the development.

I do not consider any other very special circumstances exist or have been put forward to outweigh the harm that would be caused to the openness of the GB.

#### Street scene

By virtue of its matching materials, single storey scale and siting towards the rear of the house concealed largely by the existing outbuilding (or entrance lobby when built as approved under 11/0398); I do not consider the proposal would have a detrimental impact on the character or appearance of the street scene.

#### Residential amenity

By virtue of its scale and isolated position between the main house and outbuilding; I am content that the proposal would not cause harm to residential amenity.

#### Conclusion

The proposal represents a disproportionate addition to the original house and no very special circumstances have been found to exist that would outweigh the harm that would be caused to the Green Belt.

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

1. It is considered that the proposed extension to the dwelling is inappropriate development in the Green Belt because the cumulative impact of the proposals would constitute a disproportionate addition over and above the size of the original

dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policy S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the guidance contained in SPG7 and PPG2. No arguments exist or have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>TAYLOR WIMPEY UK LIMITED 'B'</b>	Submission of Reserved Matters to 11/0431 (internal access, appearance, layout, scale and landscaping) for the erection of 76 dwellings Land at Selsdon Close, Wythall  <b>As amended by:</b> Proposed Site Layout Plan received 26.10.2011  <b>As augmented by:</b> Letter received 30.09.2011 Pond Setting Out Details Plan received 30.09.2011 Enclosures and External Surfacing Plan received 30.09.2011 Open Space Equipment List Plan received 24.10.2011	ADR	<b>11/0723-DMB</b> 16.11.2011

**RECOMMENDATION:** that **RESERVED MATTERS** be **APPROVED**.

## Consultations

WH	Consulted - views received 11.10.2011: No objection subject to Conditions relating to: <ul style="list-style-type: none"> <li>▪ Driveway gradient</li> <li>▪ Access, turning and parking</li> <li>▪ Cycle parking</li> <li>▪ Access location</li> <li>▪ Parking for site operatives</li> <li>▪ Welcome pack</li> </ul>
Drainage Engineer	Consulted - views received 30.09.2011: <ul style="list-style-type: none"> <li>▪ No objection</li> </ul>
Severn Trent Water:	Consulted - views received 02.09.2011: No objection subject to Condition relating to: <ul style="list-style-type: none"> <li>▪ Surface and foul water drainage</li> </ul>
WRS: Contaminated Land	Consulted - views received 21.10.2011: <ul style="list-style-type: none"> <li>▪ No objection</li> </ul>
WRS: Noise	Consulted - views received 25.10.2011: No objection subject to measures outlined in submitted Noise Report and 1.8m high close-boarded fencing for the purposes of noise screening along the boundary with the railway.
WRS: Air Quality	Consulted 26.08.2011: views awaited

- Urban Designer Consulted - views received 20.09.2011:  
In summary:
- The design standards in this reserved matters submission are generally good, and better than in many other residential development proposals which I have reviewed; albeit not up to the excellent standard achieved by the earlier outline submission.
  - Areas which I consider require some further consideration are the geometry of Main Street and the adjacent housing blocks; locations of more compact house layout and of affordable housing; a clarification of the tree planting policy; and issues of sustainable design, in drainage and energy generation.
- Head of Leisure Services Consulted - views received 24.10.2011:
- No objection subject to clarity on:
  - Balancing pond operation
  - Fenceline to balancing pond
  - Final confirmation of play space provision
- Strategic Housing Manager Consulted - views received 25.10.2011
- No objection
- WWT Consulted - views received 02.09.2011:
- No objection
- Tree Officer Consulted - views received 15.09.2011:
- No objection
- West Mercia Constabulary Consulted 26.08.2011: views awaited
- Community Safety Consulted 26.08.2011: views awaited
- Climate Change Officer Consulted 26.08.2011: views awaited
- Central Networks Consulted - views received 24.10.2011:
- No objection
- National Grid Consulted 26.08.2011: views awaited
- Network Rail Consulted - views received 24.10.2011:
- No objection
- Wythall PC Consulted - views received 08.09.2011:
- No objection
- Publicity 21 letters sent 25.08.2011 (expired 15.09.2011)  
5 identical site notices posted 27.09.2011 (expired 18.10.2011)  
1 press notice published 23.09.2011 (expired 14.10.2011)
- 5 letters objecting to the scheme on the following principal grounds:
- Loss of Green Belt site
  - Proposed access opposite Three Oaks Road is dangerous
  - Lea Green Lane is too narrow and lack of pavement will make it dangerous for pedestrians with extra traffic
  - There is only one entry to this site to serve the community. This should be served by two roads for traffic and access onto the estate

