



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 2ND APRIL 2012
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), J. A. Ruck (Vice-Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, Mrs. C. M. McDonald, E. J. Murray, 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 5th March 2012 (Pages 1 - 4)
4. Adoption of Local Validation Checklist (Pages 5 - 96)

5. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
6. 10/1103-MT - Erection of single storey changing room block, car park and access road for existing football pitches - Playing fields, Barnsley Hall Drive, Bromsgrove, B61 0EX - Mr. K. Williams (Pages 97 - 106)
7. 11/0531-SC - Proposed re-development of retail and residential site - 6 and 12 Finstall Road, Bromsgrove, B60 2DZ - Mr. and Mrs. D. J. Banner (Pages 107 - 118)
8. 12/0048-MT - Proposed gazebo (resubmission of application 11/0686) - Glenfield House Nursing Home, Middle Lane, Kings Norton, B38 0DG - Mr. C. Grant (Pages 119 - 130)
9. 12/0070-DK - Construction of 6 no. 2 bedroom 3 person bungalows and 1 no. 2 bedroom 3 person wheelchair bungalows and associated parking provision - Housman Close P O S, Housman Close, Bromsgrove, B60 3LY - Bromsgrove District Housing Trust (Pages 131 - 140)
10. 12/0111-HR - Proposed new dropped kerb, access and carparking space - 36 Rock Hill, Bromsgrove, B61 7LP - Mr. S. Dudley (Pages 141 - 142)
11. Appeal Decisions (Pages 143 - 186)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

22nd March 2012



Bromsgrove
District Council
www.bromsgrove.gov.uk

INFORMATION FOR THE PUBLIC

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Declaration of Interests - Explained

Definition of Interests

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

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

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

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

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

Declaring Interests

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

EXCEPTION:

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

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

EXCEPTION:

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

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

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

Tel: 01527 873232 Fax: 01527 881414

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

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH MARCH 2012
AT 6.00 P.M.

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

Observers: Councillor L. J. Turner

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. D. Kelly, Ms. J. Smyth, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

117/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

118/11 **DECLARATIONS OF INTEREST**

Councillor R. A. Clarke declared a personal interest in application ref.: 12/0048-MT (relating to Glenfield House Nursing Home, Middle Lane, Wythall) as he was the Ward Councillor for the area in which the application site was located.

119/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 6th February 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

120/11 **11/1003-SG - ERECTION OF A 2 STOREY SIDE EXTENSION AND THE INSTALLATION OF AN EXTERNAL STAIRCASE - 71 ALCESTER ROAD, HOLLYWOOD, B47 5NP - TESCO STORES LTD.**

The Head of Planning and Regeneration Services clarified that the proposal involved the sub-division of the building the subject of the application into two separate units, rather than three as stated in the report.

She also reported the receipt of a letter in support of the application.

At the invitation of the Chairman, Mr. M. Ellway addressed the Committee and spoke in support of the application, followed by Councillor L. J. Turner who spoke in his capacity as one of the Ward Councillors for the area in which the application site was located.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 12 and 13 of the report, together with the following additional condition:-

6. The building on the site shall accommodate no more than two separate units. No further subdivision creating additional units shall take place without the prior written consent of the Local Planning Authority.

Reason: To limit the use of the site in the interests of proper planning in accordance with policy DS13 of the Bromsgrove District Local Plan 2004 and the advice contained within PPS1: Delivering Sustainable Development.

121/11 **11/1031-SG - CONVERSION OF BARN INTO LIVING ACCOMMODATION - ADJ. CORNERSTONE, COFTON CHURCH LANE, COFTON HACKETT, B45 8BB - MS. A. HAWKER**

The Head of Planning and Regeneration Services reported that a structural report and protected species survey had been received to support the application and that the description of the proposed development had been modified to account for this. The conclusions and recommendations contained within the supporting information were also reported to the Committee.

In the light of the new information, she stated that refusal recommendations 3 and 4 on page 24 of the report would be deleted, and that refusal reason 2 had been modified to the following:-

- "2. The form, bulk and design of the proposed conversion would detrimentally erode the simple form and utilitarian character and appearance of the building, and the proposal would involve major new building works contrary to policies DS2 and C27 of the Bromsgrove District Local Plan 2004, the Council's Supplementary Planning Guidance Note 4: The Conversion of Rural Buildings, and policy D.16 of the Worcestershire County Structure Plan 2001."

Finally, the Head of Planning and Regeneration Services reported the comments of Cofton Hackett Parish Council.

At the invitation of the Chairman, Dr. C. Ridley addressed the Committee and spoke in favour of the application.

RESOLVED that permission be refused for reasons nod. 1 and 5 as set out on page 24 of the report, together with the modified reason no. 2 as referred to above.

122/11 **11/1032-SG - CONVERSION OF BARN INTO LIVING ACCOMMODATION (LISTED BUILDING CONSENT) - ADJ. CORNERSTONE, COFTON CHURCH LANE, COFTON HACKETT, B45 8BB - MS. A. HAWKER**

The Head of Planning and Regeneration Services reported the comments of Cofton Hackett Parish Council.

RESOLVED that Listed Building Consent be refused for the reason set out on page 29 of the report.

123/11 **12/0048-MT - PROPOSED GAZEBO (RESUBMISSION OF APPLICATION 11/0686) - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, WYTHALL, B38 0DG - MR. C. GRANT**

The Head of Planning and Regeneration Services reported the comments of the Drainage Engineer.

She also reported that the recommendation contained within the report (referred to on both page 31 and page 36) had been revised to take into account the expiry of the publicity period for the application being on 9th March 2012.

At the invitation of the Chairman, Mr. N. Bradnack addressed the Committee and spoke in opposition to the proposals, followed by Mr. P. Horridge who spoke in support of the application.

Consideration was then given to the application which the Head of Planning and Regeneration Services was minded to refuse upon the expiration of the publicity period on 9th March 2012, subject to no further representations being received. However, on the matter being put to the vote, Members considered that significant weight should be given to the contents of paragraph 7.18 of the supporting Planning Statement (January 2012) which had been submitted with the application, and that the lightweight and open-sided appearance of the structure itself did not affect the openness of the Green Belt.

Paragraph 7.18 of the supporting Planning Statement (January 2012) asserted that -

"The benefits of the scheme are significant. The gazebo provides an important component of the life for a number of elderly and vulnerable people living in the Nursing Home who have no alternative way of safely enjoying the grounds of the home, the surrounding countryside and local wildlife. These benefits are wholly in line with Government policy guidance on providing accommodation for the elderly set out in the National Minimum Standards for Care Homes, the End of Life Care Strategy and the more recent Essential Standards of Quality and Safety."

The Committee considered that these issues constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve the application, subject to the imposition of suitable and reasonable conditions, be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 9th March 2012; or

- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

124/11 **APPEAL DECISIONS**

Consideration was given to a report which referred to a number of planning appeal decisions which had recently been received.

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

The meeting closed at 7.05 p.m.

Chairman

PLANNING COMMITTEE

2ND APRIL 2012

ADOPTION OF LOCAL VALIDATION CHECKLIST

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	All wards
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider the responses received to the draft Local Validation Checklist and whether there is a need to amend that document in the light of those comments. To then seek the adoption of that checklist for Development Management purposes.

To seek delegated authority for Officers to make minor amendments to the document over time as becomes necessary, either through changes to the planning system and its documentation / legislation or through a need for editing.

2. RECOMMENDATIONS

- 2.1 **The Committee is asked to approve the following recommendations:-**

- (1) **That the amended Local Validation Checklist at Appendix 2 be adopted for use from 1st May 2012; and**
- (2) **That delegated authority be granted to the Head of Planning and Regeneration to make minor amendments to the Local Validation Checklist in accordance with the wording and subject to the limitations set out in Appendix 3.**

3. KEY ISSUES

Financial Implications

- 3.1 The cost of producing and consulting on this document has been met from within existing budgets, as will any costs associated with any future review or editing.

Legal Implications

- 3.3 The following legislation provides a procedural mechanism for the document to be adopted and implemented:-

- Section 42 of the Planning and Compulsory Purchase Act 2004

- Town and Country Planning (Development Management Procedure) (England) Order 2010
- Planning (Listed Buildings and Conservation Areas) Regulations 1990,
- Town and Country Planning (General Development Procedure) (Amendment) Order 2008
- Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2008

Adopting the checklist will also bring the Council in line with good practice guidance.

Service / Operational Implications

Background

- 3.5 Validation is a term used to describe the first step that is taken when an application is received by the Council. It is essentially an administrative process to check whether the application is complete and includes all necessary plans and reports, fee, etc. This process must be complete before the application can be registered as valid.
- 3.6 A Local Validation Checklist (LVC) supports this initial process. It is a list of reports, drawings, surveys, etc., that may be needed to accompany an application for development; this could be a planning application or an application for listed building consent or similar works. The list is divided into two main sections; the national list which covers the basic requirements and the local list which includes the locally relevant requirements the Council suggests. The legislation associated with these lists states that where information is missing, Local Planning Authorities (LPA's) are able to withhold registration until this information is available thus reducing delays during the consideration of applications.
- 3.7 However the main aim of a LVC is to ensure that all necessary information is available at the outset of the consideration of the application with respect to the type of application and the location of the site with reference to any local designation, such as a Conservation Area. This improves the quality of submissions, thus enabling clearer decision making to occur and one which complies with the locally adopted planning policy framework. This approach also provides greater certainty to the applicant with respect of submission requirements and seeks to minimise the need for additional information throughout the life of the application.
- 3.8 Whilst it is important that the list reflects the sensitivity or various parts of the District such as a Conservation Areas, or areas of Special Landscape designation this needs to be commensurate with the scale of the proposals so that overly onerous requirements are not required of proposals that are very minor in nature.

- 3.9 The list is formatted to provide advice to applicants and agents based upon the type of application they are submitting. For example, there is advice related to Householder Applications and additional advice in relation to applications for Listed Building Consent. This advice is broken down into the national requirements and then the locally relevant requirements below. The document includes a glossary of terms and places to find further helpful information.

Key Issues - The consultation

- 3.10 Members will recall that the LVC was presented to them, in its draft form and prior to the external consultation period. The consultation ran for eight weeks during which time local planning agents and developers who regularly submitted applications to Bromsgrove were contacted and asked to comment in the checklist. Statutory consultees such as Parish Councils and bodies such as English Heritage and British Waterways were also contacted and invited to comment. Internal consultation had taken place with departments within the Council prior to the publication of the draft. The checklist was also placed on the Council's website along with text encouraging interested parties to make comments.
- 3.11 A total of fifteen organisations made comments upon the list and these are summarised in Appendix 1. The response of the Council to these comments is also noted. In order to provide comprehensive advice to applicants where ever possible the suggestions made by consultees have been incorporated into the final document. The final document is included in its amended form as Appendix 2.
- 3.12 The Council will continue to review the effectiveness of the LVC and any required changes to presentation or minor alterations are proposed to be delegated to Officers to deal with in the future. However where more significant changes are required or proposed, these would still be reported to Members for endorsement.
- 3.13 Because the checklist requirements are designed to help applicants demonstrate that their applications comply with policy, it is possible that when policy changes, amendments will be required. In these cases Members will be informed of the necessary changes through an appropriate channel. For full details of the proposed delegated powers, see Appendix 3.
- 3.14 Once Member adoption of the document has occurred, Officers intend to publicise this fact on the Council website, in order that maximum benefit can be obtained from the document.

Operational implications

- 3.15 The adoption of a LVC may initially make validation a more time consuming process as officers become familiar with the contents and requirements of the

list. However applicants and agents will be provided with more detailed guidance and advice of what is required to make their submission complete as well as access to recommended websites and help pages to support them further. In addition in providing pre application advice officers will be able to highlight at this early stage the nature and detail of information required at application stage. As officers and local agents become more familiar with the requirements the number of applications returned due to lack of information should reduce.

- 3.16 A new back office procedure will be required in order to support the officers in the validation process. This could be a simple tick box form that would enable officers to identify, with reference to the relevant application type, the information that was missing.
- 3.17 Matters such as social exclusion and community safety are material considerations within the planning process that have been taken into account during the preparation of the LVC and therefore do not require any separate consideration here. This is also the case with respect to climate change, carbon implications and biodiversity. The checklist would therefore compliment existing policies.

Customer / Equalities and Diversity Implications

- 3.18 The adoption of the checklist would be publicised via the Council's website, at Householder Planning Service and during day to day customer contact. Other methods of communication could include in formatives on the bottom of officers e-mails and forums such as the Agents Focus group.
- 3.19 It is important that guidance on planning matters is clear and unambiguous. The LVC has been formatted in a way as to make the sections clearly identified and the additional information available under a separate section. It is aimed, as far is practical within the requirements of the Legislation, to be customer friendly and helpful.

4. RISK MANAGEMENT

- 4.1 If an application is incomplete it is possible for the LPA to refuse to validate the application until that information is available. This means that the applicant can appeal against non-determination so introducing additional burdens onto officers with respect to time and resource.
- 4.2 However LVC are now common place around the country and agents expect them to be used during the validation process. The requirements included have been prepared in a proportionate and reasonable manner and this risk is seen as limited within the context and type of appeals already received by the authority. To decide not to publish a local list would mean the Council could only rely on the National Lists and as such the quality of submissions would be reduced and

additional time would be taken up during the application process requesting further information.

5. APPENDICES

Appendix 1 - Summary of responses received

Appendix 2 - The Local Validation Checklist

Appendix 3 - Wording of proposed delegated authority to Head of Planning and Regeneration to make minor amendments to the Local Validation Checklist

6. BACKGROUND PAPERS

Report to Planning Committee 15th August 2011 seeking authority to consult on draft list.

The Validation of Planning Applications; Guidance for LPA'S (CLG)

Guidance on information requirements and Validation March 2010 (CLG)

Development Management Policy Annex; Information Requirements and Validation for Planning Applications (CLG)

AUTHOR OF REPORT

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Adoption of a Local Validation Checklist**APPENDIX 1****Summary of responses received**

Name/Organisation	Areas of comment	Response
Redditch BC Adjacent LPA	<ul style="list-style-type: none">• Likes format – clear and user friendly.• Suggests putting separate table on each page and using prompt at end to refer to glossary.• Suggests moving advice section to beginning of document.• Will a tick box be used?	<ul style="list-style-type: none">• Separating out will make document longer, but will be clearer to user. Format amended accordingly.• Prompts added to end of tables to refer to advice section.• Tick box will be used as back office system for registration
Birmingham City Council Adjacent LPA	<ul style="list-style-type: none">• No comment	<ul style="list-style-type: none">• No comment
David Edwards Partnership Non Statutory	<ul style="list-style-type: none">• Clarity of requirement regarding plans if no external changes.• Is there to be a sustainable development mechanism as part of the LVC. If so suggest a fabric first approach	<ul style="list-style-type: none">• Text amendment so no need to provide plans/elevations if no external changes• Not currently proposed
Wall James Chappell Non Statutory	<ul style="list-style-type: none">• Objection to mandatory requirement for structural survey on LBC apps, is should be 'where relevant'	<ul style="list-style-type: none">• Move requirement to where relevant section
Environment Agency Statutory	<ul style="list-style-type: none">• Suggests additional references and updates links for EIA• Suggests additional references and updates links for Flood Risk• Suggest use of one section only and advises additional wording to provide emphasis. Updated web links and additional links with respect to contaminated land• Suggest use of one section only and advises additional wording respect to Foul Drainage	<ul style="list-style-type: none">• Suggestions incorporated

	<ul style="list-style-type: none"> Additional criteria for Site Waste Management Plans <p>Supports text for sustainability statements needs to be added to part 3</p>	
British Waterways Statutory	<ul style="list-style-type: none"> Document is comprehensive but does not include specific reference to canals. Supports the submission of Archaeological, Heritage, Contaminated Land and Ecological assessments when developments are proposed adjacent to waterways. Also supports FRA, landscape schemes, lighting assessment, heads of terms, Site waste management plans and sustainability statements Proposes additional reference to finished floor levels and Policy document 	<ul style="list-style-type: none"> Case Officers discretion and flexibility of the LVC will enable the relevance of the canal and the need for associated reports to be highlighted in individual cases. Additional information included
English Heritage Statutory	<ul style="list-style-type: none"> Suggests expanding range of criteria where a Heritage Statement is required. Suggests broadening statement of significance to include locally relevant assets. Additional text suggested in Archaeological Assessments, in Structural Reports and Landscape Plans and Design and Access Statements. These requirements will support assessment of proposals in compliance with PPS5. 	<ul style="list-style-type: none"> Expanded to include Registered Parks and Gardens and additional text. Expanded to include locally relevant assets Reference to Best Practice Guide added, additional text added.
The Coal Authority Statutory	<ul style="list-style-type: none"> Outlines Coal Authorities risk based approach to development management. 	<ul style="list-style-type: none"> Noted, but text amended within Planning Statement to give this requirement as an example of detail that may be included here.

	<ul style="list-style-type: none"> Acknowledges extent of Coal Mining Development Referral Area is extremely limited in Bromsgrove and does not therefore object to exclusion of this requirement from the list. 	
Sport England Statutory	<ul style="list-style-type: none"> Provided copy of requirements they need in order to comment fully on a planning application 	<ul style="list-style-type: none"> No action needed
Highways Agency Statutory	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> No comment
WCC Ecology and landscape Statutory	<ul style="list-style-type: none"> Considers requirements for submission of ecological assessment too limited. Additional suggestions to lists and updated information Encourages indirect consequences of noisy or light development and impact on ecology to be highlighted. Supporting information provided 	<ul style="list-style-type: none"> Criteria broadened. Suggestions added Indirect consequences noted. Information included
South Staffs Water Statutory	<ul style="list-style-type: none"> Not our area of supply 	<ul style="list-style-type: none"> Consultation was also sent to Severn Trent who made no comment
Network Rail Statutory	<ul style="list-style-type: none"> Requests that impacts from development that impact on level crossings be considered with respect to volume and nature of traffic using them. Applications that result in change be supported by Transport Assessment that assessed this impact. That developers be required to fund qualitative improvements as a result of development 	<ul style="list-style-type: none"> These matters will be considered by WCC as part of the TA as appropriate to the scheme and no specific amendment is needed to the LVC
The Theatres Trust Statutory	<ul style="list-style-type: none"> Requests planning statements includes a justification for COU applications that involves theatres. 	<ul style="list-style-type: none"> Text associated with Planning Statements amended to include this an example

<p>Dodford and Grafton Parish Council Statutory</p>	<ul style="list-style-type: none"> • Document gives valuable advice • No specific advice on COU e.g. Barn and Garage conversions or COU in a CA • No mention of costs 	<ul style="list-style-type: none"> • Change of use applications are considered under Full application types, they do not have a specific application form. • The text associated with Full applications has been amended to include this example. • The need for the relevant fee to be paid is part of the National Requirements
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**Bromsgrove District Council
Planning and Regeneration Services**

Local Validation Checklist

Advice and guidance on compiling and submitting planning and other related applications for the development or change of use of land

Adopted May 2012



Bromsgrove
District Council
www.bromsgrove.gov.uk



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Please note that all contact details and websites were correct at publication. Bromsgrove District Council takes no responsibility for any information that became incorrect over time.

1. Introduction and Purpose of Document

Why have Validation Criteria for Planning Applications?

In 2008, the Government introduced a national standard application form for applications made under the Town and Country Planning system and the Listed Building and Conservation Area consent regime. A national checklist was also introduced to ensure that all applicants knew what information they would need to provide when submitting applications to their local authority. To accompany and support this, Government also introduced new requirements for the validation of applications. Collectively these measures were aimed at providing a more predictable and efficient planning service, whilst recognising the need for locally relevant information. Amendments were made to the Town and Country (General Development Procedure) Order 1995 (GDPO) in March 2008 to make the use of the Standard Application Form and validation checklists mandatory from April 2008. The provisions in the 1995 GDPO has been merged with subsequent amendments has been replaced with the Town and Country Planning (Development Management Procedure) (England) 2010 (DMPO). Also, the 2008 Circular has been cancelled and replaced with the Development Management Policy Annex: Information Requirements and Validation for Planning Applications. (See reference list at the end of this document for details of where to find any supplementary documents).

The intention of the checklist is to make the planning process more transparent, and allow applicants and agents to check what information will be required in support of their applications. Applications will not be validated and registered until all the requirements of both the national **and** local checklists have been received. Applicants and agents should therefore be aware that if they have provided insufficient information, they will be asked for the remaining information prior to their application being registered. This should limit the number of times further information will be requested from the local authority in order to complete an application, thereby reducing delays in the application process.

The national checklist mainly refers to the plans required, but also reflects the requirement for a Design and Access Statement to accompany all applications, except those proposing only a change of use and no physical alterations; householder applications where the dwelling is neither statutorily listed nor in a Conservation Area and; applications for Lawful Development Certificates.

This document represents the local validation checklist for Bromsgrove. It has been organised into application types and provides a list of references for further information and guidance. It sets out the national requirements for different types of applications followed by the local requirements. There is also guidance on how to prepare supporting statements as well as a final checklist to ensure that each application is ready to be submitted

Where there are any queries or doubts regarding the requirements, or whether planning permission is required, applicants or their agents are recommended to contact the Development Control Team at the Council to clarify their position

prior to submitting an application. (Contact details can be found in the opening pages.)

What are the criteria made up of?

There are two sets of requirements for planning (and related) applications: the national requirements (statutory information required to accompany all applications as specified by the DMPO and the national standard planning application form) and the local ones (extra information which Local Planning Authorities can require) in order to register an application as valid. An invalid application is one which does not include some aspect of either the national or local requirement and as such will not be registered as valid by Bromsgrove District Council.

As a local planning authority, Bromsgrove District Council has the power to set out its own local requirements and to review and amend them over time.

Pre application discussions with the Local Planning Authority will assist in identifying the relevant requirements for application submissions. In addition, this document will set out the different levels of information and supporting documentation needed for the variety of types and scales of application.

What is included in this document?

This document is divided into three main sections:

1. The different types of application as used by the national standard application form (Section 2).
2. The information needed (both nationally and locally) as applicable to each application type (Section 3).
3. A description of what the 'information needed' should contain (Section 4).

There is also a list of reference materials (Section 5) and a Final checklist (Section 6) together with an appendix (Section 7).

Local Authorities are encouraged to consult on and adopt locally relevant validation criteria and as a result this document has been subject to a programme of consultation with interested parties including local Agents, Parish Councils and statutory consultees.

2. Types of Application

The national standard application form covers many different types of application. This list identifies the type of forms and the relevant type of development or work.

Form 1 - Householder;

Extensions and alterations to houses, changes to residential property which do not create additional dwelling units

Form 2 - Householder and Conservation Area Consent

Extensions and alterations to house as above, but in this case the property is in a conservation area and there is some demolition involved.

Form 3 - Householder and Listed Building Consent

Extensions and alterations to houses as above, but in this case the property is a listed building and the works need not only planning permission but also listed building consent. For other types of proposals for Listed Buildings see types 8 and 11.

Form 4 - Planning Permission

The basic planning application form to be used for all development which requires a planning application in its own right whether it is a change of use or new building operations (or both). Development which involves more than just extensions to a house, e.g. alterations to a property to create new dwelling units will need this form and not the householder one. This form is the appropriate one for the full range of types of development including new buildings of all types and material changes of use, also earthmoving and engineering operations.

Also use this form for material amendments and minor material amendments to previous schemes. In this case please state the previous application number and clearly identify the material difference proposed.

Form 5 - Outline application with some reserved matters

It is possible to establish the principle of new building projects first with an "Outline" application. There is a list of "Reserved Matters" which may not need to be submitted at this stage. The Reserved matters are: layout, scale, appearance, access and landscaping. This form is for use when some of the reserved matters are being provided at this stage.

Form 6 - Outline application with all matters reserved

As above, but with all of the above matters reserved for later consideration.

Form 7 - Planning permission and Conservation Area Consent

Conservation Area Consent is required for demolitions in conservation areas. Where a development project in a conservation area requires some demolition then this form can be used as a composite application form to cover both planning permission and conservation area consent applications.

Form 8 - Planning permission and Listed Building Consent.

Where development involves a listed building, this form can be used as a composite form to cover both the planning application and the application for listed building consent (not all works to a listed building will require planning permission). This form should not be used for alterations to Listed Buildings or Structures that are an existing dwelling.

Form 9 - Planning permission and Advertisement Consent.

Commercial development, such as new shop fronts, often include an element of advertising. This form can be used as a composite application for both the planning permission and the commercial signage on the new (or altered) building.

Form 10 - Conservation Area Consent

This form is used when the only works proposed are for the demolition (or part demolition) of a building in a conservation area. If planning permission is also required, use form 7 above

Form 11- Listed building Consent

This form is used for works to listed buildings which do not also require planning permission. If planning permission is required for the works, use form 8 above

Form 12- Advertisement Consent

The display of commercial (and other) advertising may require the “Express consent” of the Council. There is a wide range of “Deemed consent” where an application is not required. This form is needed where the amount, type and position of the advertisements requires the consent of the Council

Form 13 - Listed building consent and Advertising Consent

A composite form for use when the proposal involves both alterations to a listed building and the display of advertising.

Form 14 - Lawful Development Certificate (for existing uses or operations)

Where any person believes that certain existing uses or operations are lawful and/or immune from enforcement, it is possible to apply for a Lawful Development Certificate. The extract from Annex 8 of Circular 10/97 at Appendix D of this document may also serve to provide further explanation.

Form 15 - Lawful Development Certificate (for proposed uses or operations)

This is used when seeking a formal decision on whether planning permission will be required for something which is proposed.

Form 16 - Prior Approval for Agricultural Development involving new buildings

There is a wide range of “Permitted development” which, effectively, already benefit from a general planning permission, granted not by the local planning authority but by Parliament through legislation [(The Town and Country (General

Permitted Development) Order 1995)]. However, notwithstanding the permitted development rights for agricultural development involving new buildings, the Prior Approval of the Council is needed for the siting and design of the new building, and confirmation is needed that the building is genuinely required in connection with agriculture. This form is used for Prior Approvals for new agricultural buildings

Form 17 - Prior Approval for Agricultural Development involving new roadways

As for form 16 above but involving new roadways rather than new buildings

Form 18 - Prior Approval for Agricultural Development involving excavations and/or the deposit of waste on the land

As for form 16 above but in this case the development involves excavations or the deposit of waste on the land, including soil and rubble. This also includes the creation of farm ponds and reservoirs necessary for agriculture

Form 19 - Prior Approval for Agricultural Development involving the creation of a new fish tank

As above, but for the purposes of commercial fish farming.

Form 20 - Prior Approval for Telecommunications Development

The main mobile phone providers are classed as “Telecommunications Code Operators” and can erect telephone masts up to certain limitations subject to the Prior Approval procedure which is concerned solely with siting and appearance (and not the principle of the development).

Form 21 - Hedgerow Removal Notices

For use where it is intended to remove a section of protected hedgerow.

Form 22 - Prior Approval for Demolitions

For use when it is intended to demolish a residential property which is not in a conservation area.

Form 23 - Reserved Matters

Following the grant of outline permission (see items 5 and 6 above) individual reserved matters can be made the subject of a separate application to seek approval. Development cannot commence lawfully until either full permission has been granted or Outline Permission *and* the relevant Reserved Matters have been approved.

Form 24 - Application to remove or vary a condition

Where permission has been granted subject to a condition it is possible to apply subsequently to vary or dispense with that condition. This is the form to use in that circumstance

Form 25 - Application to discharge a condition

In this case the condition is not challenged, but the details needed to comply with it are formally submitted for approval.

Form 26 - Tree Preservation Order or Conservation Area Tree Application

Where trees benefit from protection either because they are subject to a tree preservation order or are in a Conservation Area then this form is used to seek consent for works to the tree including, pruning, lopping, topping or felling.

The national standard application form does not cover Extensions of Time or applications for Non Material Amendments following the grant of planning permission. However the Planning Portal does include generic forms to cover these instances and associated guidance notes, these can be found at

<http://www.planningportal.gov.uk/planning/applications/planningapplications#ex>

Extensions of time

This form should be used to make an application for a new planning permission to replace an extant planning permission, where the applicant is seeking to extend the time limit for implementation. It should also be used where an extant listed building consent or conservation area consent is associated with the planning permission, and the applicant wishes to extend the time limit for implementation for that consent also

Non Material amendments

This form should be used to make an application for a non-material amendment (or amendments) to an existing planning permission. Following a grant of planning permission, it may be necessary to make amendments to the permission. Where these are non-material, this form can be used to apply. Whether or not a proposed amendment is non-material will depend on the circumstances of the case – a change which may be non-material in one case could be material in another.

3. National and local requirements for validating planning and associated applications.

Important Information relating to all Applications

The standard application form

From 6 April 2008, all planning applications are required to be presented on the standard national application form (known as “1-APP”) which is available electronically. However some essential information is not included in the national form and thus the use of additional forms is required especially in respect of drainage and waste matters. Paper forms will continue to be available on request (See contacts at end of this document).

Number of documents

Bromsgrove District Council actively encourages the submission of online applications via the Planning Portal <http://www.planningportal.gov.uk> Where this is not possible two copies of an application form, plans and any supporting document will be acceptable.

All submissions, paper or electronic, will be stored in electronic format by the authority to enable paperless consultation where possible.

Note in respect of all plans.

All submitted plans and drawings should be identified with a unique plan or drawing number and title. Plans are referred to in decision notices and it is essential that they are correctly identified from the beginning of the process. Plans or drawings must be in adobe pdf format, with the scale embedded in the document and no single document should exceed should exceed 2mb in size. The total size of all files submitted should not exceed 20mb.

PDF format is an international standard (ISO 32000-1:2008) created to represent documents in a manner independent of software, hardware and any operating system. Each PDF file encapsulates a complete description of a fixed-layout flat document, including the text, fonts, graphics, and other information needed to display it.

The location plan

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site

Site and Other Plans

Copies of the site plan should be submitted. The site plan should be drawn at a scale of

1:500 or 1:200 and should accurately show:

- a) the direction of North;
- b) the proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
- c) all the buildings, roads and footpaths on land adjoining the site including access arrangements;
- d) all public rights of way crossing or adjoining the site;
- e) the position of all trees on the site, and those on adjacent land that could influence or be affected by the development;
- f) the extent and type of any hard surfacing; and
- g) boundary treatment including walls or fencing where this is proposed.

In addition other plans should be submitted (dependent on the type of application – refer to the relevant checklist for specific requirements) and may include:

- **Block plan of the site** at a scale of 1:100 or 1:200, should show any site boundaries; the type and height of boundary treatment (e.g. walls, fences etc); the position of any building or structure on the other side of such boundaries.
- **Existing and proposed elevations** should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case. Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.
- **Existing and proposed floor plans** These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).
- **Existing and proposed site sections and finished floor and site levels** plans drawn at a scale of 1:50 or 1:100 should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided. Full information should also be submitted to demonstrate how proposed buildings relate to

existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings. In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of design and access statements.

- **Roof plans** (e.g. at a scale of 1:50 or 1:100) A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material and their location are typically specified on the roof plan.
- Where multiple plans are shown on one document the scale of each plan should be clearly shown.

Ownership Certificates

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 12 of the DMPO, the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed, which are now set out in the national application form. All applications for planning permission must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Notice(s)

A notice to owners of the application site must be completed and served in accordance with Article 11 of the DMPO.

Agricultural Holdings Certificate

This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or express consent to display an advertisement.

The Correct Fee (where one is necessary)

Design and Access Statements

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following:

- A material change of use of land and buildings, (unless it also involves operational development or results in the creation of a new dwelling.)

- Engineering or mining operations
- Development of an existing dwellinghouse, or development within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, where no part of that dwellinghouse or curtilage is within a designated area (This may relate to alterations to a flat or the erection of a wall or gate within the curtilage of a dwellinghouse)
- Extensions to the time limits for implementing existing planning permissions
- The extension of an existing building used for non-domestic purposes where the floorspace created by the development does not exceed 100 square metres and where no part of the building or the development is within a designated area
- Development on operational land consisting of the erection of a building or structure up to 100 cubic metres in volume and 15m in height and where no part of the development is within a designated area
- The erection, alteration or replacement of plant or machinery where, as a result of the development, the height of the plant or machinery would not exceed the greater of 15 metres above ground level, or the height of the original plant or machinery, and where no part of the development is within a designated area; or
- Development of land pursuant to section 73 (determination of applications to develop land without conditions previously attached) of the Town and Country Planning Act 1990.
- Applications relating to advertisement control, tree preservation orders or storage of hazardous substances. Neither are they required for applications for prior approval for proposed development, or non-material amendments to existing planning permissions.

However, statements **are** required for householder applications where any part of a dwellinghouse or its curtilage falls within one of the following designated areas:

- Site of Special Scientific Interest
- Conservation Area
- Area of Outstanding Natural Beauty

Applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address:

- (i) The special architectural or historic interest of the building;

(ii) The particular physical features of the building that justify its designation as a listed building; and

(iii) The building's setting. The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (Listed Building Regulations).

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with.

What is required in a Design and Access Statement is set out in Article 8 of the DMPO and DCLG Circular 01/06 –*Guidance on Changes to the Development Control System*. Further information on when a Design and Access statement is required see;

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1505220.pdf>

Requirements

The Local requirements are divided into those relevant in all cases and those relevant in some cases. Applicants should indicate in writing, why they have not submitted the full range of additional information in order to avoid delay in the applications being registered.

In circumstances where applicants disagree with the requirement for information or plans as set out by Bromsgrove District Council, they may challenge this decision not to validate the application. This process would be a right of appeal for non-validation under section 78 of the Town and Country Planning Act 1990 (as amended). In addition the right to contact the Local Government Ombudsman on grounds of maladministration remains open to the applicant.

Householder Application for Planning Permission for works or extension(s) to a dwelling (Application type 1)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant/agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP. • Agricultural Holdings Certificate • Design and Access Statement, if the property is in a Conservation Area or S.S.S.I. • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule.
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended. ○ They must show the relative positions of adjacent properties ○ On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes ○ They must be drawn to recognised metric scales ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension. ○ The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement • Details of external materials must be given either by annotation on the plans or in a written statement • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant
<ul style="list-style-type: none">• Archeological Evaluation Report• Biodiversity Survey and Report• Daylight/sunlight assessment• Flood risk assessment• Land contamination assessment• Noise impact assessment• Tree Survey• Statement of Significance

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

**Householder Application for Planning Permission for works or extension(s)
to a dwelling and for Conservation Area Consent for demolition in a
Conservation Area
(Application type 2)**

1. National Requirements

- Completed form which must be signed and dated by either the applicant/agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate
- Design and Access Statement, if the property is in a Conservation Area, or S.S.S.I.
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule

2. Local Requirements – items required in all cases

- A Statement of Significance in respect of the part of the works which requires conservation area consent for demolition.
- Photographic record of what is to be demolished
- Plans and elevations must follow the following principles:
 - They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended.
 - They must show the relative positions of adjacent properties
 - On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes
 - They must be drawn to recognised metric scales
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension.
 - The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement

<ul style="list-style-type: none"> • Details of external materials must be given either by annotation on the plans or in a written statement • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Photographs • Archeological Evaluation Report • Biodiversity Survey and Report • Daylight/sunlight assessment • Flood risk assessment • Land contamination assessment • Noise impact assessment • Site Waste Management Plan • Structural Survey • Tree Survey

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Householder Application for Planning Permission for works or extension(s) to a dwelling and for Listed Building Consent for works to a Listed Building (Application type 3)

1. National Requirements

- Completed form which must be signed and dated by either the applicant/agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate
- Design and Access Statement, if the property is in a Conservation Area or S.S.S.I.
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule

2. Local Requirements – items required in all cases

- A Statement of Significance
- Plans and elevations must follow the following principles:
 - They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended.
 - They must show the relative positions of adjacent properties
 - On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes
 - They must be drawn to recognised metric scales
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension.
 - The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement
- Details of external materials must be given either by annotation on the plans or in a written statement

<ul style="list-style-type: none"> • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals • Archeological Evaluation Report • Biodiversity Survey and Report • Daylight/sunlight assessment • Flood risk assessment • Land contamination assessment • Noise impact assessment • Planning Statement • Structural survey • Tree Survey

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Full Planning Permission for operational development or material changes of use (Application type 4)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO. • Agricultural Holdings Certificate • Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development). • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must be sufficient to show clearly how the property and site will look before and after the development has taken place. In the case of changes of use there may be no physical changes to the property – but it needs to be made clear in a statement that no physical changes are proposed. ○ They must show the relative positions of adjacent properties ○ On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes ○ They must be drawn to recognised metric scales ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the unit both before and after the proposed alterations/extension. ○ The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement

<ul style="list-style-type: none"> • Details of external materials must be given either by annotation on the plans or in a written statement • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
3. Local Requirements – items required where relevant <ul style="list-style-type: none"> • Affordable Housing Statement • Agricultural Dwelling Justification • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage Assessment • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Economic Statement • Environmental Impact Assessment • Flood Risk Assessment • Land Contamination Assessment • Landscape Impact Assessment • Landscape Scheme • Lighting Impact Assessment • Noise Impact Assessment • Open Space/Recreational Needs Assessment • Plans, Photographs and Montages • Planning Obligation Agreement Heads of Terms • Planning Statement • Retail Impact Assessment • Site Waste Management Plan • Statement of Community Involvement • Statement of Significance • Structural Survey • Sustainability Statement • Topographical Survey • Transport Assessment • Travel Plan • Tree Surveys and Proposals • Utilities Statement • Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Outline Application for Planning Permission with <i>some</i> matters reserved (Application type 5)
<p>1. National Requirements</p> <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • A Block Plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries. • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO. • Agricultural Holdings Certificate • Design and Access Statement including indicative block plan • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule • In addition, DCLG Circular 1/2006 requires that the following <i>minimum</i> information should be provided: <ul style="list-style-type: none"> Use – the use or uses proposed for the development and any district development zones within the suite identified. Amount of development – the amount of development proposed for each use proposed within the site boundary where appropriate Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary Indicative access points – an area or areas in which the access point or points to the site will be situated. Indicative layout – an indicative with separate development zones proposed within the site boundary where appropriate.
<p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • Other plans and drawings or information necessary to describe the reserved matters for which approval is sought at this stage. These should include an indicative layout and, in respect of any buildings for which approval is sought at this stage, the following: <ul style="list-style-type: none"> ○ Proposed elevations (e.g. at a scale of 1:50 or 1:100) ○ Proposed floor plans (e.g. at a scale of 1:50 or 1:100) ○ Proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) ○ Roof plans (e.g. at a scale of 1:50 or 1:100) • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
<p>3. Local Requirements – items required where relevant</p>
<ul style="list-style-type: none"> • Affordable Housing Statement

- Agricultural Dwelling Justification
- Air Quality Assessment
- Archaeological evaluation report
- Daylight/sunlight assessment
- Drainage Assessment
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Economic Statement
- Environmental Impact Assessment
- Flood Risk Assessment
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Statement of Significance
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Outline Application for Planning Permission with <i>all</i> matters reserved (Application type 6)
<p>1. National Requirements</p> <ul style="list-style-type: none"> Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant. A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North A Block Plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries. The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO Agricultural Holdings Certificate Design and Access Statement including indicative block plan The appropriate fee In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule In addition, DCLG Circular 1/2006 requires that the following <i>minimum</i> information should be provided: <ul style="list-style-type: none"> Use – the use or uses proposed for the development and any district development zones within the suite identified. Amount of development – the amount of development proposed for each use proposed within the site boundary where appropriate Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary Indicative access points – an area or areas in which the access point or points to the site will be situated. Indicative layout – an indicative with separate development zones proposed within the site boundary where appropriate.
<p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> A note of any pre-application discussions and the name of the Planning Officer who gave the advice
<p>3. Local Requirements – items required where relevant</p> <ul style="list-style-type: none"> Affordable Housing Statement Agricultural Dwelling Justification Air Quality Assessment Archaeological evaluation report Daylight/sunlight assessment Drainage Assessment Ecological Assessment (Biodiversity Statement)/Protected Species Survey Economic Statement

- Environmental Impact Assessment
- Flood Risk Assessment
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Statement of Significance
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Full Planning Permission and for Conservation Area Consent for Demolition in a Conservation Area (Application type 7)	
1. National Requirements	
<ul style="list-style-type: none"> Completed form which must be signed and dated by either the applicant or the agent. A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant]. Agricultural Holdings Certificate Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development). The appropriate fee In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule. 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> A Statement of Significance A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> Affordable Housing Statement Air Quality Assessment Archaeological evaluation report Biodiversity Survey and Report Daylight/sunlight assessment Drainage Assessment Ecological Assessment (Biodiversity Statement)/Protected Species Survey Economic Statement Environmental Impact Assessment Flood Risk Assessment 	

- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Statement of Significance
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Full Planning Permission and for Listed Building Consent for alterations, extensions or demolition of a Listed Building (Application type 8)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant]. • Agricultural Holdings Certificate • Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development). • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule.
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • A Statement of Significance • A note of any pre-application discussions and the name of the Planning Officer who gave the advice
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Affordable Housing Statement • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage Assessment • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Economic Statement • Environmental Impact Assessment • Flood Risk Assessment

- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Marketing Report (Where total or substantial demolition)
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Full Planning Permission and for Advertisement Consent (Application type 9)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO • Agricultural Holdings Certificate • Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development). • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule • Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colour(s) of illumination (where illuminated).
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed • A note of any pre-application discussions and the name of the Planning Officer who gave the advice • Form of mounting – fixed, hanging, projecting, pole etc
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Affordable Housing Statement • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage Assessment

- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Economic Statement
- Environmental Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Conservation Area Consent for Demolition in a Conservation Area (Application type 10)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application (including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries • Existing (and, if only partial demolition is involved, proposed) elevations (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant]. • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Statement of Significance • Photographic record of what is to be demolished • The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site • Statement of proposals (if any) for future use and/or future development proposals for the site • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Site Waste Management Plan • Structural Survey • Tree Surveys and Proposals

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Listed Building Consent for alterations, extension or demolition of a Listed Building (Application type 11)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Plans to a scale of not less than 1:20 to show all new doors, windows, shop-fronts, paneling, fireplaces, plaster mouldings and other decorative details Roof plans (e.g. at a scale of 1:50 or 1:100) • Design and Access Statement • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant]. • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Statement of Significance • The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Marketing Report (Where total or substantial demolition) • Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals • Planning Statement • Structural survey (Where total or substantial demolition) • Tree Surveys and Proposals

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Advertisement Consent for the Display of Advertisements (Application type 12)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale, identifies the location of the site by reference to at least two named roads, identifies the proposed position of the advertisement(s) and shows the direction of North • Other plans and drawings or information necessary to describe the subject of the application (including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries • Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) • Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colour(s) of illumination (where illuminated). • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed • Form of mounting – fixed, hanging, projecting, pole etc • A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Lighting Assessment (where the advertisements are to be illuminated) • Planning Statement • Photographs and Photomontages 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Listed Building Consent for alteration, extension or demolition of a Listed Building and Advertisement Consent (Application type 13)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale, identifies the location of the site by reference to at least two named roads, identifies the proposed position of the advertisement(s) and shows the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Plans to a scale of not less than 1:20 to show all new doors, windows, shop-fronts, panelling, fireplaces, plaster mouldings and other decorative details Roof plans (e.g. at a scale of 1:50 or 1:100) • Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colours of illumination (where illuminated). • Design and Access Statement • The appropriate fee • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant]. • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Statement of Significance • Form of mounting – fixed, hanging, projecting, pole etc • The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site • The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant
<ul style="list-style-type: none">• Ecological Assessment (Biodiversity Statement)/Protected Species Survey• Lighting Assessment• Marketing Report (Where total or substantial demolition)• Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals• Planning Statement• Structural Survey• Tree Surveys and Proposals

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

<p align="center">Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition (Application type 14)</p>
<p>1. National Requirements</p>
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Such evidence verifying the information included in the application as can be provided • Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) • Such other information as is considered to be relevant to the application • The appropriate fee
<p>2. Local Requirements – items required in all cases</p>
<ul style="list-style-type: none"> • In the case of building or engineering operations plans, elevations and sections to describe the development. These should include: <ul style="list-style-type: none"> ○ Existing elevation at a scale of 1:50 or 1:100 ○ Existing floor plans at a scale of 1:50 or 1:100 ○ Existing site survey plan at a scale of 1:50 or 1:100 • In the case of uses, documented evidence that the use has existed continuously for at least 10 years – such evidence may include financial statements, sworn affidavits, written evidence of trading taking place and or other documentary evidence. • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
<p>3. Local Requirements – items required where relevant</p>
<ul style="list-style-type: none"> • Photographs • Planning Statement • In the case of possible contaminated land, a contaminated land assessment may be relevant

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for a Lawful Development Certificate for a proposed use or development (Application type 15)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Such evidence verifying the information included in the application as can be provided • Such other information as is considered to be relevant to the application • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • In the case of building or engineering operations plans, elevations and sections to describe the development. These should include: <ul style="list-style-type: none"> ○ Existing and proposed elevations at a scale of 1:50 or 1:100 ○ Existing and proposed floor plans at a scale of 1:50 or 1:100 ○ Existing site survey plan at a scale of 1:50 or 1:100 • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Planning Statement • In the case of possible contaminated land, a contaminated land assessment may be relevant 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

<p align="center">Application for Prior Notification of Proposed Agricultural Development for a proposed building (Application type 16)</p>
<p>1. National Requirements</p>
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee
<p>2. Local Requirements – items required in all cases</p>
<ul style="list-style-type: none"> • Plans, elevations and sections to describe the development. These should include: <ul style="list-style-type: none"> ○ Existing and proposed elevations at a scale of 1:50 or 1:100 ○ Existing and proposed floor plans at a scale of 1:50 or 1:100 ○ Existing site survey plan at a scale of 1:50 or 1:100 • Explanation of the purpose of the new building • A note of any pre-application discussions and the name of the Planning Officer who gave the advice.
<p>3. Local Requirements – items required where relevant</p>
<ul style="list-style-type: none"> • Photographs/photomontages • Planning Statement

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Prior Notification of Proposed Agricultural Development for a proposed road (Application type 17)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Explanation of the need for the road • Type/s and source/s of material to be used and method of construction with sections • A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Planning Statement 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Prior Notification of Proposed Agricultural Development for proposed excavation/deposit of waste material from the farm (Application type 18)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Topographical survey of existing site including sections and levels • Details of final proposed landform including realistic sections from at least 2 directions, and levels • For pools and reservoirs, full details of any embankments, dams, sluices, weirs, inflow/overflow mechanisms, quantity and source of water to be held, and reasons for need • Site Waste Management Plan; to explain the source and or destination of all waste materials involved including soil, stone and rubble • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Planning Statement • Tree surveys and proposals 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

<p align="center">Application for Prior Notification of Proposed Agricultural Development for proposed fish tank (Application type 19)</p>	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Details of the water tank/s, quantity and source of water to be held, flood protection and overflow contingency measures • Site Waste Management Plan; to explain the source and or destination of all waste materials involved • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Planning Statement 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Prior Notification of Proposed Telecommunications Installations (Application type 20)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent or a written description of the proposed development. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee • Evidence that the developer has given notice of the proposed development in accordance with condition A.3(1) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order. • Where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome evidence that the developer has notified the Civil Aviation Authority, the Secretary of State for Defence or the Aerodrome operator in accordance with condition A.3(2) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order. 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • A full statement in accordance with the Code of Best Practice on Mobile Phone Network Development to include: <ul style="list-style-type: none"> ○ Technical information including the frequency, modulation characteristics, power output, height of the proposed mast and antennas ○ Area of search ○ Alternatives considered ○ “Before” and “After” diagrams to show signal coverage with and without the proposed installation ○ Details of any consultation undertaken • Other plans and drawings or information necessary to describe the subject of the application including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries, buildings and properties. • Proposed elevations at a scale of 1:50 or 1:100 • Signed declaration that the equipment and installation fully complies with the ICNIRP requirements • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Noise Impact Assessment • Landscape Impact Assessment • Landscape Scheme 	

- Planning Statement
- Statement of Community Involvement

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Hedgerow Removal Notice (Application type 21)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent to include all the details set out in Schedule 4 to the Hedgerow Regulations 1997 • A plan which clearly shows the location and length of the hedgerow(s) to be removed (preferably at a scale of 1:2500) • Evidence of the date of planting 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Arboricultural implications • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Estimate of the age of the hedge if known • A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Tree surveys and proposals • Archaeology Statement - where the process of removing the hedgerow may require earthworks affecting an archaeologically sensitive feature or remains 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Prior Notification of Demolition (Application type 22)	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent and gives a written description of the proposed development • A statement that the applicant has displayed a site notice in accordance with condition A.2(b)(iii) of Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order. • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • A plan which identifies the land and building(s) to which the application relates drawn to an identified scale and showing the direction of North • Photographs of the building(s) to be demolished – with the position and direction of the photographs identified on the site plan • A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Planning Statement • Structural Survey • Tree survey and proposals 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Approval of Reserved Matters of a previously Granted Outline Planning Permission (Application type 23)
1. National Requirements
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • Such particulars as are necessary to deal with the matters reserved for subsequent approval in the outline planning permission • Such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The appropriate fee
2. Local Requirements – items required in all cases
<ul style="list-style-type: none"> • Plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must show the relative positions of any adjacent properties ○ On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties accurately along with the access and parking arrangements for the development The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement • Details of external materials must be given either by annotation on the plans or in a written statement • Design and Access Statement (where one was not submitted with the outline application) or updated Design and Access Statement in all other cases. • A note of any pre-application discussions and the name of the Planning Officer who gave the advice
3. Local Requirements – items required where relevant
<ul style="list-style-type: none"> • Affordable Housing Statement • Air Quality Assessment • Archaeological evaluation report • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Daylight/sunlight • Drainage Assessment • Environmental Impact Assessment • Flood Risk Assessment

- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Statement of Significance
- Structural Survey
- Sustainability Statement
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

<p style="text-align: center;">Application for Removal or Variation of a Condition following the grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990) (Application type 24)</p>	
1. National Requirements	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO. • Agricultural Holdings Certificate • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMPO must be given and/or published in accordance with this Article and the relevant schedule • Design and Access Statement, where required. • The appropriate fee 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Planning Statement to identify the permission and condition(s) concerned and to explain why the condition(s) is (are) no longer necessary or require(s) variation, and to identify the likely impacts of the change. • Site Location Plan • Where the condition relates to built development, plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must be sufficient to show clearly how the property will look before and after the development. ○ They must show the relative positions of adjacent properties ○ On sloping sites the existing natural ground level must be shown on the main elevations, along with any proposed level changes ○ They must be drawn to recognised metric scales ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension. The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • (all as required for the original grant of planning permission) 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

<p align="center">Application for Approval of Details Reserved by a Condition following the grant of Planning Permission (Application type 25)</p>	
1. National Requirements	
<ul style="list-style-type: none"> • There are no National requirements for the approval of detail reserved by a condition, except that they should be made in writing. 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Preferably a completed form however alternatively a letter or written statement to identify the permission and condition(s) concerned and to explain the details which are being submitted. • The written scheme or details required by the condition/s • Fee where applicable • A note of any pre-application discussions and the name of the Planning Officer who gave the advice 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • (all as required for the original grant of planning permission where relevant to the condition(s) concerned) 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Tree Works:(1) Tree subject to a Tree Preservation Order (2) Works to a tree in a Conservation Area (Application type 26)	
1. National Requirements	
<ul style="list-style-type: none"> • (None) 	
2. Local Requirements – items required in all cases	
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • Site Location Plan • For works to a tree the subject of Tree Preservation Order or in a Conservation Area: <ul style="list-style-type: none"> ○ Scale plan showing the location of all relevant trees (this may include adjacent trees which are not the subject of proposals but may be in proximity to the affected trees) ○ A full and clear specification of the works to be carried out ○ A statement of reasons for the work ○ Evidence in support of the proposed works including a report by an arboriculturalist or horticultural adviser if your reasons relate to the health or safety of the tree, and/or a report by an engineer or surveyor if subsidence damage is alleged ○ Method statement for the works • Photographs of the tree(s) and any alleged damage or weaknesses in them • A note of any pre-application discussions and the name of the Planning or other Officer who gave the advice. 	
3. Local Requirements – items required where relevant	
<ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Tree survey of the whole site 	

For advice and guidance as to the content and nature of reports or surveys listed above, please see section 4 at the back of this document

Application for Extensions of time for extant planning permission, Listed Building Consent or Conservation Area Consent.