- Concern over mix of affordable units
- No consideration in the dwelling mix for older residents
  
- The dwellings are bland and lack imagination or thought to the exterior finish
  
- Impact on amenity of the occupiers of existing dwellings
- Regular use of the link access to Lea Green Lane will lead to accessibility issues and invasion of privacy
- Increase in anti-social behaviour, potential vandalism, criminal damage and property theft
- Security issues
  
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- Maintenance of watercourse following completion of the development
  
- Loss of wildlife and wildlife habitat
  
- Prospect of lighting pollution for any additional security car park lighting
  
- Impact on school places

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

### The site and its surroundings

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

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

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

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

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

### Proposals

This is an application for the approval of reserved matters following the granting of outline planning permission B/2011/0431 for the erection of 76 dwellings.

The application seeks approval of internal access, appearance, layout, scale and landscaping Reserved Matters.

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

An equipped area of play is proposed to the south of the site, with a landscape buffer to the majority of the eastern, southern and western boundary. A balancing pond is located to the north-east boundary. The watercourse is retained to the northern boundary.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 31 dwellings per hectare. The proposed mix below indicates 1, 2, 3 and 4 bed units.

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bed	15	20%
	3 bed	13	17%
	4 bed	44	59%
Apartment	1 bed	4	5%
<b>Total</b>		<b>76</b>	<b>100%</b>

The mix of house types comprises detached, semi-detached and terraced dwellings, with one block of one bed apartments. All dwellings (including the apartment block) are two-

storey in height. Car parking will be provided on site within the curtilage of a plot, on a private driveway, or within small groups relating to a small group of dwellings.

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

This mix of affordable homes is as follows:

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

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

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

#### Relevant Policies

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

## Relevant Planning History

- 11/0431 Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works: (resubmission of 10/0920)  
Approved: 15th July 2011
- 10/0920 Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane, to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works  
Refused: 11th March 2011  
Appeal: Withdrawn 18th July 2011

## Notes

The principle of the proposed development (76 units) has been established through the granting of outline permission 11/0431. Therefore, the issues for consideration by Members are limited to matters of the internal vehicular access, layout, scale, appearance and landscaping.

I have therefore attached very little weight to objections raised by residents with regards to the release of this site for housing provision, surface water drainage, vehicular access into the site, wildlife issues and the impact on school places, as the principle of development has already been established by the outline permission.

The main issues to consider in the determination of this application therefore are whether the siting and design of the proposed dwellings, as well as means of access, are acceptable when assessed against BDLP policy S7.

Policy S7 of the BDLP sets out a number of criteria against which residential proposals should be considered.

## **Form and Layout**

Members will note the scheme proposes a total of 76 dwellings, equating to a density of 31 dwellings per hectare. Members will be aware that the adopted Local Plan no longer includes a policy requiring residential development to meet a minimum density and that the Government has also amended PPS3 (June 2010) by removing the minimum density figure requirements. Notwithstanding this, I am of the view that the density of 31 dwellings per hectare achieves an efficient use of land and will result in a development that respects its surroundings whilst providing for a range and choice of dwellings.

The development contains a mix of unit types, ranging from four, three and two bedroom houses to 1 bedroom apartments. All units are two-storey in appearance. The proposal includes a mix of detached, semi-detached, terraced units, in addition to four apartments set in a singular block. The affordable housing element of the proposal has been pepper potted within the development. The scheme therefore presents a strong mix of housetypes with a good streetscene presence at the gateway to the site leading off Selsdon Close. Contrary to the views expressed by third parties, I am of the view that the design principles are generally sound in that the proposed development would provide a sustainable, attractive, safe and convenient place to live. I raise no issue on the external finish to the dwellings.

The scheme includes natural surveillance where necessary (parking areas, pedestrian routes and public open space). Members will note the applicant has orientated dwellings (with specific reference to Plots 58 and 59) to provide clear surveillance to the walking/cycling route leading off Lea Green Lane to address the concerns of the West Mercia Constabulary Crime Risk Manager expressed as part of the outline application. I am of the view the proposed design and layout of the site adequately provides sufficient space within the gardens of the plots for bin stores, bin collection and cycle parking.