NB It is only possible to apply to replace a planning permission in order to extend the time limit for implementation if the permission is extant at the time of this application, was extant on 1 October 2009, and if the development has not already commenced. See Planning portal for more information

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMPO [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate
- The appropriate fee

- And for applications to replace Listed Building or Conservation Area Consents only: Location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Plans and drawings or information used to describe the subject of the application which may include :
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- Design and Access Statement.

2. Local Requirements – items required in all cases/where relevant

- None

<p style="text-align: center;">Application for Non Material Amendments</p> <p>NB; Whether or not a proposed amendment is non-material will depend on the circumstances of the case – a change which may be non-material in one case could be material in another.</p>
<p>1. National Requirements</p>
<ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • Only a person who has an interest in the land to which the non-material amendments relates, or someone else acting on their behalf, can apply. Examples of people with a legal interest in the land are: <ul style="list-style-type: none"> A freeholder A holder of a lease of over 7 years (whether as head lessee, sub-lessee or tenant of an agricultural holding) A mortgagee Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land) <p>If you are not the sole owner of all the land to which this application relates, you are required to notify any other owners or tenants of agricultural holdings of this application, as set out in article 9(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This notification must state what the application is for, and where the person can view a copy of it, and that any representations about the application must be made to the local planning authority within 14 days of the date when the notice is given.</p> <ul style="list-style-type: none"> • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The appropriate fee
<p>2. Local Requirements – items required in all cases/where relevant</p>
<ul style="list-style-type: none"> • None

4. Guidance on the Content of Supporting Statements and a description of what the 'Information Needed' should contain

This section identifies the situations in which the relevant requirements may occur and sets out what that information should include.

Affordable Housing Statement

Criteria: Required for proposals for residential development, which are at or above the following thresholds (either by number of units or by site size):

Affordable Housing Thresholds

	Number of Units Proposed	Site Area
Population of 3000 or more	25	1ha. Or more
Population of 3000 or less	15	0.5ha. or more

A statement setting out what the identified housing need is for the locality and how the scheme proposes to meet that need. This will normally include details of tenure, house type(s) and locations of affordable houses within the scheme. If different levels or types of affordability or tenure are proposed for different units this should be clearly specified and explained. There will also be a Section 106 Agreement in most cases and the statement should therefore include draft Heads of Terms of the agreement.

Supplementary Guidance:

The Council is currently preparing a supplementary planning document (SPD) concerning affordable housing. This SPD will look at affordable housing needs together with appropriate thresholds from development sites.

Planning Policy Statement 3 (PPS3): Housing (June 2011). Available from:
<http://www.communities.gov.uk/publications/planningandbuilding/pps3housing>

Agricultural/Forestry Dwelling Justification

Criteria: Required for:

- All proposals for an agricultural or other rural dwelling.
- All proposals to remove an agricultural occupancy condition from a farm dwelling;
- Proposals for agricultural buildings where the agricultural need for the proposed building(s) is questioned.

An appraisal is required demonstrating the essential need for such a dwelling having particular regard to the functional and financial tests outlined in PPS7:Sustainable

Developments in Rural Area (August 2004), Annex A Agricultural, Forestry and other Occupational Dwellings.

Supplementary Guidance:

Supplementary Planning Guidance Note 6: Agricultural Dwellings and Occupancy Conditions

<http://www.bromsgrove.gov.uk/cms/pdf/SPG%206%20-%20Agricultural%20buildings%20and%20occupancy%20conditions.pdf>

A Farmer's Guide to the Planning System

<http://www.communities.gov.uk/publications/planningandbuilding/farmersguide>

Planning Policy Statement 7: Sustainable Development in Rural Areas -

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

Air Quality Assessment

Criteria: Required for

- Proposals for industrial or commercial activity requiring regulation under Pollution Prevention and Control Regulations
- Proposals that will result in increased congestion, a change in traffic volumes (typically a change in annual average daily traffic (AADT) or peak traffic flows of more than + 5% or 10%, depending on local circumstances), or a change in vehicle speed (typically of more than +/- 10kph), or both, usually on a road with more than 10,000 AADT
- Proposals which significantly alter the composition of traffic locally (i.e. increase the proportion of HGVs) for example bus stations, HGV parks, increased delivery traffic etc.
- Proposals that include new parking –m e.g. >300 spaces or an increase in current parking provision by, for example 25%, although account should be taken of car park turnover, i.e. the difference between short term and long term car parking or new coach or lorry parks
- Developments located in, or which may affect sensitive areas (e.g. ecological sites) or areas of poor air quality (including AQMAs), where either direct emissions to air occur, or where any of the preceding criteria are met
- Introduction of new exposure close to existing sources of air pollutants, including road traffic, industrial operations, agricultural operations etc;
- Potential impacts for from construction on nearby residents;
- Development which would give rise to significant dust emissions in areas where people and/or commercial activities would be exposed.

There are three Air Quality Management Areas (AQMA) in the Bromsgrove District:

- Lickey End M42 J1
- Redditch Road, Bromsgrove
- Kidderminster Road, Hagley
- A further AQMA is being declared at Worcester Road, Bromsgrove

Applications should be supported by such information as necessary to allow full consideration of the impact of the proposal on the air quality of the area.

Supplementary Guidance:

Planning Policy Statement 23: Planning and Pollution Control (November 2004).

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement23.pdf>

A locally developed air quality Planning Protocol for Herefordshire and Worcestershire can be inspected at:

<http://www.bromsgrove.gov.uk/cms/environment-and-planning/environmental-health/air-quality.aspx>

This document was developed by the Hereford & Worcester Pollution Group which comprises local authority officers responsible for air quality management. It outlines what is expected in terms of when assessments are required and what they should include.

Archaeological Evaluation Report

Criteria: Required for any development involving any excavation in an archaeologically sensitive area, including adjacent or near to a Scheduled Ancient Monument.

A statement setting out what steps have been taken to establish the likelihood of archaeological remains existing on the site, the impact of the development on any existing features as well as proposals to mitigate against that impact will be required. A written scheme of investigation should be submitted (see para 99 – 109 of best practice guide) A desk study or test pits undertaken by a suitably qualified person will be needed. Contact should be made with the County Archaeologist.

Supplementary Guidance:

Planning Policy Statement 5: Planning for the Historic Environment (March 2010)

<http://www.communities.gov.uk/publications/planningandbuilding/pps5>

Also see Planning Policy Statement 5 Best Practice Guide ; <http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>

Daylight/Sunlight Assessment

Criteria: Where new buildings or extensions to existing ones would be likely to adversely affect the sunlight or daylight to windows of habitable rooms of nearby dwellings.

In the case of household extensions a diagram to illustrate the “45 degree” rule – i.e. to show if the extension projects forward of a line (on plan) drawn from the reveal of the neighbour’s habitable window at an angle of 45 degrees from the centre line of the window.
In the case of new housing estates a more comprehensive assessment may be required.

Supplementary Guidance: Building Research Establishments publication Site Layout planning for daylight and sunlight: a guide to good practice.

Details of External Materials

Criteria: All proposals for new development or works to Listed Buildings.

Details of the proposed materials must be clearly specified on the drawings. This requirement refers specifically to details of bricks, tiles and windows types.

Drainage Assessment

Criteria: All proposals which would give rise to any change in connections to water supply, connection to existing services, or the provision of new drainage/sewerage facilities to serve the development.

The requirements for an assessment of development involving non-mains drainage are set out in DETR Circular 03/99. (See also PPS 23 paragraphs 8-15 and Annex 1 paragraphs 1.21 -1.23.) In the first instance, the applicant should confirm with the LPA whether a connection to the mains foul sewer is feasible and practicable, in consultation with the Utility Company (i.e. Severn Trent Water Limited). This should be demonstrated through an appropriate drainage assessment in line with Circular 3/99 and PPS23.

In line with Circular 3/99, if it is demonstrated that a connection to the mains foul sewer is not practical or feasible then a package treatment plant should be considered as the next preferred option, followed by a septic tank.

Under the Environmental Permitting Regulations (2010) the discharge of treated effluent to surface water (watercourses) or groundwater may require an Environmental Permit (EP) or an Exemption from a Permit from the Environment Agency.

A Water Cycle Study has been completed by Royal Haskoning in 2009. The Study provides information on the wastewater collection system, the wastewater treatment capacity and the receiving water quality of the Sewerage Treatment Works. A Draft Water Cycle Study Update has just been completed by MWH and more up-to-date information, including any infrastructure and environmental constraints, is available.

Ecological Assessment (Biodiversity Statement)/Protected Species Surveys

Criteria: Any application for development that could reasonably be considered to affect biodiversity* must be accompanied by an Ecological Assessment detailing the current ecological features at the site, the potential impacts upon these features from the development and actions to mitigate and/or compensate for said impacts. Details of ongoing management and maintenance that will deliver biodiversity enhancements should also be provided.

*Biodiversity should be considered to include statutorily protected species, local biodiversity action plan habitats (LBAP) and species, wildlife habitats and corridors, nationally and locally

designated sites (e.g. SSSI, potential SSSI, LNR, Local Wildlife Sites and potential Local Wildlife Sites).

An Ecological Assessment is required for:

- All proposals for new development that may affect Sites of Special Scientific Importance (SSSIs), Local Nature Reserves (LNRs), Local Biodiversity Action Plan (LBAP) habitats and Local Wildlife Sites (LWS)
- All proposals involving works to traditional agricultural buildings;
- All proposals involving development adjacent to streams or rivers;
- All proposals where there is a pond within the ownership boundary
- All proposals which would affect protected species.

A Bat Survey is required for:

- All proposals for the conversion of rural buildings
- All proposals which would affect the roofspace of existing buildings (including domestic extensions and loft conversions where planning permission is required, unless otherwise agreed with the LPA);
- All proposals involving tunnels, mines, kilns, icehouses, air raid shelters, cellars and similar underground ducts and structures;
- All proposals involving works to bridge structures; and
- All proposals which would involve the felling of, or substantial works to, mature trees.

At least An Extended Phase 1 Habitat Survey should be submitted. This should include up to date information and be undertaken at the appropriate time of year to allow the identification of the main wildlife interests and this may require survey work some time before the submission of any application. These surveys should be undertaken by suitably qualified individuals and should include analysis of the existing ecological data available from Worcestershire Biological Records Centre. An evaluation of the ecological importance of the site as well as the impact of the proposed development on the nature conservation interests in the short, medium and long term should also be included.

Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992 or as defined by Section 41 of the Natural Environment and Rural Communities Act 2006:

<http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows

or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

In relation to water-based bio-diversity, PPS 9 (Biodiversity and Geological Conservation) Practice Guide identifies two types of surveys that may be required as part of a planning application: **Ecological Surveys and Species Surveys**. These are required when the type and location of development may have significant impacts on nature conservation, legally protected species or Biodiversity Action Plan priority species. They are also required if there is insufficient information about the nature or quantity of sites or species.

Supplementary Guidance:

Policy Statement 9: Biodiversity and Geological Conservation (PPS9) (August 2005), PPS9 is accompanied by a Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system (ODPM Circular 06/2005, Defra Circular 01/2005 and Planning for Biodiversity and Geological Conservation: A Guide to Good Practice. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/137764.pdf>

The Institute of Ecology and Environmental Management provides an online tool to locate accredited professional Ecologists and Environmental Managers see <http://www.ieem.net/ieemdirectory.asp> ENDS also provides a list of ecological surveyors at <http://www.endsdirectory.com/>

Certain ecological surveys are seasonally constrained; the seasonality of species specific surveys is summarized on page 16 of the document below <http://www.alge.org.uk/publications/files/Pilot%20Template%20Validation%20Checklists%2007.doc>

Economic Statement

Criteria:

Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Supplementary Guidance: Planning Policy Statement 4 Planning for Sustainable Economic Growth (December 2009)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

Environmental Impact Assessment

Criteria: The Town and Country Planning (Environmental Impact Assessment) Regulations (2011) as amended set out the circumstances in which an Environmental Impact Assessment (EIA) is required. For a summary see <http://www.ecosulis.co.uk/blog/2011-eia-regulations>

Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement.

Applicants may seek a Screening opinion from the Council to identify whether or not an Environmental Impact Assessment is required. Applicants are encouraged to do this at pre application stage for major applications or those applications in sensitive areas and to enclose the resultant response with the application. Applicants can also seek an EIA scoping opinion from the Council where an EIA is required.

Supplementary Guidance: Circular 02/99 (Environmental Impact Assessment) and Environmental Impact: A Guide to Procedures. Both available at: <http://www.communities.gov.uk/publications/planningandbuilding/circularenvironmentalimpact>

The Environment Agency has also produced EIA Scoping Guidance which identifies requirements for a range of project types. <http://www.environment-agency.gov.uk/research/policy/33013.aspx>

Final Landform details/Topographical survey

Criteria: Proposals involving earthmoving and engineering operations, hardstandings, bunds, embankments, excavations, landfilling, cut and fill operations or land raising.

The final landform details/topographical survey will include detailed plans showing existing and proposed levels and realistic sections, construction methods, timescales, amount of imported material and phases of development.

Flood Risk - Planning Policy Statement (PPS) 25 Development and Flood Risk

All development in areas of flood risk should carry out a site-specific Flood Risk Assessment.

Development should apply the sequential risk-based approach (see Annex D and Table D.1 of PPS25) to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. A sequential approach should be used in areas known to be at risk from all sources of flooding (not just fluvial flooding). This test is designed to direct vulnerable development towards areas of lower flood risk and involves considering alternative sites for development.

In areas at risk of river flooding, development in Flood Zone 1 automatically passes the Sequential Test (Note: please note that many watercourses in the District are not modelled and hence there is no flood definition available, but this does not mean that areas next to these un-modelled watercourses fall within Flood Zone 1).

The Planning Authority determines the Sequential Test, and it should be discussed at pre-application stage. Evidence of the Sequential Test should be submitted with the application.

A Level 1 Strategic Flood Risk Assessment (SFRA) has been completed by Royal Haskoning where flood zones of Main Rivers, implications of climate change on flood risks from Main

Rivers as well as locations and forms of historic flooding are covered. A Level 2 SFRA is now being carried out by MWH to facilitate application of the Sequential and Exception Tests on the proposed Strategic Sites in Draft Core Strategy 2.

The **Exception Test** also needs to be passed for certain types and locations of development. Evidence of this should also be included in planning applications where relevant. For more details of the Sequential and Exception Tests see PPS 25 paragraphs 16 – 21 and Annex D, particularly Table D3.

Evidence of both Sequential and Exception Tests can be included in a flood risk assessment (see below).

Flood Risk Assessment

A Flood Risk Assessment (FRA) is required for:

- Planning applications for development of 1 hectare or greater in Flood Zone 1
- All proposals for development in Flood Zones 2 and 3
- Where drainage problems have been identified or mapped (such as in a Strategic FRA) (PPS25, Annex E, paragraph E9).

FRAs should assess the risks of fluvial, surface water and other sources of flooding along with assessing climate change impacts and the impact on any inland waterway including abstraction, navigation and effect on water quality. Sustainable Drainage Systems (SUDS) should be included in development wherever possible to reduce surface water run-off. (This also helps protect water quality and add amenity value to development).

For more detail on when a FRA is required see Table D1 and Annex E paragraphs E8-E10. More information on flood risk, FRA's and flood maps is available at <http://www.environment-agency.gov.uk/research/planning/82584.aspx>

Guidance on undertaking a FRA is found in Annex E of PPS25.

Supplementary Guidance: Planning Policy Statement 25: Development and Flood Risk (March 2010) and its associated Practice Guide provide comprehensive guidance in relation to the undertaking of FRAs.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>

Landscape (and Visual) Impact Assessment

Criteria: Required for any scale of development that is likely to have a significant impact on the surrounding landscape and/or townscape character. This may include where the setting of a designated heritage asset is impacted upon by a development.

Supporting information to show how these impacts have been assessed and how the development has been designed to address or mitigate these impacts.

Landscape Scheme

Soft and hard landscape proposals form an integral part of the external design of new developments yet these elements are often left as an afterthought or are shown purely illustratively on plans and sketches. Realising the details and quality of the proposals may then prove difficult to achieve once planning permission has been granted. By submitting professionally prepared landscape details from the outset, applicants can also help to avoid requests for additional information and amendments and the delay that these entail. Site boundaries are particularly important within a development as they help soften the impact and tie an area into its local context. The use of Native species is encouraged on sites to help support with local integration and good biodiversity opportunities.

Criteria:

Applications **for full planning permission** involving erection of buildings or engineering works must be submitted with an accompanying landscape master plan including drawings and a supporting design statement. The drawings should include accurate plotting and labeling of existing trees and hedges that are to be retained or removed, as well as details of new hard and soft landscape proposals

In terms of **soft landscape** details the following information is required:

- Planting plan, plant schedule, (showing plant species, size and numbers/density) written specification of cultivation operations (eg soil preparation, herbicide, including quality of workmanship and materials for establishment of the planting)

In terms of **hard landscape** details the following information is required:

- Existing and proposed finished levels, proposed hard surface treatment (e.g. paving or gravel type, colour, size) and edging, boundary treatments and forms of enclosure (e.g. walls, railings, fence types). Standard elevation details should illustrate these as well for the avoidance of doubt.

Land Contamination Assessments

Planning Policy Statement 23: Planning and Pollution Control (PPS23) takes a precautionary approach to land contamination. This means land contamination needs to be assessed prior the principle of development being determined – it is no longer acceptable to control these matters simply by condition. PPS 23 advises that where contamination is known or suspected, or the proposed use is especially vulnerable (such as schools, hospitals or residential use), the applicant should provide as a minimum a **preliminary risk assessment** comprising:

- Desk study
- Walkover site reconnaissance
- Conceptual model identifying potential pollutant sources, pathways and receptors (pollutant linkages) as a basis for assessing the risks and appraising the options for remediation.

A phased or tiered approach is recommended in the Defra/Environment Agency's Model Procedures for the Management of Contamination (CLR11). The initial provision of this information is essential to determine whether further more detailed investigation is required. Where the above detailed **preliminary risk assessment** does not provide sufficient information to assess the risks and appraise remedial options, further site investigations may need to be carried out and a remediation strategy submitted before the application is determined.

Applications involving development of sites located on or within 250 metres of a former landfill site will need to include a **risk assessment of landfill gas migration**.

In addition, **long-term monitoring** (i.e. of groundwater, of appropriate remediation measures and verification works where contamination issues are identified, surface water and landfill gas) may be required, and this should be secured by Section 106 Agreement. Such matters need to be considered early in the planning process (see Section 106/Planning Obligations below).

For further advice see PPS 23, in particular paragraphs 22-25 and Appendix A. Table 2.1 in Annex 2 of PPS 23 gives examples of potentially contaminative uses of land.

The Environment Agency website also provides advice on land contamination at the following link:

<http://www.environment-agency.gov.uk/research/planning/33706.aspx>

The Environment Agencies Groundwater Protection Policy and Practice document part 4 also contains advice on the protection of ground water, types of activities and land contamination at ; <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>.

Lighting Impact Assessment

Criteria: Required for:

- Floodlit outdoor uses such as sports pitches or golf driving ranges; and
- Other uses which would require extensive outdoor lighting such as commercial developments with illuminated forecourts.

The application should include

- a schedule of the lighting equipment,
- a plan showing the position of lights
- a plan showing the "Lux levels" in and adjacent to the site,
- full details of the hours of illumination as required on each day of the week .
- a statement of why the lighting is required.

Supplementary Guidance: Lighting in the countryside: Towards good practice (1997). Please note that this guidance was published jointly with the (then) Countryside Commission. The findings and recommendations in this report are those of the consultant authors and do not necessarily represent the views or proposed policies of the Department for Communities and Local Government.

<http://www.communities.gov.uk/archived/publications/planningandbuilding/lighting> is a good guide on what can be done to lessen the effects of external lighting. The advice is applicable in towns as well as the countryside. There may be an indirect consequence of the use of high power lighting for protected species, such that may deter bats from using an area. Applicants should be aware of the need to address this matter separately under the Ecological Report.

Management and maintenance of landscape areas

- A schedule of landscape maintenance, including a table of monthly operations and a brief description of these maintenance operations, is likely to be required for a period of 5 years after planting has been implemented (not required for domestic gardens)

Applications for outline permission, where landscaping is to be approved as a reserved matter, may also require the submission of a landscape master plan as supporting information or, depending on the type of scheme, indicative planting areas so that the potential for future landscape details, in particular sufficient space, can be assessed.

Noise Impact Assessment

Criteria: Proposals for noise sensitive developments (residential, education, religious or similar uses) adjacent to potentially noisy uses (for instance major roads, industrial, storage and distribution, hotels, night clubs, take aways) or proposals for potentially noisy uses close to noise sensitive development (i.e. wind turbines)

The Noise Assessment should be prepared by a suitably qualified acoustician and include

- measurement of the existing background noise levels at the site;
- measurement of existing sources or the prediction of noise from future sources; and
- evaluation of the actual or predicted value against the most relevant criteria and assessing whether complaints from local residents are likely to occur.

There may be an indirect consequence of the use of noise generating development for protected species using wildlife corridors and applicants should be aware of the need to address this matter separately under the Ecological Report

Supplementary Guidance: Planning Policy Guidance 24: Planning and Noise (October 1994)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf>

Open Space/Recreational Needs Assessment

Where a development entails the loss of outdoor sports facilities or any public open space applications should be accompanied by plan showing any areas of existing or proposed open space/outdoor sports facilities within or adjoining the application site. Together with an assessment to demonstrate the consequences of the loss and any proposed mitigation.

Applications for residential development of 6 residential units or more or on sites of a minimum area of 0.2 hectares shall include a plan to show provision for playing space as specified in the *Local Plan/SPG Outdoor Play space in the District of Bromsgrove*. A financial contribution towards maintenance may also be required. This would be secured either through a direct payment, a unilateral undertaking or through a S106 agreement. Where a

section 106 agreement is to be used this should be included in the draft Heads of Terms submitted with the application.

Supplementary Guidance: National planning policy is set out in Planning Policy Guidance note 17: Planning for open space, sport and recreation. (July 2002)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppg17.pdf>

Photographs and Montages

These provide useful background information and can help show how large developments can be satisfactorily integrated within the street scene.

Photomontages will be required where development is likely to have an impact on the street scene or as part of a Landscape Assessment.

Criteria: Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

Photographs should be provided if the proposal involves the demolition of an existing building to provide a record of the building. In addition photographs are helpful should to assess the impact on the appearance of Conservation Areas, the setting of listed buildings, and/or the impact on the landscape qualities of the district.

Planning Obligation Agreements – Heads of Terms

Planning obligations (or section 106 agreements) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or developers), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Criteria: - Normally will not apply to developments of less than 5 dwellings or 250m³ of floor space.

Notes: Potential Planning Obligations may include

- Affordable Housing
- Open Space/Playspace
- Education Contributions
- Highway Works Provision/Contributions

For applications where a legal agreement/planning obligation (for example a Section 106 Agreement or a unilateral undertaking under Section 106) will be required you will need to supply the following information with the planning application:

- (i) Statement of the anticipated planning obligations (Heads of Terms).
- (ii) Proof of title;

(iii) In the event that there are any charges, mortgages or other securities secured on the land or leases, the names and addresses of the Chargees/Mortgagees/holders of the security and/or lessees since it will be usually be necessary for any such to be joined as parties to the agreement;

(v) A unilateral undertaking (if applicable);

(vi) An undertaking to pay a contribution towards the Council's legal costs and those of any other Authority (such as the County Council) in connection with the preparation and sealing of a Section 106 agreement regardless of whether or not the planning permission is granted;

(vii) In the event that you or your clients are represented by solicitors, the relevant contact address and name of person dealing with the matter.

In relation to environmental infrastructure and major development and certain other applications, applicants should submit draft heads of terms for a Section 106 Agreement or Unilateral Undertaking.

Where relevant the following environmental matters should be covered in such agreements:

- Arrangements for long-term monitoring of ground or surface water and landfill gas
- SUDS adoption and maintenance agreements
- Financial contributions for environmental infrastructure such as:
 - o new flood defences and/or maintenance of existing defences
 - o flood warning provision
 - o retrofitting water minimisation devices.

Further advice is available in ODPM Circular 05/05

<http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations>

Community Infrastructure levy guidance: Charge setting and charging schedule procedures

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1518612.pdf>

and DCLG Planning Obligations: Practice Guidance

<http://www.communities.gov.uk/publications/planningandbuilding/planningobligationspractice>

and for more information on environmental infrastructure see the Environment Agency's Hidden Infrastructure 2007 Report:

<http://publications.environment-agency.gov.uk/pdf/GEHO0307BMCD-E-E.pdf>

Planning Statement

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission.

The Planning Statement may also include very site specific information for example a reasoned justification required by PPG17 Para 15 to state why in an applicants opinion

development affecting a playing field should be allowed. Or details of the actions taken to comply with the advice in Para 10 of PPG17 where development affects open space, sport and recreational facilities. Similarly the justification for say a development involving the loss or creation of a theatre may be contained here. Coal Mining Development Referral Areas are very limited within the District, but a Coal Mining Risk Assessment would be required for proposals in those areas. These assessments could be contained within the Planning Statement

It should include information relating to any future management issues on the site, and how the operation/use proposed would be run. This can include information such as number of children of different ages attending a day nursery and associated ratios of staff, it could internal signage within the site resulting in a one-way system for vehicles, or how parking will be managed at shift change, for example. It should also include outline information on the type of conditions that the applicant might consider acceptable, or information that the Council could use when writing conditions, for example the hours of use proposed.

If the proposed development is quite small in scale and nature, the planning statement can also contain all or some of the other information required in the checklist, but if this is the case, it is helpful to have the document subdivided with clear headings so that the various elements are easily identified.

Provided all the other requirements have been met then a Planning Statement will be discretionary.

Retail Impact Assessment

Criteria: Retail Impact Assessments are required for all retail and leisure developments over 2,500 square metres gross floorspace, and may be required for smaller developments such as those likely to have a significant impact on smaller centres. Impact assessments should also be provided for applications for other main town centre uses when they are in an edge of centre or out of centre location and not in accordance with the Bromsgrove District Local Plan.

The coverage and detail of the retail impact assessment should reflect the scale of the proposed development and its local context. This will normally require evidence to justify that a need exists and, if it does, an assessment of both quantitative and qualitative nature of the need. The impact statement should then go on to address the impact on existing retail centres and demonstrate how that impact will be managed.

Supplementary Guidance: PPS4: Planning for Sustainable Economic Growth (December 2009) available at

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps4impactassessment.pdf>

Statement of Community Involvement

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Criteria: Significant applications, as defined in Bromsgrove District Council's adopted Statement of Community Involvement.

Supplementary Guidance: Bromsgrove District Council's adopted Statement of Community Involvement. <http://www.bromsgrove.gov.uk/cms/environment-and-planning/planning/local-development-framework/community-involvement.aspx>

Statement of Significance

Criteria: Required where the proposal involves works to a listed building, or works of demolition in a conservation area or a planning application for development which affects any or all of:

- A listed building
- The setting of a listed building
- A conservation area
- An area of archaeological interest
- A scheduled ancient monument
- A scheduled historic park or garden
- Registered Parks and Gardens
- Buildings of local, architectural, historic, archaeological or artistic interest

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application, but should explain the impact of the proposal on the significance of the heritage asset and any justification or mitigation. Applicants are advised to discuss with the Council's Conservation Officer the level of information required for each application, however for guidance applications for Listed Building Consent should include a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting of adjacent buildings maybe required. Additional requirements may include Marketing Reports, for example when the demolition of a designated heritage asset is proposed in economic grounds. Additional information may also be found in the Historic Environment Record

<http://www.worcestershire.gov.uk/cms/archaeology/information-and-advice/historic-environment-record.aspx>

Supplementary Guidance: Planning Policy Statement 5: Planning for the Historic Environment (March 2010).

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

Also see Planning Policy Statement 5 Best Practice Guide; <http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>

Structural Survey

Criteria: Required for

- all proposals involving the re-use of rural buildings and
- for works involving substantial reconstruction of Listed Buildings and important buildings in Conservation Areas.
- where the demolition of a designated heritage asset is proposed on the grounds it is structurally unsound.

In the case of the re-use of rural buildings a full structural survey is required to demonstrate the practicality of converting the existing building rather than substantially reconstructing it. The survey will need to indicate the structural soundness of the building and the extent of rebuilding, remedial works and alterations which would be necessary in order to carry out the proposed conversion.

In the case of listed buildings and buildings in Conservation Areas the survey will need to identify defects and indicate the extent of rebuilding, remedial works and alterations which would be necessary in order to restore the building.

In all cases, any areas of rebuilding should be clearly marked on representative elevational plan/s to be submitted with the application.

Note: Structural surveys must be carried out by a qualified building surveyor or other suitably qualified person.

Sustainability Statement

PPS 1 (Delivering Sustainable Development) requires sustainable development to be at the heart of the planning system. This is more important than ever with the impact of climate change. **Sustainability statements** should be submitted with most applications, and all major development.

Assessments to form the basis of the sustainability statement include:

- Water use – particularly where water scarcity is a recognised issue locally; for major development involving surface or groundwater abstraction.
- Energy consumption – incorporation of renewable energy schemes, aiming to reduce CO2 emissions.
- Sustainable construction – utilising recycled building materials.
- Waste management – promoting resource efficiency.

Residential development should establish how the development will meet Level 3 or above standard of sustainability for water use as set by the 'Code for Sustainable Homes' (DCLG, 2006); and 'very good' rating under the BREEAM Standard for Non-residential development.

For further advice – Code for Sustainable Homes – DCLG (December 2006) see http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf and www.breeam.org

Planning Policy Statement 1 – Delivering Sustainable Communities
For major development sustainability statements will need to be more detailed.

Transport Assessment

Criteria: National Guidance as to the relevant thresholds for Transport Assessments (TA) and Transport Statements (TS) is contained in Department of Transport's document Guidance on Transport Assessments 2007. Appendix B sets out these thresholds and emphasises that they should not be taken as absolutes and that they should be informed by local circumstances. <http://www.dft.gov.uk/publications/guidance-on-transport-assessment/>

Transport Assessments may also be required for developments that fall below these thresholds because of reasons of site location or other particular circumstances, the Highway Authority considers such a development could have a significant impact in transport terms.

Worcestershire County Council has prepared guidance on how to undertake a TA and a TS www.worcestershire.gov.uk/ltp3 and submissions should follow this format

Applicants are advised to agree TA or TS's with the Worcestershire County Council prior to the submission of an applications. Discussions may include agreement over trip rates, strategic modeling using the Bromsgrove Transport Model (BTM) and Accession, with associated options. Agreement of a scoping paper and the preparation of a TA in accordance with that scope. This will inform mitigation and possible planning obligations.

Every TA should be supported by a Travel Plan and a TS where the Worcestershire County Council considers it necessary.

Travel Plan

Criteria: This must accompany any Transport Assessment or Transport Statement. For residential development that do not require a TS or TA then a welcome pack should be prepared which promotes sustainable travel and community facilities

A travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

Supplementary Guidance: Planning Policy Guidance 13: Transport (January 2011)
<http://www.communities.gov.uk/publications/planningandbuilding/ppg13>

Tree Surveys and Proposals

Criteria: Any application involving building or engineering work where there are trees within the application site or on land adjacent to it that could influence or be affected by the development (including street trees) are required to be accompanied by a tree survey. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Utilities Statement

A utilities statement should include how an application connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

Utilities statements should demonstrate:

- (a) that the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains.

Ventilation/Fume Extraction Details

Criteria: These are required to accompany all applications for the use of premises as hot food takeaways, restaurants, public houses, wine bars and hotels.

This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

Details shall include the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics.

Waste Management Plan

Criteria: These are advisable for all new development and required for all constructions projects costing over £300K. They are not required for householder development.

The plan includes an assessment of the waste likely to be generated by the development and details of how it is to be minimised and, where not eliminated, how it will be dealt with. Waste during construction and occupation should be addressed. Relevant issues include the re-use of materials on site, local sourcing of materials and provision of recycling facilities in the built development. The potential contamination of areas such as waterways from wind blow, seepage and spillage should be considered as part of this plan

Supplementary Guidance: Further information is set out in the Site Waste Management Plans Regulations 2008.

5: List of reference materials

The following list of additional references may also be of assistance in compiling and submitting applications:

For the national validation requirements, see the Development Management Policy Annex: Information Requirements and Validation for Planning Applications' published in March 2010 available via the Communities and Local Government website or directly at:

<http://www.communities.gov.uk/publications/planningandbuilding/developmentannexinfo>

Further advice has been published in the CLG document entitled 'Guidance on information requirements and validation' March 2010 available via the CLG website or directly at

<http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>

Planning portal is the website where applications can be made electronically and the source for forms if you prefer to print them off and send them in. It is available at:

<http://www.planningportal.gov.uk>

For planning guidance documents specific to Bromsgrove Council, including the LDF, Draft Core Strategy and SPG's (Supplementary Planning Guidance) as well as emerging policy documents, see the Council website at: <http://www.bromsgrove.gov.uk/cms/environment-and-planning/planning/strategic-planning.aspx>

British Waterways produce a Policy Advice Note; Inland Waterways Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System.

Another circular that may be of relevance: Circular 04/2008 (Planning related fees):

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/10.pdf>

Design and access statements; The headings to be covered in these statements are as follows: use, amount, layout, scale, landscaping, appearance, access.

CABE published a guide called 'Design and access statements: how to write, read and use them', similar information is now available from

<http://www.designcouncil.org.uk/our-work/CABE/Design-Review/>

The Environment Agency foul drainage assessment form can be found at:

<http://publications.environment-agency.gov.uk/PDF/GEHO0811BUDF-E-W.doc>

DCLG useful links for planning:

<http://www.communities.gov.uk/planningandbuilding/publications/legislation-and-policy/>

Code of Best Practice on Mobile Phone Network Development

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/codemobilenetwork.pdf>

The Coal Authority general information can be found at www.coal.gov.uk/services/planning
Environmental impact assessments (EIA); Check the relevant regulations for when an environmental impact assessment would be required, and if in doubt, seek a screening opinion from the Local Planning Authority.

Town and Country Planning Act (Environmental Impacts Assessment Regs) 2011
http://www.legislation.gov.uk/ukxi/2011/1824/pdfs/ukxi_20111824_en.pdf

Diagram for establishing whether an EIA is required:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147585.pdf>

EIA: A guide to procedures:
<http://www.communities.gov.uk/publications/planningandbuilding/environmentalimpactassessment>

If an EIA is required, you should follow the advice and guidance and prepare an EIA. If you submit an application without a necessary EIA when one is needed, then your application will be delayed while the EIA is requested and compiled.

For further details relating to Secured by Design or other issues relating to minimising risk and fear of crime, please make contact in the first instance with:

Peter Aston
Crime Risk Advisor
West Mercia Constabulary
Kidderminster Police Station
Habberley Road
Kidderminster
DY11 6AN

For further details, or to seek further advice and guidance, please contact the Development Control at:

Development Control
Planning and Environment Services
Bromsgrove District Council
Burcot Lane
Bromsgrove
B60 1AA

Should you wish to seek further advice on whether your proposal requires permission or is likely to gain consent, you should take advantage of the low cost consultation service provided by the Development Control service.

Planning Policy Guidance (PPG) notes and their replacements Planning Policy Statements (PPS), are prepared by the Government after public consultation to explain statutory

provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use.

Local authorities must take their contents into account in preparing plans. The guidance may also be relevant to decisions on individual applications and appeals. For a full list see

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/>

6: Final checklist to ensure that all information has been compiled ready for the submission of an application

Stage 1:

Have you identified the type of development proposed and therefore the type of application required?

Stage 2:

Have you compiled all the information and documents required under the national validation requirements for your particular application type, as set out in Section two?

Stage 3:

Have you compiled all the information and documents required under the local validation checklist for your particular application type, as set out at Section 3 above?

Stage 4:

If your development is very large (over 200 dwellings, over 0.5ha site area or over 1000m² of new floorspace), have you checked whether an Environmental Impact Assessment is required?

Stage 5:

If you are not submitting electronically, have you got the right number of copies of each document, plan and form?

Stage 6:

If the answer to all the questions above is yes, then submit the application to Bromsgrove District Council Development Control Team.

Please note:

Submissions can be made electronically via the Planning Portal, or delivered on paper. Either way, the application forms will need to be downloaded from the Planning Portal.

7: Appendix

Extracts from Annex 8 of 10/97

Lawfulness for planning purposes

8.3 By virtue of section 191 (2), uses and operations are "lawful" if no enforcement action may be taken against them **and** they are not in contravention of any enforcement notice which is in force. And, by virtue of section 191(3), *a failure to comply with any condition or limitation subject to which planning permission has been granted is "lawful"* if the time for taking enforcement action in respect of the failure has expired and it does not constitute a contravention of any enforcement notice or breach of condition notice which is in force. Development or other activity on land is lawful for planning purposes if it is within one of the following categories and does not involve a failure to comply with a condition or limitation subject to which planning permission has been granted:

- (1)** it is not within the definition of "development" in section 55(1) and (1A) of the 1990 Act. (This might be because it is so insignificant that it can be disregarded (a "de minimis" operation, use or activity); or because it involves a change of use which is not, as a matter of fact and degree, materially different, for planning purposes, from a previous lawful use of land.); or
- (2)** it is specifically excluded from the definition of development by section 55(2) (for example, a use of land for the purpose of "agriculture"); or
- (3)** it is within the definition of "development" in section 55, but is exempted from the need for planning permission by the provisions of section 57; or
- (4)** it benefits from an extant grant of planning permission under Part III of the 1990 Act (or the equivalent Parts of preceding Acts); or
- (5)** it benefits from a general planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418), or by a simplified planning zone or enterprise zone scheme; or
- (6)** it benefits from deemed planning permission, whether under section 90 or by virtue of compliance with the requirements of an effective enforcement notice; or
- (7)** it took place before 1 July 1948 (the "appointed day" Country Planning Act 1947); or
- (8)** it is development by or on behalf of the Crown; or
- (9)** the time for taking enforcement action has expired.

END

Proposed delegated powers for officers to make minor changes to the adopted document

All variations, amendments, deletions and additions made to the Local Validation Checklist document on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless it meets any of the following criteria:-

1. New requirements not previously included;
2. New supporting advice documents not previously included;
3. Changes required to be made as a result of changes to legislation or national/local planning policy.
4. A Member makes a written request for a change to be considered by the Planning Committee.

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. K. Williams 'B'	Erection of single storey changing room block, car park and access road for existing football pitches (as amended by drawing and information received 29.02.2012) - Land at Barnsley Hall Road, Bromsgrove	Green Belt	10/1103-MT 12.01.2010

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Revised comments in relation to amended application received 19.01.2012: No objection raised subject to conditions to secure the appropriate construction of the site access and the provision of disabled, cycle and motorcycle parking. Original Comments received 13.12.2010: Objection raised due to concerns over access design and lack of cycle parking.
ENG	Revised comments in relation to amended application received 19.01.2012: No objection raised subject to conditions to secure storm and foul drainage provisions. Original comments received 29.11.2010: No objections subject to the imposition of a condition to secure storm and foul drainage provisions.
Highways Agency	Original comments received 20.12.2010: No objection Re-consultation on amended application deemed unnecessary due to the nature of the amendments.
Sport England	Revised comments in relation to amended application received 18.01.2012: No objection Original comments received 08.12.2010: No objection
WWT	Revised comments in relation to amended application received 27.01.2012: No objection to the amended proposals subject to the guidance in the Tree Officer's response being followed Consulted on original application 29.11.2010: No comments received
Tree Officer	Revised Comments in relation to amended application received 11.01.2012: No objection subject to conditions to protect the existing trees and request the submission of a landscaping plan for consideration and approval.

Tree Officer Consulted on original application 29.11.2010: No comments received
(cont'd)
Publicity No adjoining occupiers

Site Notice in relation to amended application posted 10.01.2012
expires 31.01.2012: No representations received to date

Original Site Notice posted 09.12.2010 expired 30.12.2010:

6 objections received:

- concerns raised over the proposal causing anti-social behaviour;
- health issues;
- increased traffic;
- parking problems;
- an excessive provision of football playing fields in the District.

The site and its surroundings

The application site relates to an area of land adjacent to the existing playing fields located off Barnsley Hall Road. The fields have not however been used for some time and have become overgrown. The site currently comprises of an L shaped area of scrub and grass land. There are a number of trees of varying sizes in and around the site. The site is adjoined by the roundabout at Barnsley Hall Road to its south western boundary. The remainder of the site is surrounded by open fields. The M42 motorway lies some 70 metres to the north of the site and the modern Barnsley Hall housing development some 120 metres to the south. The site is located in the Green Belt as defined in the BDLP.

Proposal

The application proposes to erect a changing room building on the site along with 58 no. marked car parking spaces, 4 no. disabled spaces and a new access drive from Barnsley Hall Road. The proposed building would accommodate 2 no. team changing rooms each with shower and toilet facilities, 2 no. officials' changing rooms with toilets, an equipment store, a small kitchen, and toilet facilities for spectators. The changing room development would also involve an enclosed storage compound to the north elevation of the building. The proposed car park would comprise of a rectangular shaped area of hardstanding covering an area of 1,280m². The proposed access drive would link the proposed car park with the existing roundabout at Barnsley Hall Road. Access from the roundabout would be provided via a new pavement crossover.

This application is in an amended form. Members will note the initial objection from the Highways Authority in relation to the proposed access and a lack of cycle parking. The proposal has been revised in an attempt to address the concerns raised. The internal layout of the changing room building has also been revised to comply with Football Association (FA) specifications.

The facilities proposed by this application would be associated with the re-use of the adjoining Council owned playing fields. Members should be aware that the re-use of the playing fields and any associated equipment (i.e. goalposts) does not form part of this application. It is considered that the re-use of the playing fields would not require

planning permission as no material change of use would occur. The erection of goalposts on the land by the Council may represent permitted development under Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (Development by Local Authorities). It is important therefore for members to focus only on the facilities proposed by the application and not any matters associated with the reinstatement of the playing fields.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.5, CTC.8, D.38, D.39, T.1, RST.1
BDLP	DS2, DS13, C17, RAT2, TR11, TR16, ES1
Draft CS2	CP3, CP10, CP22, CP23
Others	PPS1, PPG2, PPS9, PPG13, PPG17

Relevant Planning History

10/0635	Erection of single storey changing room block, car park and access road - Withdrawn
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Notes

Members should note the policy support for proposals of this nature within the adopted and emerging planning policy framework for the District. A stated objective of Planning Policy Statement 1 (PPS1) is to support the promotion of health and well being by making provision for physical activity. Emerging national policy within the Draft National Planning Policy Framework seeks to ensure access to open spaces and recreational facilities that promote the health and well being of the community. Emerging local level policy within the Council's Draft Core Strategy 2 seeks to improve the health of those living in the District through the provision of outdoor sports facilities.

The proposed development would facilitate the reinstatement of the playing fields and improve access to the facility. It is considered that this would contribute towards the policy objective of promoting health and well being and Members should be encouraged to support the concept of the development.

This policy support should however be considered within the context of Green Belt policy. Policy DS2 of the BDLP and the advice contained at paragraph 3.4 of PPG2 provide that essential facilities for outdoor sport and outdoor recreation are not inappropriate development in the Green Belt. The main matter for consideration therefore is whether the proposed changing rooms, car park and driveway would represent essential facilities and thus appropriate development in the Green Belt.

Further to Green Belt considerations, regard should be paid to Policy RAT2 of the BDLP. This policy sets out a number of criteria to be applied to proposals involving the development of outdoor sport facilities. These are as follows:

1. the proposal must not include new building other than that genuinely required for essential facilities which must be solely related to the main outdoor sports use;

2. the proposed site should be within a reasonable walking distance of an existing public transport service;
3. the proposal should have a safe and convenient access and adequate car parking to the satisfaction of the highway authority;
4. the scale, design and visual appearance of the proposal should not have an adverse effect upon the character or amenities of the surrounding area;
5. there must be no adverse impact upon ecological, environmental or archaeological interests;
6. the proposal must not lead to the generation of excessive noise or other nuisance, such as lighting;
7. an unrelieved concentration of pitches should not be created.

The first of these criteria overlaps with the Green Belt provisions set out at policy DS2 of the BDLP and in PPG2 thus it will not be given separate consideration in this report. The final criterion is not of relevance to this application as no new areas for pitches are proposed. The remaining criteria will be considered in this report under the following headings; Public Transport; Parking and Access; Design/Character; Ecology/Environment; Environmental Nuisance.

The Green Belt

The main matter for consideration is whether the proposed changing rooms, car park and driveway would represent essential facilities and thus appropriate development in the Green Belt.

Policy RAT2 of the BDLP sets out detailed provisions in relation to outdoor sport facilities. With regard to new buildings, Policy RAT2 provides that outdoor sport uses should not include new building other than that genuinely required for essential facilities which must be solely related to the main outdoor sports use. With regard to this policy, changing rooms are considered to be essential for the effective use of the playing fields for team sports and no doubts are raised over the principle of this part of the development. It is noted that the outdoor sport use comprises 4 no. playing fields. The proposed building would involve 2 no. changing rooms that could be used by two teams which in normal circumstances would utilise one of the four pitches. It should be noted that, notwithstanding this, all four pitches would still be utilised at the same time but match kick off times would be staggered so to allow access to the changing rooms. It should also be noted that the playing fields would represent a youth facility and the majority of the age groups concerned would normally turn up already changed. On this basis, it is considered that the proposal would facilitate the efficient use of the playing fields whilst representing a small scale development that can clearly be justified as essential and commensurate with the scale of the existing outdoor sports use. The proposed changing rooms are therefore considered to represent essential facilities that are genuinely required in connection with the outdoor sport use. This part of the proposal would therefore represent an appropriate form of development in the Green Belt.

With regard to the proposed car park and access drive, these parts of the proposal would not involve the provision of new buildings. The laying down of hardstanding to create the driveway and car park would constitute an engineering operation. Policies DS2 and RAT2 of the BDLP and the advice contained within PPG2 do not specify whether or not engineering operations may fall within the scope of essential facilities for outdoor sport.

To provide clarity on this matter regard has been paid to a number of appeal decisions involving similar types of development. In a 2006 appeal relating to a proposed fisheries at land off Broome Lane, Clent (BDC application ref. B/2005/0763; PINS Appeal ref. APP/P1805/A/06/2012949/NWF) the Inspector opined that *"the provision of space for parking off the access road to cater for the traffic the fishery might attract can properly be regarded as a facility essential for the outdoor recreation use proposed."*

In a March 2011 appeal decision relating to a proposed cemetery within the West Yorkshire Green Belt (PINS Appeal ref. APP/F4410/A/10/2142687) the Inspector considered the proposed car park to be an essential component of the cemetery. Members should note that cemeteries would normally fall within the same category of 'appropriate' development listed at paragraph 3.4 of PPG2 thus the same policy tests would apply.

Having regard to these matters, it is considered that the principle of treating a car park as an essential facility has been established elsewhere.

When considering whether the proposed car park would represent an essential facility regard should be paid to Worcestershire County Council's Parking Standards and the views of the Highways Authority on the matter. The relevant parking standards for a D2 Use (Town and Country Planning (Use Classes) Order 1987 (as amended) classification) comprising of a team game area are set out at Table 1 below.

Table 1: Worcestershire County Council Parking Standards - D2 Team Game Areas

Car Parking	Disabled Parking	Cycle Parking	Motorcycle Parking	Lorry / Coach Parking
1 space per 2 team members	1 space minimum 1 space per 20 car parking spaces	6 spaces minimum 1 space per 10 car parking spaces	1 space minimum 1 space per 20 car parking spaces	1 lorry space 1 coach space per team

The application proposes to create 58 no. car parking spaces, 4 no. disabled spaces and 1 no. coach parking space. The car parking provision has been calculated by the applicant having regard to the number of pitches, the number players that would use each pitch at any one time and the total number of players that would use the site at any one time. The figures put forward by the applicant are detailed at Table 2 below.

Table 2: Parking requirement Assessment

Pitch No.	Players/team	Substitutes/team	Total/team	Grand Total (team total x 2)
1*	7	3	10	20
2	11	5	16	32
3	11	5	16	32
4	11	5	16	32
Total number of players using the site at any one time =				116

**Pitch 1 refers to the small junior pitch in the north east corner of the site. Junior games are 7 aside.*

Having regard to the information contained at Table 2, the applicant has demonstrated that on match days a total of 116 team members would be using the site at any one time. Thus, in accordance with the relevant car parking standard of 1 space per 2 team members, a total of 58 spaces would be required, along with 4 disabled spaces. The level of car parking provision would therefore represent the minimum necessary for an outdoor sports use of this scale and it is considered that the proposed car park can be regarded as an essential facility for outdoor sport.