### **Affect upon Trees and Vegetation**

No trees or vegetation of merit lie on the site. The proposed landscaping scheme for the site is acceptable with regard to the existing features of the site. As such I do not raise any objection on this issue.

### **Harm to Amenities of Neighbouring Properties**

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 am satisfied that the majority of the scheme has been designed to comply with the guidance in SPG1 with the exception of the first floor kitchen/lounge window serving the flat facing onto the garden of Plot 11. I am content to impose an obscure glaze condition to this secondary window to protect the amenity of the future occupiers of this Plot. I am satisfied that the relationship of the proposed dwellings and existing dwellings is such so as to avoid any significant harm to residential amenity. A suitable Condition has been imposed on the outline consent in relation to noise mitigation, with particular regard to those proposed dwellings adjacent the railway line to the eastern boundary.

I would also advise Members that there is an hours of construction condition attached to the outline permission, which will help reduce concerns raised by nearby residential properties with regards to the potential nuisance generated by the construction of the site.

## **Traffic Implications**

Members will recall that the vehicular access into the site from Selsdon Close has been agreed as part of the outline permission. Therefore, I would reiterate that the internal road layout, parking/turning and surfacing are the only matters required for consideration in this application before Members.

Following the submission of amended plans, WH has raised no objection to the scheme on the internal road system (including the suitability of visibility splays, design and function) subject to the imposition of suitable Conditions relating to driveway gradients, access, turning and parking facilities and cycle parking provision.

## **Public Open Space**

The scheme includes an equipped play area. Following discussions, the scope and type of play equipment has now been agreed with Leisure Services, together with a 1.8 metre high steel fence to the north-eastern boundary with the site adjacent to the attenuation pond. This can be secured through the landscaping Condition attached to the outline planning consent.

Both the equipped play area to the south and the public open space to the north benefit from good surveillance created by the design of the development. As such I raise no issue on such provision.

## **Other Issues**

I note the issue raised by third parties regarding the perceived lack of housing provision for the elderly within the development. Members will note that the site contains a mix of dwelling types, with an emphasis on smaller house types, together with an element of affordable housing. The development plan does not contain any policies that direct residential schemes to contain such specific housing provision or which set out the proportion of housing to be provided for older people in new developments. To a degree, it is perfectly plausible that the smaller units would be suitable for such residents.

Furthermore, the 30 affordable 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.

Whilst I sympathises with this issue, the proposed mix of housing types catering for difference sectors of the community in this instance is presently outside the scope of the planning regime. I thus consider it would be extremely difficult to refuse the application on this issue without a robust planning policy background to support this stance.

## **Conclusions**

Although I note the views of third parties, the principle of development has been established through the granting of outline planning permission 11/0431. The proposed layout follows the broad principles set out in the Masterplan presented to Members at the outline stage.

I am of the view that the proposed development would represent an appropriate form of residential development, which reflects the character and appearance of the area. I am therefore of the view that the detailed design of the site is acceptable on such grounds. The scheme will provide distinctive features within the street scene, a suitable relationship between buildings and streets, an acceptable pattern of development and would be appropriate in terms of its form, scale, appearance and materials.

The proposed internal highway details ensure that there would be a safe movement of vehicles through the site and that there is adequate parking/turning provision to serve the plots. The proposed landscaping of the site is considered appropriate for this scheme and retains the important existing natural features of the site in its design with sufficient boundary treatments to the existing adjoining residential properties and future occupiers of the plots. I am content the scheme will not lead to adverse neighbour amenity issue given the careful design and siting of the new dwellings.

I therefore find no reason to refuse permission and recommend approval of the submitted Reserved Matters.

#### **RECOMMENDATION that RESERVED MATTERS be APPROVED**

1. This approval must be read in conjunction with outline planning permission 11/0431 and the conditions attached thereto
2. The development hereby permitted shall be carried out in accordance with the approved plans/drawings listed in this Notice.
3. HC14 (driveway gradient)
4. HC25 (access, turning and parking)
5. HC36A (cycle parking)
6. HC36B (cycle parking)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no openings or windows shall be provided at second floor level or within the roofslope to the rear elevations to Plots 44 to 52 (inclusive), Plots 54 to 59 (inclusive) and Plots 61 and 62 unless otherwise agreed in writing by the Local Planning Authority.
8. Notwithstanding the approved plans, prior to the occupation of Plots 12-15 (inclusive), the first floor lounge/kitchen window to the northern elevation shall be fitted with obscured glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall remain so in perpetuity.

#### **Reasons:**

1. The outline permission and the approval of reserved matters must be considered together
2. For the avoidance of doubt and in the interests of proper planning
3. In the interests of highway safety
4. In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway
5. To comply with the Council's parking standards
6. To comply with the Council's parking standards

7. To protect the amenities of adjacent occupiers in accordance with policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and policy SD.2 of the Worcestershire County Structure Plan 2001
8. To protect the amenities of adjacent occupiers in accordance with policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and policy SD.2 of the Worcestershire County Structure Plan 2001

## Notes

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) January 2004 and other material considerations as summarised below:

WMSS UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7  
WCSP SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9  
BDLP DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A, WYT15

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.

## PLANNING COMMITTEE

7th November 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; Wythall South
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. M. O'Neill	11/0192-SG - Proposed first floor extension to side of property - 67 Blythesway, Alvechurch, B48 7NB - See <b>APPENDIX 1</b>  Refused: 28th April 2011 Appeal decision: <b>allowed</b> - 1st August 2011

**PLANNING  
COMMITTEE**

7th November 2011

	<b>Name of Appellant</b>	<b>Plan Ref. / Proposal / Decision</b>
3.3.2	Mr. A. Plant, St. Francis Group	10/0931-DK - Outline planning application for up to 65 market and affordable dwellings. A minimum of 2.1 Hectares of open space, site access and associated infrastructure. Provision of approximately 50 car parking spaces for use by Wythall rail station including a new pedestrian link from the proposed station car park to Norton Lane - Land off Norton Lane, Wythall, B47 6HA - See <b>APPENDIX 2</b>  Refused: 29th March 2011 Appeal decision: <b>dismissed</b> - 5th September 2011

**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 - 11/0192-SG - 67 Blythesway, Alvechurch, B48 7NB

Appendix 2 - 10/0931-DK - Land off Norton Lane, Wythall, B47 6HA

**6. BACKGROUND PAPERS**

Appeal decision letters received from the Planning Inspectorate dated 1st August and 5th 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**

<b>Appeal reference</b>	APP/P1805/D/11/2154505
<b>Planning Application</b>	11/0192-SG
<b>Proposal</b>	Re submission of 09/0428 - First floor extension to side (as amended by plan received 13.04.2011)
<b>Location</b>	67 Blythesway, Alvechurch, B48 7NB
<b>Ward</b>	Alvechurch
<b>Decision</b>	Refused (Delegated decision) - 28th April 2011

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

**Discussion**

The proposal was for a first floor extension over an existing garage to the side of a semi-detached property. This was a resubmission of application 09/0428 for a two storey extension with ground floor utility and first floor bedroom and dressing room.

The application was determined under delegated powers and refused on the basis that it would lead to an over cramping / terracing effect between the application site and adjoining property which would be detrimental to the character of the existing building and the surrounding area. The reason for refusal is noted below:

1. The proposed extension at first floor level would lead to an over cramping / terracing effect between the application site and the adjoining property which is detrimental to the character of the streetscene. This is contrary to policy CTC.1 of the Worcestershire County Structure Plan, policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the guidance contained in SPG1, the Council's Residential Design Guidance.

Firstly, the Inspector considers the character of the surrounding area. The Inspector notes that while semi-detached houses predominate, the area also includes terraced houses, bungalows and detached houses, resulting in irregular spacing between buildings and providing a varied suburban character and appearance.

The Inspector has regard to the Council's Supplementary Planning Guidance Note 1: *Residential Design Guide* and notes that the proposed extension would be subordinate to the existing building as it would be set down from the ridge line of the main building, and would be set off from the common boundary by about 1 metre. Although it would not be set back from the front wall of the main building, the Inspector considers that the extension would be set back from the front of the garage (forming the existing ground

floor of the proposal) as it would be set behind a lean to pitched roof extending over the front porch.