With regard to the proposed driveway, it has been considered whether or not there would be scope for relocating the car park closer to the highway thus eliminating the need for an access drive. Such actions would however create a sizeable gap between the car park and the pitches/changing room building which would have implications for disabled access. Furthermore, the area of the site close to the highway contains a row of trees. Locating a car park here would result in the loss of the trees which may result in ecological implications and harm to the natural, rural setting of the Green Belt. On the above basis, it is considered that the proposed driveway is essential for the proper functioning of the outdoor sport use.

Taking the above matters into consideration, the proposal is found to represent an appropriate form of development in the Green Belt in accordance with policy DS2 of the BDLP and the advice contained in PPG2. The proposal is therefore considered to be acceptable in principle.

Public Transport

It is noted that there is a bus stop located on Stourbridge Road approximately 350 metres from the site. This provides regular services to and from a number of destinations around the local area including Bromsgrove town, Worcester, Kidderminster, Birmingham and Halesowen. The explanatory text to policy RAT2 refers to 400 metres as being a reasonable walking distance. The proposed development is therefore considered to be in accordance with this proviso.

Parking and Access

It is noted that no objection has been raised to the revised access by the Highways Authority. The proposal is therefore considered to incorporate a safe means of access.

Members will note the relevant parking standards set out at Table 1, and the onsite parking requirement assessment detailed at Table 2. It is demonstrated that the proposed car parking and disabled car parking provisions are in accordance with the relevant standards and no objection has been raised by the Highways Authority in relation to this matter. Members will however note that the proposed car park does not feature any provision for cycles and motorcycles. In accordance with the parking standards the site should provide 6 no. cycle parking spaces and 4 no. motorcycle spaces. Consultation with the applicant and the Highways Authority on this matter indicates that such provisions can be secured via a condition attached to any planning permission granted.

With regard to coach parking, Members will note from the application drawings that only one space is provided. Strict application of the parking standards in relation to this matter would however require 8 spaces. To justify this under provision, the applicant has advised that teams are not normally expected to arrive by coach and a lower amount of spaces has been provided accordingly. A retractable height restricting barrier is proposed to manage coach access. No objection has been raised to this matter by the Highways Authority.

Design/Character

The area surrounding the site is comprised of open fields within a designated Green Belt. It is considered that the character of the area could be described as semi-rural. The proposed changing room building is considered to be of a simple, modest design that is appropriate for its intended use. Small scale buildings providing essential facilities for outdoor sport are appropriate within the Green Belt and it is not considered that this part of the proposal would be incongruous with the character of the area. With regard to the proposed driveway and car park, whilst it is generally considered that these features would have an urbanising effect on the site thus detracting from the semi-rural character of the area, I am mindful of the essential nature of the facilities provided and their deemed 'appropriateness' in Green Belt terms. It would therefore be difficult to substantiate any impact related concerns into a reason for refusing the application.

Ecology/Environment

The site is comprised of rough scrub and grassland vegetation with hedgerows and a number of trees of varying sizes. The proposal would involve the removal of an L shaped area of scrub and grassland to accommodate the development. Although the plans indicate that no significant trees would be removed, the proximity of the development to these features may have implications for their health.

With regard to ecology, an extended Phase 1 Habitat Survey has been submitted with the application. This finds no evidence of protected species on the site but identifies that the scattered trees, hedgerows and scrub all have the potential to support nesting birds. To overcome any impacts on nesting birds the survey recommends that the vegetation removal is timed to occur outside of the nesting season. It is also recommended that the existing trees are protected during construction and that any lost trees/shrubs are replanted. Having regard to the findings of the Phase 1 Habitat survey, and the absence of an objection from Worcestershire Wildlife Trust (WWT) in relation to the proposal, it is considered that the development would have no adverse ecological implications. It is

advised that the recommendations made in the survey are imposed on the applicant as a condition attached to any planning permission granted.

With regard to trees, I am mindful of the comments made by the Senior Tree Officer (STO) in relation to this matter. It is noted that there are a number of trees within the application site that are worthy of protection. No objection is raised to the proposal by the STO subject to conditions to protect the existing trees during development. It is also requested that a landscape plan is submitted to the Council for consideration. Having regard to the STOs comments, the proposal is found to have no unacceptable impact on trees.

Environmental Nuisance

The proposal would not involve floodlights or any other lighting that may present as a nuisance to nearby residents. The use of the pitches for team sports would clearly generate noise which may possibly to some extent be heard at the nearby residential properties. It is however understood that matches would take place during the day at times between 10:00 and 14:00. It is considered that, during these times, a certain amount of noise from public activity is acceptable. Moreover, it is important to be mindful of the fact that the playing fields are not part of this application but rather an existing facility that has been an established part of the area for some time. Any noise related concerns would be difficult to substantiate into a reason for refusing this application.

Other matters

I note the objections to the proposal from local residents. Concerns are raised over anti-social behaviour, health issues, increased traffic and parking problems. Concerns are also raised over there being a sufficient existing provision of football clubs in Bromsgrove. I will consider each of these matters below.

The concerns raised in relation to anti-social behaviour refer to what is perceived to be an existing problem associated with the existing play area located near the site. That facility is separate to the application site and any such concerns are not material in the assessment of this application.

Concerns have been raised over the health of people using the playing fields due to their proximity to the motorway. In response to these concerns it is noted that the site does not fall within a defined Air Quality Management Area (AQMA) and there is no evidence to suggest that air quality on the playing fields is poor. Concerns in relation to air quality could not therefore be substantiated into a reason for refusing the application.

In response to the concerns raised over traffic, the proposal would inevitably result in additional vehicle movements, but this would be limited to match days only. Any disturbance created by vehicle movements would only be for a limited time on certain days of the week. Moreover, it is considered that the majority of visitors will access the site via Stourbridge Road. Any increased vehicle movements would not therefore be via the roads within the nearby Barnsley Hall housing estate and it is not considered that any loss of amenity would be caused to its residents.

In relation to parking, as demonstrated above the proposal would meet the relevant parking standards thus no concerns are raised in relation to this matter.

As previously discussed, any concerns over there already being a sufficient provision of football playing fields in the Bromsgrove District are not of relevance to this application as no new areas for pitches are proposed.

Conclusion

The proposal would represent the development of essential facilities for outdoor sport and as such it is considered to be appropriate within the Green Belt. The site is accessible by public transport and the development would provide a safe means of access and sufficient parking in accordance with the County Council's standards. The design and appearance of the changing room building and associated car park/driveway is considered to be acceptable within the context of the site. The application demonstrates that the proposal will have no adverse ecological impacts and no concerns are raised in relation to the natural environment of the area or any environmental nuisances. On this basis, the proposal is found to be in accordance with the relevant policies of the adopted Development Plan and it is recommended that planning permission is approved.

RECOMMENDATION: that permission be **GRANTED**.

Conditions:

1. C001 (time limit for implementation)
2. C003 (materials)
3. HC7 (Access Gates)
4. HC8 (Vehicle access construction)
5. HC14 (Driveway Gradient)
6. HC25 (Access, turning and parking)
7. HC30 (Disabled Parking Need)
8. HC35 A (Cycle Parking (Single Unit))
9. HC35 B (Cycle Parking (Single Unit))
10. C007 (disposal of storm and foul water)
11. C010 (landscaping scheme)
12. C013 - C019 (existing tree protection)
13. The development shall be carried out in accordance with the recommendations set out at Section 6 of the approved Extended Phase 1 Habitat Survey conducted by

Middlemarch Environmental (received 17.11.2010) unless otherwise agreed in writing with the local planning authority.

Reason: To compensate for the loss of a potential bird nesting habitat in accordance with PPS9: Biodiversity and Geological Conservation.

Notes

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001, the Bromsgrove District Local Plan January 2004 (BDLP), the Bromsgrove Draft Core Strategy 2 (2011) and other material considerations as summarised below:

WMSS	QE3
WCSP	CTC.1, CTC.5, CTC.8, D.38, D.39, T.1, RST.1
BDLP	DS2, DS13, C17, RAT2, TR11, TR16, ES1
Draft CS2	CP3, CP10, CP22, CP23
Others	PPS1, PPG2, PPS9, PPG13, PPG17

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

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. D. J. Banner 'A'	Proposed re-development of retail and residential site (Outline Permission - amended plans received 05.03.2012 and 09.03.2012) - 6 and 12 Finstall Road, Aston Fields, Bromsgrove, B60 2DZ	Shopping Residential	11/1091-SC 16.09.2011

RECOMMENDATION:

- a. Minded to **REFUSE**.
- b. That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **13th April 2012**.
- c. In the event that further representations are received, **DELEGATED POWERS** be granted 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.

Consultations

ENG	Consulted 23.06.2011: No objection subject to conditions. Re-consulted 12.03.2012: No comments received to date.
EHM: Contaminated Land	Consulted 23.06.2011: No objection subject to conditions. Re-consulted 12.03.2012: No objection subject to conditions.
ECO	Consulted 23.06.2011: No comments received. Re-consulted 12.03.2012: No comments received to date.
SPM	Consulted 23.06.2011: Policy advice received:

The proposal is to redevelop the site in the Aston Fields District Centre for retail and residential use, therefore policies S7, S21 and BROM24 of Bromsgrove District Local Plan (2004), SPG1 apply. The proposal will lead to a net increase of 11 dwellings, CP7 of the Draft Core Strategy 2 as well as SPG11 are also relevant.

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

The views of the Highways Engineer will be of relevance in relation to surrounding highway capacity and sustainability issues. Therefore PPG13 Transport is also of relevance to this application together with DS13 Sustainable Development.

Re-consulted: 12.03.2012:

SPG11 requires residential developments of 6 units or more to contribute towards outdoor play space. Following the receipt of the amended plans and discussions with the applicant an appropriate off-site play space contribution of £21,376 has been agreed (to be secured by legal agreement)

WH Consulted 23.06.2011: No objection subject to conditions.
Re-consulted 12.03.2012: No comments received to date.

WCC Response received 29.06.2011: Education Contribution Assessment:

If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your policies on planning obligations for education facilities.

Please see below for details of the contribution per dwelling based on the current table of charges. These figures are updated each year in April. Please note that contributions are calculated on the net gain in properties.

Contribution Per Dwelling

1-bed dwellings of any type	£0
2-bed houses	£3,285
3-bed houses	£3,285
4+ bed houses	£4,928
2+ bed flats / apartments	£1,314
Affordable Housing	£0

EHM: Noise Consulted 12.03.2012: No objection subject to conditions.
CSO Consulted 12.03.2012: No comments received to date.
Tree Officer Consulted 12.03.2012: The site has no current tree cover and is too small to request any tree planting be incorporated within the proposed design.

CCO Consulted 12.03.2012: No comments received to date.

WMC Consulted 12.03.2012: No comments received to date.

NR Consulted 12.03.2012: No comments received to date.

UD Consulted 09.03.2012:

This is the third report I have written on redevelopment proposals for this site. I wrote a report on an earlier outline application for this site, no.10/0934, on 16th November 2010. On 19th October 2011 I reported on a subsequent outline application, no.11/0531. I have now been

asked by the District Council to write a report on the urban design aspects of the amended version of this application, which as before seeks approval for matters of access, layout and scale, with appearance and landscaping being reserved matters to be determined later. I have been sent copies of the revised drawings, and the one page of the previous Design and Access Statement which has been amended (no page number is visible). My comments remain little changed from those in my previous report.

The Design and Access Statement

In both my previous reports, I commented that the Statement was a very poor document, not meeting the criteria which are set out in the CABE advisory document Design and Access Statements: how to write, read and use them; predominantly descriptive, not analytical; not explaining and justifying the proposal. This continues to be the case. I am told by the Planning Officer that apart from the single amended page, the Statement is the same as the previous one, with as before not a single drawing or diagram contained in it. My assessment that it is very inadequate remains the same.

Scale

In both my earlier reports, I concluded that the proposed development was out of scale with its surroundings, and observed that the Design and Access Statement did not, as it should, make any attempt to explain or justify the proposed increase in scale represented by the new buildings. Both of these remain to be the case with the revised application. The only significant difference from the previous submission is that the drawings of the proposed elevations now show some minimal context. These drawings serve to confirm the reservations previously expressed about the scale of the proposal.

The proposed three-storey building remains bulky and over-scaled. As before, no attempt appears to have been made to alleviate the scale problem by appropriate articulation and use of architectural language, as my previous reports suggested could be done. As before, there are no three-dimensional drawings submitted, and no evidence that the architectural composition of three-dimensional forms in a specific context have been considered. Indeed, I doubt whether the proposal has been drawn in three dimensions at all. The composition of the three-storey element on the street corner, as drawn in two dimensions in plan and elevation, is physically impossible to achieve in three dimensions.

Access

The proposal continues the basic site organisation which exists at present. As in the earlier submissions, the proposal seems to be straightforward and acceptable. However, I repeat my earlier observations on the car parking spaces, made later under Site planning and layout.

Site planning and layout

The improvement which was made from the original proposal, in the geometry of the single-storey element on the street corner, is continued in the revised drawings. Instead of the two residential upper-floor parts of the development being separated, with habitable rooms looking into the narrow space between, the two parts are now joined together at first and second floor. This replanning removes the previous problem, but it does appear to add further bulk to the proposal.

I repeat my previous observation that the drawings give no information as to how the upper floors of the rear building are to be structurally supported. The first and second floors project over the car park, and support the two-storey bridge structure which connects to the front building. I suspect that if the appropriate structure were to be drawn on the ground floor plan, several car spaces would be lost as a result.

Summary

Although the building form has been modified in this revised proposal, in fact there has been no significant change in the overall effect, particularly in terms of scale. I still suspect that more accommodation is being proposed for the site than it can satisfactorily contain. The proposal is now drawn with some minimal context at least, but there is no evidence that the applicant has considered how scale can be reduced by appropriate articulation and architectural language, as I have previously suggested. I note that, as before, appearance is intended to remain as a reserved matter, but I see no evidence in the submitted outline drawings that significant change in the appearance is likely to be achieved so as to make the proposal acceptable.

Publicity

Site Notice posted 11.07.2011; expired 01.08.2011
Press Notice published 30.06.2011; expired 21.07.2011
Neighbour notification letters (2) posted 23.06.2011; expired 14.07.2011

Following receipt of amended plans dated 05.03.12 and 09.03.12:
Site Notices (3) posted 15.03.2012 - expire 05.04.2012
Press Notice published 23.03.2011 - expire 13.04.2012
Neighbour notification letters (21) posted 12.03.2012; expire 02.04.2012

4 letters of received raising the following concerns:

- The design is inelegant, bulky and would be much taller than surrounding buildings, dominating what is already a busy and 'tightly squeezed' area.
- The proposed 3-storey building would have a depressing impact upon those living near the site due to it's size, height, and possible number of extra cars and people trying to find their own space in what is actually quite a compact and confined site.
- The junction of St. Godwald's Road and Finstall Road is chaotic and dangerous. The roads cannot cope with the current level of traffic congestion in both directions, let alone what would ensue should

these proposals be passed. The junction and surrounding area is altogether hazardous for both drivers and pedestrians. This is accentuated particularly during the morning and evening 'school run', and children walking to local schools already have to take risks to get across Finstall Road during their journey to Aston Fields Middle School.

- Increased parking problems - parking is already a problem in the area.
- Traffic concerns regarding parking and access on St. Godwald's Road - existing retail unit already causes problems.
- Insufficient parking provision.
- Development will place extra burdens on highway system that is already locally congested.

The site and its surroundings

The application site is located on the southern side of Finstall Road and on the western side of St. Godwald's Road, occupying a prominent corner plot within Aston Fields. The site currently consists of two distinct buildings, a two storey flat-roof building with green metal window casements at No. 6 and a smaller pitched roof Victorian building at No. 12. The ground floor of No. 6 accommodates the retail element of Banner Foods, whilst the rest of the building provides space for wholesale manufacturing, supporting office functions and a two-bed residential flat. A canopy at the front of No. 6 provides covered seating for customers and provides for the covered display of produce. No. 12 is currently occupied by a tenanted retail unit and also provides an element of storage space in association with the Banner Foods operation.

Surrounding the site there is a mixture of commercial premises and residential dwellings. The Ladybird Inn is located to the west of the site, separated from the Banner Foods site by an area of parking that borders both the western and southern sides of the application site. Opposite the site, on the northern side of Finstall Road, residential dwellings predominate in contrast to the commercial premises on the southern side of Finstall Road. The site also immediately adjoins a single detached dwelling, under the control of the applicant, to the south. Opposite the site, on St. Godwald's Road, there is a mixture of commercial premises and residential dwellings.

The site is predominantly within the Aston Fields shopping area as designated within the Bromsgrove District Local Plan 2004.

Proposal

This application proposes a significant re-development of the site including the demolition of the existing Victorian building at No. 12 and demolition of all single-storey elements of No. 6 Finstall Road. The remaining structures are to be altered and extended, both to the south and east, resulting in a three-storey mixed-use development with the following principle features:

- Retention of the existing Banner Foods retail unit and associated commercial floor space with a flat roof extension to the front to provide display of produce and seating.

- Retention of the existing vehicular accesses off St. Godwald's Road and Finstall Road providing access to seventeen parking spaces (for both retail and residential use) and cycle parking.
- A new retail unit at the corner of St. Godwald's Road and Finstall Road.
- Eight two-bedroom flats.
- Four one-bedroom flats.

Members will note that this is an outline application and seeks approval for matters relating to access, layout and scale. Matters relating to appearance and landscaping are reserved to be approved at a later date.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, SD.3, SD.4, SD.5, T.1, D.43
BDLP	DS3, DS13, S7, S14, S21, S23, S24, S25, S28, E4, E9, TR8, TR10, TR11, TR13, RAT5, RAT6, ES7, ES11, ES14A, BROM24
Draft CS	CP3, CP12, CP14, CP22
Others	SPG1, PPS1, PPS3, PPS4, PPS5, PPG13, PPG24, CABE Building for Life Guidance

Relevant Planning History

B/1991/0153	New Shop Front - Permission Granted - 15.04.1991
B/1994/1076	Redevelopment of site (3 houses) - Permission Granted - 13.03.1995
B/1997/0829	Siting of non-refrigerated storage shed. As amended by plan received 27.01.1998 - Refused 09.02.1998
B/2000/0521	Single-storey extension - mezzanine floor and conservatory - Permission Granted - 13.06.2002
B/2002/1436	Proposed demolition of existing outbuildings, erection of new two-storey extension with canopy across road frontage elevation - Application Withdrawn - 23.01.2003
B/2003/0157	Proposed demolition of existing outbuildings, erection of new 2 storey extension with canopy across road frontage elevation - Resubmission of B/2002/1436 - Permission Granted - 08.04.2003
10/0934	Proposed re-development of retail and residential site - Withdrawn 22.11.2010

Notes

This application is a resubmission of application 10/0934 that was withdrawn to allow for further discussions in relation to play space and for revisions to be made to the submitted plans following feedback from the Council's Independent Urban Designer (UD).

Assessment

The main issues to be considered in this application include:

- The principle of a mixed-use retail and residential development in this location.
- The impact of the proposal on the character and visual amenity of the area.
- Residential amenity.
- Highway and traffic implications.
- Education and outdoor play space provision.

The Principle of Development

The site is located within the Aston Fields Shopping area as designated within the BDLP 2004. With respect to the acceptable uses within the Aston Fields Shopping Area, Policy BROM24 of the BDLP2004 states:

"...the District Council will allow proposals for retail development at ground floor level (Use Classes A1, A2, or A3) and retail, office or residential use at upper floor level. It is defined as a local centre for shopping purposes in accordance with the provisions of Policy S21. The District Council will only allow retail proposals which are capable of being integrated within the existing frontages and which do not extend the shopping area."

As such, I am satisfied that the principle of mixed commercial and residential development in this location is acceptable.

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

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

It is noted that the application site has a longstanding history of commercial activity. The site is within very close proximity to both the railway station and a bus stop and it is considered that the proposal can be accessed by sustainable transport. Local centres can reduce unnecessary trips to a major centre and it is viewed that the proposals would not be of such a scale that they would negatively affect the vitality and viability of the Bromsgrove Town Centre.

Design

Planning Policy Statement 3 (PPS3) stresses the importance of promoting good design through the planning system. PPS3 reflects Planning Policy Statement 1 and states that,

"... good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

In relation to design, Local Plan policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet (amongst other) 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.

In relation to the design of extensions to existing commercial uses, Local Plan Policy E4 requires that, "any alteration(s) to the existing fabric are sympathetic to the form and character of the development and its setting."

As noted earlier, the site occupies a prominent corner location and its redevelopment provides a significant opportunity for a positive contribution to be made to the street scene. As such, the views of the Council's Independent Urban Designer (UD) have been sought in relation to this application. Members will note the views of the UD in relation to the submitted amended plans and in particular the following concerns summarised below:

- The context of the site is all of two-storey buildings and the proposal is bulky and out of scale with its surroundings, representing an unwelcome intrusion into its context.
- No attempt appears to have been made to alleviate the scale problem by appropriate articulation and use of architectural language.
- There are no three-dimensional drawings submitted and no evidence that the architectural composition of three-dimensional forms in a specific context have been considered.
- The composition of the three-storey element on the street corner, as drawn in two dimensions in plan and elevation, is physically impossible to achieve in three dimensions.
- The Design and Access Statement submitted does not, as it should, make any attempt to explain or justify the proposed increase in scale represented by the new buildings.
- The site is a tight one, and it may be that the applicant is attempting to put more volume on to the site than it can satisfactorily accommodate.

Whilst the above points represent significant concerns, members will note that the amended plans have sought to address concerns and include the following design changes as summarised below:

- The set back of the St Godwald's elevation from the pavement (max 3.4m, min 2m), the addition of a porch entrance and fenestration to alleviate the overbearing impact of a blank three-storey elevation.
- The use of a more uniform hipped roof in place of the awkward and mismatched pitched roofs previously proposed.
- Significant changes to layout to alleviate issues in relation to outlook from the residential properties.
- Improvements in the geometry of the single-storey part on the street corner, relating better to the corner and to the St. Godwald's Road building line.

The above amendments are viewed to represent improvements upon the originally submitted plans. However, the proposed building continues to appear awkwardly assembled and out of scale with its surroundings, representing an unwelcome intrusion within its predominantly two-storey context. Four of the flats continue to lack windows required to provide an acceptable level of sunlight to future occupants. The Finstall Road frontage represents a lost opportunity to create an attractive and welcoming retail area, instead providing cycle storage and a vehicular access likely to cause concern to passing pedestrians as unsighted cars initially emerge. The combination of flat and pitched roofs projecting forward of the main Finstall Road elevation appears awkward and unattractive.

It is noted that the existing flat roof building on the site is of no particular architectural merit. However, its impact on the area is limited by its set back from the street and its smaller scale than the proposals. As noted earlier, PPS3 guides that, "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." Whilst this application reserves matters of appearance, the layout and scale proposed will significantly constrain the potential to make improvements. It is noted that the UD concludes:

"I see no evidence in the submitted outline drawings that significant change in the appearance is likely to be achieved so as to make the proposal acceptable."

As such, in consideration of the points outlined above, it is viewed that the proposal by virtue of its scale and awkward layout represents a dominant, incongruous, cramped and unattractive addition materially harmful to the character, appearance and amenities of the surrounding area.

Residential Amenity

Policy S7 of the BDLP states that new housing must not adversely affect the existing amenities of adjoining occupiers. The Council's Residential Design Guide: SPG1 sets out a range of criteria to ensure that new development affords future occupiers an acceptable

standard of residential amenity whilst protecting the residential amenity of nearby dwellings also.

Of particular note is the following guidance:

- 21m distance between main facing windows through a 90 degree field of vision.
- A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit. This is usually an issue only for flats. Sensitive layout in the design of flats will ensure that each dwelling has at least one main living room which can receive a reasonable amount of sunlight.

In relation to this guidance, it is noted that whilst appearance is a reserved matter that would allow for future changes in fenestration, the accommodation of the number of apartments proposed on such a tight plot raises significant concerns. The plans submitted indicate that four of the proposed flats would not provide a main window wall within 90 degrees of due south and would therefore be insufficiently sunlit. CABE 'Building for Life' guides that well designed homes should provide good levels of natural light and should outperform statutory minima such as building regulations (Q20). SPG1 guides in relation to lighting that, '...a sensible approach is to try to match internal room layout with window wall orientation.' As such, it is viewed that the proposed layout would provide poor and unacceptable living conditions for future occupiers contrary to the principles as set out in PPS1: Delivering Sustainable Development, PPS3: Housing, CABE Building for Life guidance and SPG 1: Residential Design Guide.

It is also noted that a number of proposed bedroom windows provide less than the recommended 21m separation to the facing main windows of the residential properties on St Godwald's. Again, whilst it is possible that changes in fenestration will occur at the reserved matters stage, this lack of separation (as little as 14m) is further indicative of the cramped nature of the proposal.

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments must be located away from existing sources of significant noise. This is reflected in the guidance as set out in PPG24. Members will be aware that the impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

In relation to the amenity impact of the nearby railway, the Environmental Health Officer has recommended that re-development should not begin until a scheme for protecting the proposed dwellings from noise from the railway has been submitted to and approved by the local planning authority.