In accordance with the reason for refusal the Inspector pays particular regard to the advice provided in paragraph 4.2 of the Council's Supplementary Planning Guidance Note 1: *Residential Design Guide* which recommends that, to prevent a terracing effect, 2 storey or first floor extensions should be set at least 1m off the common boundary. The Inspector observes that the adjacent semi-detached house, number 69, has also been extended to the side above the garage. Therefore, the proposed extension would result in the gap between the adjacent buildings at first floor level being reduced to 1.5m. While the Inspector acknowledges that this distance would be less than that between most of the other semi-detached houses in the area, it is considered that the gap would still be noticeable. The Inspector is satisfied that this gap, together with the variation in the building line on the street and the lean-to roof feature over the garage, would ensure that the proposal would not create an unacceptable terracing effect.

This view was further supported when the Inspector carried out the site visit, where it was observed that there are other semi-detached houses in the area that have been extended resulting in the gap between buildings being significantly reduced due to adjacent extensions over garages.

Taking the above observations into consideration the Inspector was satisfied that the proposed extension would not make the appeal building appear unacceptably cramped in relation to other buildings in the area and would be in keeping with the street scene. As such, it would not set a precedent that would result in harm to the character and appearance of the area.

In conclusion, the Inspector found that the proposed extension would not have an adverse effect on the character and appearance of the existing building or the surrounding area. As such, it would accord with Worcestershire County Structure Plan policy CTC.1 and Bromsgrove District Local Plan policies DS13 and S10.

It was therefore determined that the appeal should succeed.

### **Costs application**

No application for costs was made.

### **Appeal outcome**

The appeal was **ALLOWED** (1st August 2011).

### **Recommendation**

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

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/A/11/2150938
<b>Planning Application</b>	10/0931-DK
<b>Proposal</b>	A minimum of 2.1 Hectares of open space, site access and associated infrastructure. Provision of approximately 50 car parking spaces for use by Wythall rail station including a new pedestrian link from the proposed station car park to Norton Lane.
<b>Location</b>	Land off Norton Lane, Wythall, B47 6HA
<b>Ward</b>	Wythall South
<b>Decision</b>	Refused at Planning Committee, in accordance with officer recommendation - 28th March 2011

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 key issues in the determination of this appeal were:

- (i) whether the proposal would be inappropriate development for the purposes of Planning Policy Guidance (PPG) 2: Green Belts and development plan policy;
- (ii) the effect of the development on the openness of the Green Belt and the purposes of including land in it;
- (iii) the effect of the development on the visual amenity of the area; and
- (iv) 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.

The applicant accepted that the proposal amounted to inappropriate development in the Green Belt but asserted that there were very special circumstances to justify the proposal. These were:

1. The lack of a 5 year land supply;
2. The provision of public open space;
3. The provision of a car park for Wythall Railway Station;
4. The provision of affordable housing.

The Inspector reasoned that the harm by reason of being inappropriate development is due substantial weight. Due to the scale of the proposal, the

effect on the openness of the Green Belt and the purposes of including land within the Green Belt also carried significant weight. In addition the effect on visual amenity warrants some weight.

In terms of the benefits of the scheme, the appellant contended that a five year housing land supply shortfall can in itself carry sufficient weight to clearly outweigh Green Belt and other harm and thus constitute very special circumstances. However, in his decision ref. APP/M9565/A/09/2114804, the Secretary of State gives limited weight to the need for more land to be brought forward for housing. While the housing need did contribute to the other considerations that together outweighed the harm to the Green Belt, in that case the housing shortage could not be resolved without consideration being given to the release of Green Belt sites. It has not been demonstrated that this is the situation in this case as the ADRs would be sufficient to accommodate the requirement for a five year housing land supply.

The Inspector noted that there is a serious shortfall in housing land supply in Bromsgrove and that this in itself warranted considerable weight. There is also a need for affordable housing which adds significant weight in favour of allowing the scheme. The need for a railway station car park and the provision of open space are also matters in favour of the scheme, although the fallback position warrants little weight. Taken together these considerations carry weight that is similar to that accorded to the harm to the Green Belt.

However, the test is that the other considerations should clearly outweigh the identified harm to the Green Belt and this test was not met in this case. Therefore, the very special circumstances necessary to justify the development do not exist. The proposed development would conflict with the provisions of the development plan including Worcestershire County Structure Plan policies SD.2, D.38 and D.39, and Bromsgrove District Local Plan policies DS2 and DS13.

### **Costs application**

There was no application for costs by either party in this case.

### **Appeal outcome**

The appeal was **DISMISSED** (5th September 2011).

### **Recommendation**

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