Highways

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide

sufficient off street parking (TR11) and promote the use of variety of transport means (TR13).

Given the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on the local highway network and that there would be capacity within the existing network to cope with the development proposal. Indeed it is viewed that the site represents a particularly sustainable site for development given its close proximity to public transport and local amenities.

The proposal continues the basic site organisation that exists at present in relation to highways access. Whilst the views of the County Highways Officer are noted, it is your Officer's view that the arched vehicular access from Finstall Road represents a lost opportunity to provide an attractive frontage and street scene. Rather than a pleasant environment for pedestrians, the archway is likely to be a cause of concern for pedestrians as cars are unsighted as they initially emerge.

Other Matters

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

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

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

Members will note the comments provided in respect of contributions towards education and outdoor play space provision. Local Plan policy S28 allows the Council to seek contributions where a need directly arises from a proposed housing development. A legal agreement is currently undergoing drafting to secure the appropriate contribution towards education facilities and a commuted sum towards offsite play space.

Conclusion

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

Whilst the principle of the proposal is acceptable, it is viewed that the designs relate poorly to their context, appearing out of scale, unattractive, awkwardly arranged and cramped, representing a dominant and incongruous intrusion harmful to the character, appearance and amenities of the surrounding area.

RECOMMENDATION:

- a. Minded to **REFUSE**.
- b. That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **13th April 2012**.
- c. In the event that further representations are received, **DELEGATED POWERS** be granted 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.

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. C. GRANT 'A'	Retention of Gazebo - Glenfield House Nursing Home, Middle Lane, Wythall, B38 0DG	Green Belt	12/0048-MT 20.03.2012

RECOMMENDATION:

- (a) That Members reconsider the application in light of the new information arising from the publicity period.
- (b) That in light of the new information, clarification is given as to whether the very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt accepted by Members at the Planning Committee meeting held on 5th March 2012 remain valid.

This application was considered by Members at the meeting of the Planning Committee on 5th March 2012. In the updates reported at the meeting, the Committee were informed that the recommendation of the Head of Planning and Regeneration Services had been revised to take into account the extant publicity period, as referred to in Minute No. 123/11 (attached at Appendix B to the report). Consequently, the Planning Committee resolved as follows:

- a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve the application, subject to the imposition of suitable and reasonable conditions, be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 9th March 2012; or
- b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

In accordance with resolution (b), the application is referred back to the Planning Committee for consideration on the basis that a new representation has been received within the statutory publicity period (received 6th March 2012). It has been brought to your officer's attention that there is an existing shelter on the site. This is located between the north west elevation of the main care home building and the adjoining church. It is considered that this presents a new material consideration as it could have implications for the very special circumstances argument accepted by Members at their meeting.

For the information of Members, a copy of the original report of the Head of Planning and Regeneration Services to Planning Committee is provided at Appendix A, a copy of the relevant minute from the meeting is attached at Appendix B, and a photograph of the existing shelter on the site is attached at Appendix C.

Members will note that, in reaching their resolution on the application, significant weight was given to the benefits of the gazebo to residents of the care home and the fact that residents have no alternative way of safely enjoying the grounds of the home.

Your officer considers that the existing shelter could have implications for this argument insofar as it could provide residents of the home with an alternative means of enjoying the grounds whilst remaining protected from the elements.

It is also noted that the existing shelter is located within the main cluster of buildings in and around the site. It is considered that by virtue of this location the existing shelter would have a much lesser impact on the openness of the Green Belt than the gazebo. Members should note however that the existing shelter is unauthorised as it does not benefit from planning permission. Thus, notwithstanding any benefits associated with the siting of the existing structure, it is considered that Members should give limited weight to this matter when reaching their decision on this application.

The existing structure does however demonstrate that alternative sites are available within the main building complex. Any such sites would have a much lesser impact on the Green Belt. It is considered that the applicant should explore such opportunities before the current structure is considered.

The views of Members are sought.

RECOMMENDATION:

- (a) That Members reconsider the application in light of the new information arising from the publicity period.
- (b) That in light of the new information, clarification is given as to whether the very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt accepted by Members at the Planning Committee meeting held on 5th March 2012 remain valid.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. C. GRANT 'A'	Retention of Gazebo - Glenfield House Nursing Home, Middle Lane, Wythall, B38 0DG	GB	12/0048-MT 20.03.2012

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

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	Consulted - views received 06.02.2012: no objection
Drainage Engineer	Consulted 01.02.2012 - no comments received to date
Tree Officer	Consulted 01.02.2012 - no comments received to date
Wythall PC	Consulted - views received 08.02.2012: no objection
Publicity	4 letters sent 01.02.2012 (expired 22.02.2012) 1 site notice posted 17.02.2012 (expire 09.03.2012) 1 press notice posted 10.02.2012 (expired 02.03.2012)
	One objection received:
	<ul style="list-style-type: none"> ▪ Application previously refused under 09/0821: nothing has changed in any form between the two submissions. ▪ Located in dangerous position on edge of busy car park with access via a downward slope. ▪ No separate safe thoroughfare for these elderly slow moving residents some of whom are wheelchair bound, only a busy road leading to the car park. ▪ Impact on the openness of the Green Belt. ▪ Screening is not a reason to grant the application. ▪ Loss of privacy and well being.

The site and its surroundings

The application relates to a detached building currently used as a nursing home. The property lies to the north east of Middle Lane on the edge of a small group of buildings which includes residential dwellings. a church and commercial uses. The building is predominantly two and three storeys in height and is open to Middle Lane. To the rear and side of the building are designated parking areas and a garden.

The application site is located in a recognised area of Green Belt.

Proposal

This application seeks consent for the retention of an open sided gazebo which has been constructed on land at the rear of the site.

Relevant Policies

WMSS	QE1, QE3, QE6
WCSP	SD.2, CTC.1, D.28, D.38, D.39
BDLP	DS1, DS2, DS13, S21, RUB2, TR11
DCS2	CP3, CP10, C4, E4
Others	PPS1, PPG2, PPS4

Relevant Planning History

11/0686	Proposed Gazebo. Withdrawn 02.12.2011.
09/0821	Retrospective application for retention of gazebo. Refused 28.01.2010.
09/0509	Extension to existing nursing home - basement, ground and first floor extension and rear car (Amendment to planning approval B/2008/0615). Approved 18.09.2009.
B/2008/0615	Two storey rear extension to provide additional bedroom accommodation and changes to car park provision. Approved 06.11.2011.
B/2006/1114	Conservatory to nursing home. Approved 07.12.2008.
B/1998/0260	Brick sign (Advertisement consent). Approved 10.08.1998.
B/1993/0381	Extension of basement area under whole of new wing and internal alterations. Approved 21.06.1993.
B/1991/0642	Repair, alterations and extensions to form residential nursing home for the elderly. Approved 07.10.1991.
B20027	Change of use and extensions to form residential nursing home. Refused 11.03.1991.
B19691	Extensions and change of use to form residential care home for the elderly (as amended by letter received 19.09.1990).
B16843	Extension of building and use as residential nursing home. Withdrawn.
B16843	Provision of 7 no. luxury 2 bedroom apartments with swimming pool and garage block. Approved 14.03.1988.
B16009	Erection of side and rear extension to nursing home. Approved 14.03.1988.
B14667	Change of use to residential nursing home. Approved 19.01.1987.

Notes

The main issue in the consideration of this application is whether the proposed gazebo is an appropriate form of development in the Green Belt and, if not, whether any very special circumstances exist which clearly outweigh the harm caused. The proposal must also be considered in terms of the impact on the visual amenities of the locality and the residential amenities of adjoining properties.

Green Belt

Policy D.39 of the Worcestershire County Structure Plan 2001 and Policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given in Planning Policy Guidance Note 2: Green Belts in stating that inappropriate development

in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 in setting out the instances where development may be considered acceptable. No provision is made under this policy for the development associated with residential care homes. Policy D.28 of the Worcestershire County Structure Plan 2001 states that the expansion of existing businesses in the Green Belt will only be permitted in those settlements identified in the Local Plan where infilling is acceptable. The application site does fall within an identified settlement.

It is therefore considered that the proposed gazebo is an inappropriate form of development in the Green Belt. Inappropriate development is, definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. Standing away from the existing nursing home, the gazebo extends the built form of the application site and the tight cluster of buildings which the site belongs to into a previously undeveloped area. It has a footprint of 38 square metres and a height of 3.55 metres. Although open sided it is of a robust construction with timber posts and a felt tiled gabled roof. I therefore consider that the gazebo is harmful to the openness of the Green Belt and to some extent constitutes encroachment.

It now follows me to consider whether any very special circumstances exist which outweigh the harm caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

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

The LPA takes the words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

The applicant has put forward a number of considerations in their Planning Statement which they believe to constitute very special circumstances. These are based on the benefits of the gazebo to the health and wellbeing of the residents of the nursing home.

It is argued that the gazebo allows the elderly and mobility impaired residents of the nursing home to breathe fresh air and enjoy the grounds nursing home while remaining protected from the elements.

In an attempt to substantiate this argument reference has been made to a number of policy and regulatory requirements for nursing homes including the National Minimum Standards for Care Homes for Older People (Department of Health 2003), The Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and associated guidance document entitled 'Essential standards of quality and safety' (Care Quality Commission 2010). It is argued that the gazebo meets the requirements of these documents.

With regard to the National Minimum Standards for Care Homes for Older People reference has been made to the following standards:

- Standard 10 which states that "*The arrangements for health and personal care ensure that service user's privacy and dignity are respected at all times.*"
- Standard 12 which states that "*The routines of daily living and activities made available are flexible and varied to suit service users' expectations, preferences and capacities.*"
- Standard 19 which states that "*The location and layout of the home is suitable for its stated purpose; it is accessible, safe and well-maintained; meets service users' individual and collective needs in a comfortable and homely way and has been designed with reference to relevant guidance.*" The supporting text to this standard requires that "*Grounds are kept tidy, safe, attractive and accessible to service users, and allow access to sunlight.*"
- Standard 20 which states that "*In all newly built homes and first time registrations the home provides sitting, recreational and dining space (referred to collectively as communal space) apart from service users' private accommodation and excluding corridors and entrance hall amounting to at least 4.1sq metres for each service user.*" The outcome of Standard 20 is to ensure that "*Service users have access to safe and comfortable indoor and outdoor communal facilities.*"

With regard to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 the applicant's emphasis is placed on Regulation 15 which states that "*The registered person (i.e. the care home provider) must ensure that service users (i.e. care home residents) and others having access to premises where a regulated activity is carried on are protected against the risks associated with unsafe or unsuitable premises.*"

Outcome 10 of the associated guidance to the regulations (Essential standards of quality and safety) provides advice on compliance with Regulation 15. It states that people who use services and people who work in or visit the premises should be in safe, accessible surroundings that promotes their wellbeing. The provider of the service should ensure that the premises protect people's rights to privacy, dignity, choice, autonomy and safety.

I have considered that applicant's Planning Statement and reviewed the relevant standards, regulations and associated guidance referred to above. It is clear in the standards that the grounds of a care home should provide access to sunlight (Standard 19), and that residents should have safe and comfortable outdoor communal facilities (Standard 20). There is not however any specific requirement within the standards for a care home to provide a sheltered outdoor area that is protected from the elements.

The applicant's assertion that the gazebo meets the above regulatory and policy requirements is based on an interpretation of the rhetoric used in the standards with particular emphasis on the terms 'safe and comfortable' in Standard 20, and 'privacy', 'choice' and 'safety' in Outcome 10. It is argued that the gazebo would provide a safe and comfortable outdoor area as required by Standard 20, and that it would provide an outdoor space where people can choose to go, where they can at relevant times have privacy, and where they are safe from exposure to sunlight and the weather.

It is considered that the interpretations used in the Planning Statement are based on rather vague statements within the relevant legislation and guidance and I find the applicant's argument to be somewhat contrived. It is not therefore accepted that there is clear policy and legislative support for the proposed gazebo within the National Minimum Standards for Care Homes for Older People and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009. Members should not therefore give any weight to these matters.

Nonetheless, in pragmatic terms I appreciate the need for the care home to provide some level of outdoor shelter for residents, especially given the Smoke Free legislation that is now in place at the premises. I also appreciate the need for the care home to provide residents with shade given the health risks associated with overexposure to sunlight. It is not however considered that such a need would necessitate the erection of a permanent structure of this scale. It is considered that opportunities could be explored to provide areas of shade and shelter within the main building complex. For example, the existing trees on the site and moveable sun umbrellas could easily fulfill this requirement.

Moreover, the applicant does not provide any justification for the proposed location of the gazebo in an isolated position away from the cluster of existing buildings on the site. Surely a shelter in this location would be inaccessible to people with impaired mobility and the safety of residents may be compromised given the requirement to cross the car park. It is considered that these matters may conflict with the requirement for a home to provide a layout that is safe and accessible (Standard 19 of the National Minimum Standards for Care Homes for Older People).

Taking the above matters into consideration it is not considered that a justification for the proposal based on these specific grounds would overcome the permanent harm caused to the Green Belt. This argument could be repeated time and time again and I do not consider such a stance to be "very special" when using the test Members must pay regard to as set out in PPG2.

I therefore do not consider the points put forward by the applicant amount to very special circumstances. For the reference of Members, the issues relating to the wellbeing of residents (albeit in a less expansive manner) were not accepted as constituting very special circumstances in the appraisal of 09/0821 (refused under delegated powers in January 2010).

Residential Amenity

The gazebo lies over 20 metres from the boundary with the adjoining residential property, Glenfield Farm. Due to the slope of the land, views of Glenfield Farm are possible across the application site, including the gazebo. However, given the separation distance, it is

considered that any impact on neighbouring amenities of the adjoining occupiers in terms of overlooking and disturbance as a result of people congregating beneath the gazebo will not be significant.

Response to Objection

I note the views arising from the consultation process. Whilst I note the concern that the route the elderly residents of the home would take to reach the gazebo (down a slope and across the driveway and busy car park) is not safe, I consider resident's safety is primarily the responsibility of the applicant. The other points raised are dealt with elsewhere in this report.

Conclusion

The gazebo is inappropriate development in the Green Belt and is damaging to the openness of the Green Belt. No very special circumstances have been identified which outweigh the harm caused.

RECOMMENDATION: that permission be **REFUSED**.

The gazebo represents an inappropriate form of development in the Green Belt and inappropriate development is, by definition, harmful to the Green Belt. The proposal is therefore considered contrary to the provisions of policies D.28 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions of Planning Policy Guidance Note 2: Green Belts. The development is damaging to the openness of the Green Belt and challenges the purposes of including land within the Green Belt. No very special circumstances have been put forward or exist that would outweigh the harm caused.

APPENDIX B

123/11 **12/0048-MT - PROPOSED GAZEBO (RESUBMISSION OF APPLICATION 11/0686) - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, WYTHALL, B38 0DG - MR. C. GRANT**

The Head of Planning and Regeneration Services reported the comments of the Drainage Engineer.

She also reported that the recommendation contained within the report (referred to on both page 31 and page 36) had been revised to take into account the expiry of the publicity period for the application being on 9th March 2012.

At the invitation of the Chairman, Mr. N. Bradnack addressed the Committee and spoke in opposition to the proposals, followed by Mr. P. Horridge who spoke in support of the application.

Consideration was then given to the application which the Head of Planning and Regeneration Services was minded to refuse upon the expiration of the publicity period on 9th March 2012, subject to no further representations being received. However, on the matter being put to the vote, Members considered that significant weight should be given to the contents of paragraph 7.18 of the supporting Planning Statement (January 2012) which had been submitted with the application, and that the lightweight and open-sided appearance of the structure itself did not affect the openness of the Green Belt.

Paragraph 7.18 of the supporting Planning Statement (January 2012) asserted that -

"The benefits of the scheme are significant. The gazebo provides an important component of the life for a number of elderly and vulnerable people living in the Nursing Home who have no alternative way of safely enjoying the grounds of the home, the surrounding countryside and local wildlife. These benefits are wholly in line with Government policy guidance on providing accommodation for the elderly set out in the National Minimum Standards for Care Homes, the End of Life Care Strategy and the more recent Essential Standards of Quality and Safety."

The Committee considered that these issues constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve the application, subject to the imposition of suitable and reasonable conditions, be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 9th March 2012; or

- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.



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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Housing Trust 'A'	Construction of 6 no. 2 bedroom 3 person bungalows and 1 no. 2 bedroom 3 person wheelchair bungalows and associated parking provision - Housman Close P O S, Housman Close, Bromsgrove, B60 3LY	Res	11/0070-DK 31.03.2012

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	<p>Consulted: 08.02.2012. Response received: 16.02.2012.</p> <p>No objection subject to conditions.</p> <ul style="list-style-type: none"> ▪ HC40 - Highway improvements / offsite works ▪ HN6 - Section 278 Agreement ▪ HN16 - Design of Street Lighting for Section 278.
ENG	Consulted: 08.02.2012. No response received.
LP (Policy)	<p>Consulted: 08.02.2012. No response received.</p> <p>The development would result in the loss of an area of the public open space and therefore criteria f) of policy S7 and policy RAT4 are important in this instance. Both policies seek to maintain existing areas of public open space. Although both policies do highlight circumstances where development on public open space may be deemed acceptable. For example RAT4 states "Development of open space will only be considered where it can be clearly demonstrated that there is unlikely to be any long-term need to retain it for either recreational or amenity purposes". Whilst criteria f) of S7 does not support development on open space where the open space "is desirable to maintain".</p> <p>This clearly highlights development should only be supported on areas of public open space where there is either no quantitative need or the land is not desirable to maintain. The PPG17 study assessed the quality and quantity of a variety of types of sports and recreation spaces across the district. The Housman Close site was assessed within the study with the amenity green space described as in a poor state that is in need of refurbishment. The play area within the site was also described as having low/limited play value. In addition the ward of the Charford is identified as having a modest surplus of children's play facilities. On this basis the loss of a poor quality site will not have an undue harmful impact on local residents as other facilities are in close proximity, including a new equipped play area at Tibberton Court. This has been equipped by the applicant. On this basis, no further contributions towards public open space are sought.</p>
LP (Open Space)	Consulted 08.02.2012. No response received.
WCC (CA)	<p>Response received 27.02.2012.</p> <p>The proposed development lies slightly to the east of the recorded line of the Roman road from Worcester to Lickey. It is possible that Roman</p>

remains associated with the road survive within the site. No objection subject to an archaeological survey being carried out in accordance with PPS5.

WCC (PROW)	Consulted 08.02.2012. No response received.
RA	Consulted 08.02.2012. Response received: 18.02.2012. The proposed access route which will cross the path will make it less safe than at present. Whilst we are not objecting, it is requested that adequate provision is made for pedestrian access along the pathway.
SE	Consulted 08.02.2012. Response received: 17.02.2012. The site is not considered to constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184). This consultation is therefore on a non statutory basis and we consider that the proposed loss of open space should be considered in the context of relevant local plan policies and the existing evidence base.
TO	Consulted 08.02.2012. Response received 21.02.2012. No objections subject to conditions.
WMC	Consulted 08.02.2012. Response received 29.02.2012. No objections. Rear gardens should be adequately secured.
WWT	Consulted 08.02.2012. No response received.
EHO	Consulted 08.02.2012. No response received.
Publicity	30 letters sent: 08.02.2012, expired 29.02.2012. Site Notice posted 14.02.2012, expired 06.03.2012. Press Notice posted: 17.02.2012, expired 09.03.2012.

4 comments received, summarised as appropriate.

- The proposal will provide a direct pedestrian link through Morris Walk from Worcester Road resulting in a loss of privacy to residents of Morris Walk.
- The current view from the bungalows consists of tidy lawns and this is preferable to the proposed car parking.
- The area around Charford is already overdeveloped and this would lead to a loss of open space.
- The alteration of the boundary between the proposed development and Morris Walk would have an impact on the shed of No. 12 Morris Walk. There could also be a loss of TV reception.
- The proposed development would result in an improvement to the area, which currently has a litter problem and an area for anti-social behaviour.

The site and its surroundings

The application site comprises an area of public open space which is bordered by the rear boundaries of properties which front onto Housman Close, Bromsgrove. There is an existing footpath which crosses the site running in a NW/SE orientation. The path is located along the boundary with Morris Walk to the west. The site is currently not equipped with any play facilities.

Proposal

The proposal is for the construction of 6 no. 2 bedroom 3 person bungalows and 1 no. 2 bedroom 3 person wheelchair bungalow and associated parking provision. The application also includes vehicular access way from Morris Walk and new parallel parking will be provided to serve the 14 existing bungalows on Morris Walk. The new bungalows will be provided in a semi-detached formation at a right angle to Morris Walk. It is proposed that the six bungalows will be restricted to occupation by residents aged 55 and over.

Relevant Policies

WMSS	QE3, CF5, CF6
WCSP	CTC.1, D.5, D.6, SD.2, SD.3, SD.4, SD.8, T.1
BDLP	DS13, S3, S7, S14, S15, RAT4, TR1, TR11
DCS2	CP2, CP3, CP6, CP8, CP14
Others	PPS1, PPS3, PPG13, SPG1, SPG11

Relevant Planning History

P11/0153	Construction of seven 2 bedroom, 3 person bungalows, vehicular access and off street parking. Pre application advice.
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Assessment

The main issues in the consideration of the application are the following:

- (i) The principle of development given the status of the land as public open space
- (ii) The design, density and layout of the proposal and its impact on the character of the area
- (iii) The impact of the proposal on the amenity of adjoining occupiers
- (iv) Highway and access issues

(i) Principle

Policies S7 and RAT4 of the BDLP are most relevant in the determination of the application. In particular, policy RAT4 states that: 'Development of open space will only be considered when it can be clearly demonstrated that there is unlikely to be any long term need to retain it for either recreational or amenity purposes. This is also reflected in criterion (f) of policy S7.

In policy terms, there is a strong presumption against the development of public open space. However, there are a number of material considerations which Members need to consider in examining the proposal.

- The development will provide 100% affordable housing for older persons. There is an acute shortage of affordable housing in the District, as evidenced in the *Council's Housing Strategy 2011 - 2015*. The housing waiting list amounts to 2,978 people with

a need for all house types and sizes, with a notable need for 2 bedroom properties including bungalows.

- The desirability of retaining this area of public open space. The comments of Strategic Planning are noted. The Open Space, Sport and Recreation Local Needs Survey 2008 concluded that this site is of poor quality and in need of refurbishment.
- The applicant has refurbished an existing area of public open space at Tibberton Court to the south of Austin Road. This includes the provision of play equipment and the demolition of some dwellings has provided for a more consolidated area of public open space at this location. There is also a modest surplus of children's play areas in the area.
- Evidence of anti social behaviour (ASB) on the Housman Close site. There have been a total of nine recorded incidents of ASB since 2008.

Whilst there is a strong presumption against the loss of public open space, it is noted that the site in question is not particularly desirable to maintain and is disadvantaged in that it is poorly overlooked, being largely surrounded by rear gardens. The evidence put forward in terms of ASB and the poor rating of the site in the Open Space Survey outlined above must be weighed against the need for affordable housing provision. In this case, it is considered that there are sufficient material considerations to outweigh the presumption against the loss of open space. It is noted that an additional area of equipped public open space has been provided at Tibberton Court in an area which was formerly a drying area for the flats. There are also alternative larger and better equipped sites in the locality.

(ii) Density, Design and Layout

Policy S7 requires developments to respect the character and layout of development in the area and be of a density appropriate to the area. The site area is 0.16Ha. The proposal would result in an overall density of 43 dwellings per hectare. This is not an excessive density and comparable with the locality which comprises a mix of bungalows, semi detached dwellings and flats.

In terms of layout, the development would be at a right angle to Morris Walk and be parallel to the existing development on Housman Close. It is noted that the proposed layout does not follow the logical pattern of a linear extension of Morris Walk. However, the area has a variety of layouts and there are examples in the locality of this type of arrangement notably to the north and south sides of Austin Road where there are houses and flats positioned at right angles to each other. It is also noted that the proposal will not be visible from Rock Hill, Austin Road or Housman Close and so there is a very limited impact on the streetscene. The intention of the applicant to make the best and most efficient use of the land and maximise the delivery of affordable housing is noted and accords with the requirements of PPS3. The proposed layout enables the most efficient use of the land and this is a benefit weighing in favour of the scheme.

In terms of design, the development would be simple and utilitarian, similar to the dwellings on Morris Walk, albeit the proposal has a higher density. The units at each end of the site are linked in a semi-detached arrangement with three units in a terrace in the

middle. I do not consider that the design of the proposal would have a detrimental impact on the streetscene, given the limited visibility from public vantage points. Overall, it is not considered that the proposal would have a detrimental impact on the character of the area.

(iii) Residential Amenity

The proposal is examined against the advice of paragraphs 8.0 - 8.4 of Supplementary Planning Guidance Note 1 (Residential Design Guide).

The proposed plots would be separated by 14m from the gable ends of the properties 12 and 15 Morris Walk. It is noted on the site that the gradient runs from NW to SE. The view of these properties is also obscured by the substantial hedge which currently forms the boundary with the footpath linking Austin Road to Rock Hill. The rear elevation of the proposed development would be approximately 28m from the rear elevation of the properties 17 - 29 Housman Close.

The rear elevations of the proposal are also set off the common boundary with these properties by 9m. There is also adequate separation of the gable ends of the proposed development from Nos. 6 - 12 Austin Road and 37 - 45 Housman Close at the opposite end. The proposal for single storey dwellings complies with the requirements of SPG1 in terms of light and privacy.

Each of the dwellings would be afforded approximately 45sqm of private amenity space and there are additional shared areas to the front. In terms of the proposed occupancy of the units and the small size of them, I consider that the private amenity space proposed is adequate and the proposed gardens have a greater depth than that afforded to the existing dwellings on Morris Walk.

(v) Highway and Access Issues

Members should note that there is no objection from WH, subject to conditions. The Highway Engineer has commented in respect of the footpath and stated that it is publicly maintained and access across it will require a S278 Agreement between the applicant and WCC. However, I note that the footpath is not on the Definitive Public Rights of Way Map and WCC Public Rights of Way have not commented on the application. It is considered that the issue of the footpath can be addressed and access maintained.

Other Matters

The comments from Strategic Planning in respect of contributions are noted. The applicant has extended and equipped the public open space at Tibberton Court and therefore additional contributions towards public open space are not justified. Similarly, no education contributions are sought since the scheme relates to 100% affordable housing.

Members should also note that the proposal also includes the provision of an additional 14 car parking spaces in a parallel arrangement serving the properties on Morris Walk. This is not considered to have a detrimental impact on the streetscene and the current residents will benefit from, given the absence of existing parking in proximity to the

dwellings. The new development will be served by 12 parking spaces which will adequately serve future residents and visitors.

Members should note that the development is accompanied by a Phase 1 Habitat Survey and Arboricultural Survey. The former concludes that the site is of low ecological value. Therefore, the development will not have an impact on any protected or notable species. The hedgerows and trees around the boundary of the site are of greater value and these are largely being retained. There would be very little impact on biodiversity provided that any pruning or removal of hedges takes place outside the bird nesting season. The comments from the County Archaeologist are noted and a suitable condition will be attached.

Conclusion

The proposal would result in the loss of an area of existing public open space. However, the area to be lost is small, of poor quality with a history of anti social behaviour. The proposal will result in the provision of 7 affordable dwellings and there is a significant shortfall of this type of development in the District. The proposal is supported by policies S14 and S15 of the BDLP. In accordance with the emerging guidance of the National Planning Policy Framework, the development will not result in demonstrable harm to assets of acknowledged importance. The application should be supported.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan@1:1250 (Ref: 52006 D11), Received 31.01.2012.

Proposed Site Plan@1:200 (Ref: 52006D12), Received 31.01.2012.

Proposed Floor Plans, Elevations and Section@1:50 (Ref: 52006 D13), Received 31.01.2012.

Proposed Street Elevation and Block Plan@1:100 (Ref: 52006 D14), Received 31.01.2012.

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

3. Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

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

4. The windows to be installed in the proposed gable wall elevations serving bathrooms on the approved plan(s) shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

5. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the development shall be submitted to the Local Planning Authority for approval. Subsequently, the occupation of the units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposed flats are provided at an affordable level to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan 2004.

6. No development shall take place until a programme of Archaeological Work, including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure that the archaeological resources of the site are protected in accordance with the requirements of PPS5 (Planning for the Historic Environment).

7. Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
- (a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
 - (b) full details of all proposed fencing, screen walls, hedges, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied.

Any trees / shrubs / hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

8. The development hereby approved shall be carried out in strict accordance with the recommendations of the Arboricultural Report undertaken by Wolverhampton Tree Service dated 28.01.2012.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

9. Prior to the commencement of the development hereby permitted engineering details of the footway alterations shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and to accord with policy TR11 of the Bromsgrove District Local Plan 2004.

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

12/0070-DK - Construction of 6 no. 2 bedroom 3 person bungalows and 1 no. 2 bedroom 3 person wheelchair bungalows and associated parking provision - Housman Close P O S, Housman Close, Bromsgrove, B60 3LY - Bromsgrove District Housing Trust

WMSS	QE3, CF5, CF6
WCSP	CTC.1, D.5, D.6, SD.2, SD.3, SD.4, SD.8, T.1
BDLP	DS13, S3, S7, S14, S15, RAT4, TR1, TR11
DCS2	CP2, CP3, CP6, CP8, CP14
Others	PPS1, PPS3, PPG13, SPG1, SPG11

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

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. S. Dudley 'A'	Proposed new dropped kerb, access and carparking space - 36 Rockhill, Bromsgrove, B61 7LP (as amended by plans received on 21.02.2012)	Residential	12/0111-HR 29.03.2012

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH Consulted: 08.03.2012. Response received 12.03.2012.
No objection subject to conditions listed below.

Publicity 1 Neighbour notification letter posted 24.02.2012; expires 16.03.2012
5 Neighbour notification letters posted 27.02.2012; expires 19.03.2012
3 Neighbour notification letters posted 28.02.2012; expires 20.03.2012
Site Notice posted 01.03.2012; expires 22.03.2012

No letters of objection received.

The site and its surroundings

The application site relates to a semi detached dwelling located on Rock Hill, Bromsgrove, which is situated within the Residential Area as defined in the Bromsgrove District Local Plan 2004. The surrounding area is predominantly characterised by residential dwellings.

Proposal

It is proposed to lower a 4.6 metre wide section of the kerb to the front of the property and create a driveway with tarmac and stone chippings with a new turning area and a car parking space within the site boundary.

Part 2 Minor Operations, Class B of the GPDO states '*The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).*'

Rock Hill is a classified road and thus planning permission is required for the construction or alteration of a means of access.

Relevant Policies

WMSS QE3
WCSP T.1
BDLP TR11
DCS2 CP18
Others PPG13, PPS1

Relevant Planning History

None

Assessment

The main consideration in this application is whether the proposal will maintain a safe means of access and egress to the site for the interests of highway safety. The main issue to consider with this proposal is the potential affect on highway safety. Policy TR11 of the BDLP requires that 'all development incorporates safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking.'

Thus, it is considered the proposal will maintain a safe means of access and egress to the site for the interests of highway safety and would be in accordance with Policy TR11 of the BDLP. As such permission should be granted.

RECOMMENDATION: that permission be **GRANTED** stc:

1. C001A (In accordance with approved plans)
2. HC8 (Vehicle access construction)
3. HC14 (Driveway Gradient)

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 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3
WCSP	T.1
BDLP	TR11
DCS2	CP18
Others	PPG13, PPS1

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.

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

PLANNING COMMITTEE

2nd April 2012

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Wards Affected	Alvechurch; Furlongs; Hagley; Marlbrook; St. Johns; Slideslow; Tardebigge; Uffdown
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To note several planning appeal decisions which have been received.

2. RECOMMENDATION

- 2.1 Members are requested to note the report and accompanying appendices detailing the issues and conclusions relevant to each appeal.

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. T. Durber	<p>PI/2010/00093-IM/MW - Appeal against the service of an enforcement notice alleging the execution of alterations and works to a building without the benefit of listed building consent - 28 Queen's Hill, Belbroughton, DY9 0DU - See APPENDIX 1</p> <p>Notice issued: 5th April 2011 Appeal decision: appeal dismissed, listed building enforcement notice upheld with a variation, and listed building consent refused - 5th October 2011</p>

**PLANNING
COMMITTEE**

2nd April 2012

Name of Appellant	Plan Ref. / Proposal / Decision
3.3.2 Mr. T. Durber	<p>10/1109-SC - Proposed amendment to listed building consent ref. 09/0510-MT for changes to the front door, conservatory windows and roofing, and the finish of the external sandstone - 28 Queen's Hill, Belbroughton, DY9 0DU - See APPENDIX 1</p> <p>Refused: 4th February 2011 Appeal decision: dismissed in part and allowed in part - 5th October 2011</p>
3.3.3 Mr. A. Midha	<p>10/0849-DK - Proposed additional facilities to existing residential home to provide 22 bedrooms for severe dementia and Alzheimer's sufferers - The Leys Residential Home, Old Birmingham Road, Alvechurch, B48 7TQ - See APPENDIX 2</p> <p>Refused: 9th February 2011 Appeal decision: dismissed - 16th November 2011</p>
3.3.4 A. and S. Brittain	<p>10/1098-DK - Proposed formation of 1 no. fishing lake, forest school and car park - Land at Burcot Lane, Bromsgrove, B60 1PN - See APPENDIX 3</p> <p>Refused: 10th March 2011 Appeal decision: dismissed - 11th January 2012</p>
3.3.5 Mr. and Mrs. Hutton	<p>11/0372-DK - Proposed 3 No. three-bedroom dwellings, parking layout and garages - 420 Bromsgrove Road, Romsley, B62 0JL - See APPENDIX 4</p> <p>Refused: 7th July 2011 Appeal decision: dismissed - 24th January 2012</p>
3.3.6 Maplebrom LLP	<p>10/0953-DMB - Outline application for "up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road" - Land at St. Godwald's Road, Bromsgrove, B60 3BW - See APPENDIX 5</p> <p>Refused: 28th April 2011 Appeal decision: allowed - 3rd February 2012 Costs decision: allowed (costs awarded against the Council)</p>

**PLANNING
COMMITTEE**

2nd April 2012

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.7	Mr. G. Crofts	11/0682-SG - Proposed erection of new conservatory - Gorsey Lane Farm, Scarfield Hill, Alvechurch, B48 7DB - See APPENDIX 6 Refused: 8th November 2011 Appeal decision: dismissed - 15th February 2012
3.3.8	Mr. N. Rowe	11/0878-TC - Proposed first floor side extension - 233 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1HQ - See APPENDIX 7 Refused: 8th December 2011 Appeal decision: allowed - 16th February 2012
3.3.9	Mr. A. Lane	11/0907-HR - Proposed bedroom extension over garage - 71 Lodge Crescent, Hagley, DY9 0ND - See APPENDIX 8 Refused: 23rd December 2011 Appeal decision: allowed - 1st March 2012
3.3.10	Mr. A. and Mrs. H. Gibb	11/0753-HR - Proposed single-storey rear extension, two-storey side extension and garage roof replacement - 35 Marlborough Avenue, Bromsgrove, B60 2PH - See APPENDIX 9 Refused: 3rd November 2011 Appeal decision: dismissed - 5th March 2012

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

- Appendix 1 - Appeal decision report for PI/2010/00093-IM/MW and 10/1109-SC - 28 Queen's Hill, Belbroughton, DY9 0DU
Appendix 2 - Appeal decision report for 10/0849-DK - The Leys Residential Home, Old Birmingham Road, Alvechurch, B48 7TQ
Appendix 3 - Appeal decision report for 10/1098-DK - Land at Burcot Lane, Bromsgrove, B60 1PN

**PLANNING
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2nd April 2012

- Appendix 4 - Appeal decision report for 11/0372-DK - 420 Bromsgrove Road, Romsley, B62 0JL
- Appendix 5 - Appeal decision report for 10/0953-DMB - Land at St. Godwald's Road, Bromsgrove, B60 3BW
- Appendix 6 - Appeal decision report for 11/0682-SG - Gorsey Lane Farm, Scarfield Hill, Alvechurch, B48 7DB
- Appendix 7 - Appeal decision report for 11/0878-TC - 233 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1HQ
- Appendix 8 - Appeal decision report for 11/0907-HR - 71 Lodge Crescent, Hagley, DY9 0ND
- Appendix 9 - Appeal decision report for 11/0753-HR - 35 Marlborough Avenue, Bromsgrove, B60 2PH

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate dated 5th October and 16th November 2011; 11th and 24th January; 3rd, 15th and 16th February; and 1st and 5th March 2012.

AUTHOR OF REPORT

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

Appeal made against a listed building enforcement notice issued by Bromsgrove District Council on 5th April 2011

Appeal reference	APP/P1805/F/11/2153096
Planning Application	PI/2010/00093-IM
Description	<p>The contravention of listed building control alleged in the notice is without listed building consent the execution of alterations and works to the building, namely:</p> <ul style="list-style-type: none">▪ The removal of external render.▪ The removal of internal walls to the ground and first floor.▪ The removal of internal plasterwork.▪ The removal of two internal latched timber doors.▪ The replacement of internal roof rafters and installation of TLX Gold multifoil insulation.
Location	<p>28 Queen's Hill, Belbroughton, DY9 0DU</p> <p>The appeal property is a Grade II listed building, and the appeal site lies within the Belbroughton Conservation Area. I have therefore paid special regard to the desirability of preserving the special architectural and historic interest of the listed building, and of preserving or enhancing the character or appearance of the Conservation Area, as required by Sections 16(2) and 72(1) of the Act¹.</p>
Ward	Furlongs
Decision	Authority to pursue enforcement action agreed by Planning Committee on 7th March 2011

The author of this report is Lisa Allison who can be contacted on 01527 881658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The steps required by the notice are to:

1. *Apply a NHL3.5 hydraulic lime render mixed in a 1:3 parts ratio with coarse, sharp, well graded sand, to the exterior of the building. (Excluding the new extensions previously approved under Listed Building Consent 09/0510 and Planning Permission 09/0511).*
2. *Remove the unauthorised concrete supporting pillar and reinstate a masonry wall between the lounge and dining room to the ground floor (the wall is shown in attached photographs A, B and C attached to the notice at Appendix 4). The position and extent of the reinstated wall shall correspond to plan no 1331/PIO approved on 1st October 2009 under Listed Building Consent 0910510 (attached to the notice as Appendix 3).*

3. *Reinstate the timber framed, wattle and daub walls between bedrooms one and three, and between bedrooms one and three and the first floor landing as shown in attached photographs D, E and F (attached to the notice as Appendix 4). This shall consist of air-dried oak timbers in sizes to match those which were removed without consent, with traditional mortise and tenon joints. The existing surviving sections of timber framing and wattle panels are to be retained and repaired. The position and extent of the reinstated walls shall correspond to plan no. 1331/PIO approved on 1st October 2009 under Listed Building Consent 09/0510 (attached to the notice as Appendix 3).*
4. *Reinstate a non hydraulic lime putty based plaster to all walls within the lounge, dining room, bedrooms one and three and first floor landing as shown in on the walls in photographs A to J (attached to the notice as Appendix 4).*
5. *Reinstate a riven lath and non hydraulic, haired, lime putty based plaster ceiling to the lounge, dining room, bedrooms one and three and first floor landing as shown in attached photographs A, I and J (attached to the notice as Appendix 4). The existing surviving sections of lath and plaster ceilings to the ground floor are to be retained and repaired.*
6. *Reinstatement of timber latched doors to bedrooms one and three as shown in attached photographs D and E (attached to the notice as Appendix 4). These shall be painted softwood boarded and battened doors, with Suffolk latches and tee hinges to match the detailed design of the doors which were removed without consent.*

Summary of decision: the appeal is dismissed, the listed building enforcement notice upheld with a variation, and listed building consent refused.

Appeal made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.

Appeal reference	APP/P1805/E/11/2156309
Planning Application	10/1109-SC
Description	The works proposed are an amendment to listed building consent ref. 09/0510 - change to the front door; change conservatory windows and roofing, and change the finish of external sandstone.
Location	28 Queen's Hill, Belbroughton, DY9 0DU
Ward	Furlongs
Decision	Refused (Delegated decision) - 4th February 2011

Background matters

Listed building consent and planning permission have previously been granted for a proposed 2-storey rear extension and single-storey conservatory to the appeal property. This included a number of alterations to the cottage, including blocking two doorways in the wall separating the two ground floor rooms, and formation of a single larger opening, removal of the staircase from the left-hand room, and location of a new kitchen in the right-hand room. A back extension and conservatory have now largely been built, although with variations to the design, which are in part the subject of the Section 20 appeal.

The Grounds of appeal

The listed building enforcement notice appeal on ground (d)

In the enforcement appeal on ground (d), in order to succeed, it is for the appellant to show on the balance of probabilities that:

- i. The works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;
- ii. It was not practicable to secure safety or health or, as the case may be the preservation of the building by works of repair or works for affording temporary support or shelter; and
- iii. The works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.

All three parts must be satisfied in order for there to be success on this ground.

It was argued by the applicant that long term water damage to the building had caused the external render and internal plasterwork to deteriorate to the extent that it no longer adhered properly to the walls. This had been caused by serious flooding in 2008, when the floodwater level had reached the first floor. Also, the poor condition of the roof had allowed water to enter the building over a long period.

Regarding the removal of first floor walls and the two latched timber doors from the cottage, the appellant does not argue that these works were done on account of any urgency, or threat to safety or health. These elements of the unauthorised works do not therefore fall to be considered under ground (d).

Discussion

Removal of external render

On the balance of probabilities, the Planning Inspector does not accept that the appellant carried out the minimum works immediately necessary after flooding, given

the generally high degree of mechanical key provided by the substrate, and the long period for which the render remained in good condition.

It is likely that the render was originally applied in the region of 80 years ago, and it is apparent from photographs taken in April 2008 - before the flood in September of that year - that it remained in good condition, largely free from significant cracks or other defects. In the light of this, it could be expected that defects resulting from absorption of water during the curing process would have become evident relatively early in the life of the material, rather than some 80 years later.

According to the Council, the flood water had been more than a metre deep, it had not come up to first floor level. Adjacent cottages at 2 and 4 Drayton Road had also suffered from the flood, although being at a higher level this was to a lesser depth of about a metre. Even so, damage to the external render on these cottages had been relatively slight, and required no more than patch repairs with lime based render.

Given the relatively thick coating of render - of which I saw a fragment - the Inspector can understand that if a piece fell off, it might create a serious health and safety risk. However, in such a full appraisal should be made of the condition of the render, the likelihood of complete detachment, and whether measures could be taken to protect against possible danger from falling sections until such time as a comprehensive scheme for repair or replacement could be prepared. The appellant claims that he was given oral authority to proceed with entire removal of the render by the Council's then Assistant Conservation Officer. However, there is no record of this, the officer concerned left the Council in December 2009, and the render was not removed until August 2010. Given this 8 month gap I am sceptical about both the immediate need to remove the render, and the claimed risk to health and safety. Overall the Inspector, did not consider that entire removal of the render was justified.

Removal of internal walls

Internally, the appellant had removed a substantial brick wall with two door openings and argued that the structure had no proper foundation, was unstable, and constituted a significant health and safety risk.

The Inspector could see no good reason why temporary propping of the principal beams to prevent collapse would not have been possible, and considers the entire removal of the wall went far further than the minimum measures necessary.

Removal of internal plaster

The Inspector did not consider the works carried out were limited to the minimum necessary.

On questioning, the appellant suggested that the damp plaster caused danger in health and safety terms as a result of mould growth. However, no significant evidence was put forward to suggest that this had come about, or had been about to.

Furthermore, if proper measures had been taken to dry out the building after the flood, a problem of this nature would probably have been resolved.

Replacement of roof rafters

The Inspectors accepted that re-roofing - including the probable replacement of some of the structural timber - would most likely have been necessary. However, it cannot be considered that complete removal and replacement of the roof was the minimum necessary measure. There is no evidence to suggest any significant urgency to do this in the interest of safety, health or preservation of the building.

Conclusions on ground (d)

Overall, I consider that the removal of external render, internal plaster, internal walls, and replacement of roof rafters was not urgently necessary in the interest of safety, health or preservation of the building. Furthermore, it would have been quite practicable to secure these matters by temporary means, and it appears to me that all these works went well beyond the minimum measures immediately necessary. The appeal on ground (d) therefore fails.

The listed building enforcement notice appeal on ground (e)

This ground is that listed building consent should be granted for the works.

The Inspector concludes on the main issue that the unauthorised works have caused serious harm to the special architectural and historic interest of the listed building, and to the character and appearance of the Belbroughton Conservation Area. The appeal on ground (e) therefore fails.

The listed building enforcement notice appeal on ground (j)

On ground (j) the question is whether the steps required by the notice are in excess of what is necessary to alleviate the effects of the unauthorised works on the listed building.

The appellant again put forward the argument that lime-wash to the front elevation above a rendered plinth would be more appropriate. However, that would not alleviate the effect of the works on the listed building - exposing the considerable defects of the sandstone block work to permanent view - it would rather perpetuate that to a considerable degree.

None of the suggestions put forward by the appellant would alleviate the harm caused to the listed building. The appeal on ground (j) therefore fails.

The Section 20 appeal against refusal of listed building consent

The Council have no objections to the proposed changes to the design of the conservatory; the alterations to the positions and types of windows and doors in the

back extension, and the change of location of the kitchen - which would be within the back extension rather than the cottage. These works have largely been done, and the Inspector concurs with the Council's view.

Replacement of external render

The Inspector considers this to be an ill-considered scheme, which would result in the building having an untidy and unattractive appearance. Serious harm would be caused to the special interest of the listed building.

In addition to the listed building enforcement appeal that seeks reinstatement of the external render would be desirable in the interests of preserving the building's special interest.

The replacement of roof structure

Both the Local Planning Authority and the Inspector feels the replacement of roof structure has caused serious harm to the building's historic interest.

Rebuilding the chimney stacks

A further example of works being done in a somewhat haphazard manner, without adequate advance planning, or the Council's consent. Without proper justification for this part of the works both the Inspector and the LPA consider it likely that unnecessary works would be carried out, with possible loss of historic fabric, and that the special interest of the listed building would be significantly harmed.

Any need to reconstruct the chimney stacks would be revealed by undertaking a comprehensive assessment of the listed building, in relation to the advice of PPS5.

Window replacement

It is proposed to replace all windows in the original cottage, which are generally Crittall metal windows within timber frames.

Overall, the Inspector considers the proposed replacement of windows would cause significant harm to the architectural and historic interest of the listed building.

Reconstruction of lintels and cills

The Inspector concurs with the LPA that both the proposed cills and the lintels would cause harm to the appearance of the listed building.

Removal of the wall between the ground floor rooms, and replacement of parts of the first floor structure

Regarding the proposal to create a single open-plan living room on the ground floor, the arguments concerning the change to the historic plan form of the cottage apply equally

here, and the Inspector considers the historic interest of the building would be seriously harmed by the alteration. The appellant's wish to lead the 'modern life' is noted but it is not considered that this should be at the expense of causing such harm to an early 18th century cottage.

Again, it is likely that historic fabric would be lost, causing harm to listed building interests.

Removal of first floor internal wall and relocation of bathrooms

Two bathrooms are proposed on the first floor in the right-hand side of the cottage, instead of within the back extension as approved in 2009. To do this two new doorways would have to be created, which would result in significant alteration to the timber framing below the roof truss, and would significantly change the historic layout, causing further harm to the special interest of the building. In addition, the incorporation of two highly serviced rooms within the historic part of the cottage is likely to result in cutting into the floor structure to accommodate pipework.

Removal of a section of wall between the cottage and back extension

It is proposed to demolish the upper part of a sandstone wall between the cottage and the back extension. However, the creation of such an opening between the parts of the cottage would create a fluid open-plan space between the parts of the building. This would compromise the historic plan form, and alter the character of the interior of the cottage to a degree that both the architectural and historic interest would be harmed. The appellant argued that the wall is unstable, and needs to be part-demolished. Although it was possible to rock the top of the wall slightly, since it is not properly constrained, the Inspector can see no reason why a scheme for stabilising it could not be devised.

The Conservation Area

The Inspector came to the conclusion above that the works of re-rendering would result in the cottage having an untidy, unattractive appearance, which would cause serious harm to conservation area interests.

Summary of key issues

The Inspector concludes, that the changes to the conservatory design; the amendments to windows and doors in the back extension, and the re-location of the kitchen to within the back extension do not cause harm to the special architectural or historic interest of the listed building, and that the character and appearance of the Belbroughton Conservation Area would be preserved. He allowed the appeal insofar as it relates to those elements of the works, and to grant listed building consent. The re-location of the kitchen would entail no works to historic parts of the building, and does not consider any conditions would be necessary.

It is noted that the majority of the works have already been carried out, and the imposition of conditions is generally not necessary with respect to those, including the statutory time limit condition. However, to the extent that works remain incomplete, it is considered that it would be reasonable and necessary to impose a condition requiring works to be carried out strictly in accordance with the application drawings.

In relation to the remainder of the proposed works, it is considered that serious harm would be caused to the special architectural and historic interest of the listed building, and significant harm to the character and appearance of the Belbroughton Conservation Area. The Inspector dismissed the appeal insofar as it relates to those works and to refuse listed building consent.

Decision in full

Appeal Ref: APP/P1805/F/11/2153096

The listed building enforcement notice be varied by:

OMISSION of the words 'Reinstate the timber framed, wattle and daub walls between bedrooms one and three' from lines 1 and 2 of Requirement 3; and, SUBSTITUTION of the words 'Reinstate the timber-framed, lath and lime plaster walls between bedrooms 1 and 3, including the wattle and daub infill panel'. OMISSION of the words 'wattle panels' from line 7 of Requirement 3; and, SUBSTITUTION of the words 'the wattle infill panel'.

Subject to this variation the Inspector upholds the listed building enforcement notice, and refuse listed building consent for retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal Ref: APP/P1805/E/11/2156309

The appeal is allowed insofar as it relates to the proposed amendments to listed building consent ref. LBC 09/0510 dated relating to alterations to the design of the conservatory, amendments to window and door positions and types in the back extension, and to relocation of the kitchen within the back extension, and listed building consent is granted for these works at 28 Queen's Hill, Belbroughton, DY9 0DU, in accordance with the terms of the application ref. 10/1109 dated 10th November 2010, and the plans submitted therewith subject to the condition that the works shall be carried out strictly in accordance with the application drawings, comprising the location plan and drawings no. 1331/S1 and 1331/W10.

In relation to the remainder of the works proposed under application ref. 10/1109 dated 10th November 2010, the appeal is dismissed.

Conclusion

The Inspector concludes; the Section 39 appeal should not succeed, and that listed building consent should be refused for the unauthorised works. The notice should be upheld, with listed building consent refused. He considers the Section 20 appeal should succeed in part, and grants listed building consent for those works. With respect to the

remainder of the proposed works, he considered the appeal should fail, and refuses listed building consent.

Costs application

No application for costs was made.

Appeal outcome

The appeals were, in the case of APP/P1805/F/11/2153096, **dismissed, the listed building enforcement notice upheld with a variation, and listed building consent refused**; and, in the case of 10/1109-SC, **dismissed in part and allowed in part**.

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2157354
Planning Application	10/0849-DK
Proposal	To provide additional facilities to the existing residential home to provide 22 bedrooms for severe dementia and Alzheimer's sufferers.
Location	The Leys Residential Home, Old Birmingham Road, Alvechurch, B48 7TQ
Ward	Alvechurch
Decision	Refused by Planning Committee - 7th February 2011

The author of this report is Lisa Allison who can be contacted on 01527 881658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for additional facilities to the existing residential home to provide 22 bedrooms for severe dementia and Alzheimer's sufferers.

The appeal site lies within the Green Belt, wherein PPG2 *Green Belts* establishes a national presumption against inappropriate development. The appellant accepts that the appeal proposal constitutes inappropriate development in Green Belt policy terms.

- The effect of the proposed development on the landscape and openness of its surroundings within the Green Belt.
- The effect of any additional traffic associated with the development on the safety of road users on Old Birmingham Road, and the adequacy of parking provision proposed.
- The effect of the appeal development on the amenity of neighbouring residents, in terms of noise and disturbance and visual aspect.
- Whether matters advanced by the appellant in favour of the development so clearly outweigh the harm that would be done to the Green Belt by virtue of inappropriateness and any general or landscape impact, and any other harm, that they constitute very special circumstances justifying the grant of planning permission.

Landscape impact and openness

The Inspector concludes that the proposed development would result in a material loss of openness in the Green Belt and harm to its landscape resulting in a loss of visual

amenity, contrary to PPG2, the West Midlands Spatial Strategy, Worcestershire County Structure Plan 2001, and the (Bromsgrove District Local Plan 2004.

The Inspector accepts that the proposed building would not appear in the landscape as an unduly obtrusive structure, on account of its single storey design approach and landscape setting, which includes hedgerow trees and other vegetation directly to the south and east of the development site. Yet it is clear that a building of the size proposed would cause significant erosion to the rural character of the immediate locality. It is therefore considered that the proposal would not in these circumstances support the third Green Belt objective listed in paragraph 1.6 of PPG2, namely the retention or enhancement of attractive landscapes near to where people live.

Highway safety; car parking

The Inspector notes the fact that the highway authority does not question the capacity of Old Birmingham Road to accommodate the increased trip generation that it considers would be caused by the appeal proposal. The appellant maintains that there would be very little increased trip generation. Yet the Inspector believes that the 23 new staff proposed to be employed at the proposed unit, whilst attending at different times of the day or week, would generate additional private vehicular trips in a location over 500 metres from the nearest bus stop. Furthermore it is likely that many of the residents of the proposed unit could generate their own visitor traffic, sometimes on a regular basis.

On that basis, such off-site parking would have the potential to create conditions on the public highway that would endanger the safety of road users, including those driving vehicles and those walking between their vehicles and the care home. It follows that the proposed development would fail to accord with saved Structure Plan policy T.1 and saved Local Plan policies E9(d) and TR11.

Residential amenity

The four residential units formed from the conversion of a large L-shaped barn building on the north side of The Leys Residential Home have a close spatial relationship with the care home. Not only are the units physically close to the care home building, but the courtyard space in front of them and car parking space available to them are served by the same vehicular access as the care home.

It is difficult to envisage how the occupants of Units 1 to 4 could not be affected by the increased comings and goings that would be associated with the expanded care home facility. One resident reports that the staff of and visitors to the current care home 'continue to use' parking spaces owned by the residents. It is clear to me that the residents would, given the proximity of their homes to the care home site and the degree of integration between the residential and care home domains, be aware in noise and general disturbance terms of increased activity from care home staff, service and visitor trips.

Therefore the Inspector concluded that these circumstances would result in a material loss of amenity for the residents, by an erosion of the tranquillity they seek to enjoy in this rural location.

Summation of harm, and 'very special circumstances'

The Design and Access Statement outlines the appellant's case as to why the circumstances in which the appeal site was selected for the proposed dementia and Alzheimer's unit and benefits accruing from the development constitute 'very special circumstances' clearly outweighing Green Belt harm and any other identified harm.

The main components of the case have to do with the:

- Sustainability of the appeal site,
- The need for the proposed development,
- The benefits of the proposed facilities and the application of what the appellant terms 'the PPS6 sequential test' in the selection of the appeal site.

The appellant maintains that the appeal site is a sustainable location for the proposed development. It is accepted that Alvechurch is a large village which benefits from regular bus and rail services and contains a good range of local shops and other services. However access to the village which is about 1.5 kilometres from the appeal site is not convenient by travel modes other than a private motor vehicle. The nearest bus stop is over 500 metres from the site via an access route which lacks pedestrian facilities and street lighting. I do not therefore consider the appeal site to have strong credentials as a sustainable location.

It is accepted that there is likely to be a sustained or increasing demand for the specialised care facilities of the type proposed, and that the existing care home would in management and expertise terms be in principle a suitable base at which to provide such facilities. The Leys Residential Home could well have benefits for investment, business viability, regulation compliance and new employment, and could have some indirect benefits for the local economy.

With regards to the application of the 'PPS6 sequential test', PPS6 *Planning for Town Centres* was cancelled in 2009 by PPS4 *Planning for Sustainable Economic Growth*. The proposed development does not fall into any of the land use categories listed in paragraph 7 of PPS4 as main town centre uses, although the definition of economic development in paragraph 4 of the PPS includes community uses and uses that provide employment opportunities. Therefore the Inspector finds no basis in PPS4 for supporting a 'sequential approach' to the identification of a locationally optimum site for the proposed unit. Local planning authorities are directed to strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.

The harm identified in this case is substantial, and includes Green Belt inappropriateness, loss of openness, landscape erosion, the endangering of highway users, and loss of residential amenity. I do not consider that the matters raised by the

appellant in support of the appeal proposal have such individual or combined force as to clearly outweigh that cumulative harm. I therefore conclude that the appellant has failed to demonstrate that very special circumstances exist sufficient to clearly outweigh the harm that would be caused to the Green Belt and to the other interests mentioned above.

In conclusion

Of the matters he raises the Inspector is satisfied that questions of sewage disposal and flood alleviation should be capable of being addressed through the enforcement of appropriate conditions, if planning permission were to be granted in this case. Whilst the Leader states that he does not agree with the view of Council officers as to the architectural style of the building, it is more the size of footprint and bulk of the proposed building that in my perception would determine its harmful visual impact and result in a loss of openness in the landscape, both important contributors to the Green Belt harm in this appeal. So the Leader's representations and all other matters raised in the appeal documentation do not outweigh the harm identified and the conclusions reached on the four main issues in this appeal, on which basis the appeal does not succeed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (16th November 2011).

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2160221
Planning Application	10/1098-DK
Proposal	Formation of 1 no. fishing lake, forest school, car park (as amended by plans received 21.02.2011)
Location	Land at Burcot Lane, Bromsgrove, B60 1PN
Ward	St. Johns
Decision	Refused by Planning Committee - 7th March 2011

The author of this report is Lisa Allison who can be contacted on 01527 8813658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The development proposed was the formation of 1 no. fishing lake, forest school, car park (as amended by plans received 21.02.2011).

The appeal site is a large open field in the Green Belt to the east of the A38 road and south of Old Burcot Lane. The site is some 9ha. in size and is in arable use apart from a central drainage ditch and a number of ponds. The land falls from Old Burcot Lane southwards and westwards. Burcot Lane Cutting Site of Special Scientific Interest (SSSI) is immediately to the north.

Procedural Matters

The application originally sought permission for '2 no. fishing lakes, forest school and car park', but it is evident that the description and nature of the development proposed changed during the time it was under consideration by the Local Planning Authority to that noted above.

Following further information from the appellant the Local Planning Authority no longer pursues reason for refusal 3 which relates to the nearby Site of Special Scientific Interest.

Accordingly, the Inspector proposed to deal with the appeal on the basis of the revised description and the withdrawal of reason for refusal 3.

The Proposal

On the site there would be provision for 40 car parking spaces, parking for two coaches, a coach turning area, and a portable eco-toilet (described as a 'portaloo' in the representations). The existing access in the north-west corner of the site that leads from Old Burcot Lane would be improved. The existing farm track leading from this access that runs along the western boundary of the site would also be improved and extended to create an internal road, parking and turning areas.

Main Issues

- 1) Whether the proposed development amounts to inappropriate development in the Green Belt.
- 2) The effect of the development upon the character and appearance of the area.
- 3) The effect of the proposed development on the best and most versatile agricultural land.
- 4) If the development is inappropriate, whether or not 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 Inspector states the forestry school and the creation of the fishing lake in the lower part of the site would maintain the openness of the Green Belt, thus not being inappropriate development. The forest school would be an educational use, albeit in this instance with no trees and no buildings - in line with Planning Policy Guidance note 2: *Green Belts* (PPG2)

The Inspector finds the development to have an adverse effect upon the character and appearance of the area. As such the proposal would run counter to Structure Plan policy CTC.1, which deals with landscape character, and District Plan policies RATd), ES16c), and parts of DS13.

The size and siting of the road, the coach lay-by and the parking area would be such that vehicles and vehicular activity would be visible from outside the site. It is considered that the existing vegetation and the proposed planting would not fully screen the vehicles from Old Burcot Lane, from the golf course to the south, and from some views from the west.

In short, the Inspector and the Local Authority agreed that the proposal would conflict with PPS7 and Structure Plan policy CTC.7.

Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. It supports sustainable rural tourism and leisure developments that benefit rural businesses.

Following the production of the appellant's own agricultural land study it is contended that the operational development will take place only on grade 3b land or lower. This differs from the agricultural land classification used by the Council, which shows the major, northern part of the site as being grade 1. As this classification is the standard classification that covers the whole area around Bromsgrove, the Inspector accepts the LPA's findings over that produced by the appellants.

It is considered that the provision of the relatively small fishing lake with some 31 pegs and the establishment of a forestry school, to be of minimal benefit to the rural area compared to the loss of the land to agricultural use.

Accordingly, I find that collectively and individually the put forward do not amount to very special circumstances that clearly outweigh the totality of the harm I have identified.

Three matters were promoted by the appellant as being very special circumstances in support of the proposal.

The first is that the proposal enhances the positive role of the Green Belt. The Inspector feels that the development would have an adverse effect upon the character and appearance of the area.

The second very special circumstance put forward is that the scheme contributes to the moderate enhancement of the Burcot Lane Cutting SSSI. I note the view of Natural England, but again the Inspector regards any benefits that ensue regarding the SSSI are outweighed by the dis-benefits of the scheme as a whole.

Thirdly, policy RAT2 is questioned by the applicant. It is argued that the policy seeks to support outdoor recreational facilities in the Green Belt should not be interpreted as meaning that such support should be at the expense of other weightier, material planning considerations. The Inspector agrees with a need for the forest school element of the proposal and a perceived need for such schools. However, it is considered that this particular element of the scheme would take such a considerable number of years to come to fruition and as such, any weight to this matter is negligible.

In conclusion

The Inspector considered all other matters raised, including the economic benefits of the development to the rural area, and concluded that the appeal should be dismissed.

Therefore the Inspector dismissed the appeal

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (11th January 2012).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2159083
Planning Application	11/0372-DK
Proposal	Three detached 3-bed dwellings, parking layout and garages
Location	420 Bromsgrove Road, Romsley, B62 0JL
Ward	Uffdown
Decision	Refused (Delegated decision) - 7th July 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.

The Proposal

The proposal is for 3 detached three bed dwellings, parking layout and garages.

The existing site comprises a former garage and car sales forecourt at Hunnington which mostly comprises a substantially built ribbon of development. There are two main buildings on the site with a former 'Hand car wash' at No. 420 and a dormer bungalow at No. 422. Nos 418 and 424 sit either side of the application site. The land designation is Green Belt. There are garages to the rear of the site.

Discussion

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. The development, as proposed, would result in the creation of residential units with a greater size, scale and height than the existing buildings on the site. Therefore, by definition, the proposal would constitute an inappropriate form of development which would unduly harm the openness and visual amenity of the Green Belt. No 'very special circumstances' have been put forward to outweigh the harm caused and for these reasons the proposal would contravene policy QE3 of the West Midlands Spatial Strategy, policies D38 and D39 of the Worcestershire County Structure Plan, policies DS1, DS2, DS3 and DS13 of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
2. The proposal would amount to a cramped form of development to the detriment of the character and amenity of the surrounding area. Therefore, the proposal is contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the advice of SPG1, the Council's Residential Design Guide.

The Inspector found the main issue to be its Green Belt location and:

- whether the proposed development is inappropriate development in the Green Belt;

- the effect of the proposed development on the character and appearance of the surrounding area; and
- if the development is inappropriate in the Green Belt, 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.

Main Issues

Issue (1) : Whether inappropriate in the Green Belt

The Inspector refers to National Planning Policy Guidance note 2: Green Belts and policy DS2 of the Bromsgrove District Local Plan which indicate that there is a presumption against inappropriate development in the Green Belt and that the construction of new buildings there will be inappropriate unless it is for specified purposes. The proposed buildings clearly do not fall within most of the purposes specified.

Reference is made to PPG2 and policy S12 which indicate that replacement of existing dwellings need not be inappropriate providing the new dwelling is not materially larger than the dwelling it replaces. Calculations showed that the proposed development would represent an increase of almost 50% against the combined footprints of the existing buildings. However, for the purposes of the policies the appropriate comparison is with the existing dwelling alone. The proposed 3 dwellings would be significantly larger and the 3 double garages would add to this.

The Inspector notes that the proposal could not be considered as 'limited infill' as the site is not located in a designated Village Envelope and comprises more than two dwellings.

Issue (2) : Character and appearance

It is acknowledged that the Council has granted planning permission in 2010 for redevelopment of the site through the conversion of the dormer bungalow into 2 flats and a new dwelling alongside it replacing the workshop building. It was considered that this proposal would retain the individuality in the street scene of the different styles of detached dwellings and would provide sufficient gaps between, maintaining a clear visual separation.

The new proposal would retain individuality in terms of design and respect the existing styles nearby, however, the Inspector is in agreement with the Council that the narrowness of the gaps between the three houses would give them a cramped appearance. In addition, the 3 dwellings would conform to a 'building line' resulting in a terrace appearance in the street scene.

It is noted that the removal of the existing, unattractive, non-conforming commercial use, would bring visual and amenity benefits, but this could be achieved irrespective of the outcome of the appeal through the extant permission previously referred to.

Issue (3) : Very special circumstances

The Inspector gives regard to the possibility that if the previous use of the site were to resume there would be parked vehicles on the site, which would also affect the openness. However, it is considered that these would be of lesser height and bulk than the proposed buildings and the presence of individual vehicles would be transitory whereas the buildings would be permanent.

The site, with the exception of any part that formed the residential curtilage, falls within the definition of previously-developed land. Re-use of such land is encouraged by national and local policy, but that cannot be taken in isolation from other policies. In this instance, having regard to the fact that there is extant permission for a scheme that would re-use this site in any event, it does not outweigh the protection afforded to the Green Belt.

The Inspector attaches little weight to the argument put forward by the appellant that the proposed use would result in a reduction in highway movements, as the site is currently derelict.

In conclusion

The Inspector finds that the proposed development would represent inappropriate development in the Green Belt. The development would also be harmful to the character and appearance of the surrounding area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other considerations put forward by the appellant, so as to amount to the very special circumstances necessary to justify the development.

Therefore the Inspector dismissed the appeal

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (24th January 2012).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152467
Planning Application	10/0953-DMB
Proposal	Up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road
Location	Land at St Godwald's Road, Bromsgrove
Ward	Tardebigge
Decision	Refused by Planning Committee (18th April 2011)

The author of this report is Lisa Allison who can be contacted on 01527 881658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for the erection of Up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road.

The application was refused by Planning Committee on 18th April 2011, for the following reason as detailed below:

- The proposal would lead to unacceptable traffic implications and negatively impact on the amenities of existing residents by virtue of the generation of over capacity issues on the local highway network and the absence of adequate infrastructure to accommodate and ensure the free flow of traffic, contrary to policy T.1 of the Worcestershire County Structure Plan, policy DS13, criterion (h) of policy S7 and policy TR11 of the Bromsgrove District Local Plan and the guidance contained in PPS1, PPS3 and PPG13.

The Inspector found the main issue to be:

- Although not in dispute between the Council and appellant, there are local concerns about the principle of developing the site for housing. As such is residential development is acceptable in principle, having regard to development plan and national policy.
- The effects of traffic likely to be generated by the proposal, on the surrounding highway network, and thus on the amenities of existing residents of the area, having regard to the proposed mitigation measures.
- Whether or not the planning obligations now sought are justified.

The appellant initially agreed, in principle, to address these by means of Section 106 planning obligations, but now questions whether the requested contribution towards improved railway station facilities is justified.

The principle of residential development

In short, the Inspector raised no objection in principle to the use of the site for housing. Regard was paid to all the submissions on this issue, at the Inquiry and in the written representations from local people at both application and appeal stages, including a suggestion that the site would be better used for a new railway station and associated parking. Nonetheless, given that the site has already been assessed and identified as a potential housing site through the development plan process and, significantly, because there is a very severe shortage of land for housing in this District.

It was suggested that sites elsewhere in the District would be more suitable and sustainable for additional housing than the appeal site, and that the merits of alternative sites should be explored in the emerging Core Strategy. However, as the Inspector understood it, the 5-year supply relates to the whole of the District rather than individual parts of it, and paragraph 72 of PPS3 explicitly states that applications should not be refused solely on the grounds of prematurity.

Highway and traffic matters

Neither the Council nor the HA objected to the proposal on the grounds of highway safety. The Inspector considers that the proposal would not conflict with relevant SP, LP or national policy and that its effects in terms of traffic and the amenities of existing residents would not be so great as to justify refusing the proposal. This is on the basis of the proposed mitigation works, including the signal-controlled junction, being carried out. It is appreciated that, due to the consultation process involved, there is no guarantee of a TRO being made to remove the on-street parking to facilitate such works. However, as it is not the case that there is no prospect at all of this occurring, the Inspector feels the removal of the parking bays could reasonably be made the subject of a Grampian condition and required at the outset.

Planning obligations

The appellant's unilateral undertaking includes provisions to secure 35% of the development as affordable housing, together with financial contributions towards education facilities, improving air quality, and improvements to bus stops on New Road and Finstall Road, local public footpaths and off-site play space. The Inspector is satisfied that these obligations are necessary and reasonable to secure much-needed affordable housing, to mitigate the impacts of the additional housing and to promote more sustainable transport choices and that they meet the relevant tests in *Circular 05/2005 (Planning Obligations)* and Regulation 122 of the *Community Infrastructure (CIL) Regulations 2010*.

However, as already noted, the appellant then contested the HA's request for a sum of £318,000 towards improvements at Bromsgrove railway station, on the basis that there is insufficient justification for it.

Planning Policy Guidance Note 13: Transport makes it clear that planning obligations may be used to achieve improvements to public transport, walking and cycling facilities in order to encourage travel by modes other than the car.

A site visit confirmed that there is inadequate capacity between Bromsgrove and Birmingham to accommodate demand. Therefore, notwithstanding the appellant's submissions to the contrary, the Inspector accepts that the trains are often overcrowded.

The appellant's total estimate of £2.15 million was considered more than a little optimistic. However, as the appellant's approach is based on a reasonably calculated percentage uplift in passengers the Inspector was satisfied that, at least, £150,500 would be fairly and reasonably related in scale and kind to the proposed development, whether the existing station is improved or replaced. Thus I find that the appellant's obligation in relation to improved station facilities is necessary and complies with the CIL Regulation 122 tests.

Other matters and conclusions

Considering the topography of the site and its surroundings, the existing trees and hedging, and the scope for additional structural landscaping, the Inspector is satisfied that the development would be sufficiently contained in visual terms, without material harm to the surrounding landscape. It would not set any precedent for further extension of the urban area.

Reports submitted in support of the proposal address its impacts in terms of protected species and other wildlife, loss of habitats and trees, together with recommendations including mitigation measures. Although concerns were noted about loss of mature oak trees and of a former orchard area, these are matters which could be reconsidered at the reserved matters stage. Similarly, that part of the design and access statement relating to building layout and design should not constrain the opportunity, at the reserved matters stage, to achieve a higher quality of design, taking account of the consultation response of the Council's Urban Designer.

More detailed concerns, such as impacts on living conditions at individual existing dwellings, some localised flooding and measures to prevent any problems likely to arise from the adjacent sports fields, could all be addressed at the reserved matters stage. A point raised about land ownership is not a material planning consideration, but a private matter to be addressed between the parties concerned.

The Inspector understands the strength of local feelings about the proposal, not least in the light of the Government's commitment to localism. However this must be balanced against the Government housing policy objectives and its expectation that growth should be allowed wherever possible, except where key sustainable development principles would be compromised. There is insufficient reason to reject the proposal on the latter ground.

In addition, the proposal's effects in terms of traffic and the amenities of existing residents would not be so great as to justify refusal.

In conclusion

Therefore, having had regard to all other matters raised, the Inspector concludes that the appeal should succeed and that outline planning permission should be granted subject to the conditions listed in the schedule at the end of this decision, and to the obligations contained in the submitted unilateral undertaking.

Costs application

An application for costs was made against the Council, on the 03.02.2012.

This application for costs was **ALLOWED**.

The Inspector found the Council to have failed in supporting its decision in all respects. Thus it was found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.

Appeal outcome

The appeal was **ALLOWED** (3rd February 2012).

Schedule of Conditions

- (1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved details.
- (2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.
- (3) The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- (4) The details submitted pursuant to condition 1 above shall broadly accord with the framework and parameters of the 'ASP5 Indicative Masterplan Rev.1' (dated 7th December 2010) and the Design and Access statement accompanying the application.
- (5) The details submitted pursuant to condition 1 shall include details of finished floor levels for all buildings and of finished ground levels for all other areas of the site. The details shall include sections to show the development hereby permitted relative to the levels of surrounding land and properties (including dwellings

fronting Clayton Drive, Scaife Road, Rutherford Road, St. Godwald's Road and Lower Gambolds Lane).

- (6) The details submitted pursuant to condition 1 shall include a plan identifying the number and location of the affordable housing units to be provided, together with details of their size, type and tenure.
- (7) The landscaping details submitted pursuant to condition 1 shall include a comprehensive landscaping scheme comprising the following:
 - (i) a tree survey / plan and an arboricultural method statement, identifying trees and hedges to be retained and any to be removed; details of any works to trees to be retained; and details of measures for the protection of trees to be retained throughout the construction period;
 - (ii) details of soft landscaping, to include plant schedules (noting species, sizes and numbers), planting plans and written specifications;
 - (iii) details of hard landscaping, to include treatment of car parking areas, footpaths, other vehicle and pedestrian circulation areas, and hard surfacing materials;
 - (iv) details of the positions, height, design and materials of all new boundary treatments;
 - (v) a programme detailing the timing and implementation of all aspects of the landscaping scheme.
- (8) No development shall take place until details of the location and treatment of all areas of communal public open space (including a woodland walk and wildlife meadow) have been submitted to and approved in writing by the local planning authority, together with a timescale for their provision. The areas identified as communal public open space shall be provided in accordance with the approved details, and retained as such thereafter.
- (9) No development shall take place until the locations and specifications for a Local Equipped Area of Play and Local Area of Play have been submitted to and approved in writing by the local planning authority, together with a timescale for their provision. The play areas shall be provided in accordance with the approved details.
- (10) No development shall take place until a Nature Conservation Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall follow the recommendations of the RSK Ecological Baseline Report (June 2010), RSK Interim Phase 2 Ecology Report (June 2010), RSK Phase 2 Ecology Survey (November 2010) and Natural England's letter of October 2010. The Plan shall be implemented as approved unless otherwise approved in writing by the local planning authority.

- (11) No development shall take place until a noise attenuation scheme has been submitted to and approved in writing by the local planning authority, to protect from railway noise those dwellings and gardens abutting the railway land, and any with windows at second floor or above with a direct line of sight to the railway. None of these dwellings shall be occupied until the approved scheme has been fully implemented.
- (12) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of: areas within the site to be used for loading, unloading and manoeuvring, for storage of materials and equipment (including fuels) and for parking for site personnel, operatives and visitors; wheel washing facilities; measures to minimise dust and noise from construction operations; construction traffic routes; a programme of works, including measures for traffic management and operating hours; provision of boundary hoarding and lighting. Development shall be carried out in accordance with the approved plan.
- (13) No development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any other development begins, unless otherwise agreed in writing by the local planning authority. On completion of the remediation scheme, and before any building is occupied, a verification report demonstrating the effectiveness of the remediation works carried out shall be submitted to and approved in writing by the local planning authority.
- (14) Should contamination that was not previously identified be found at any time during the course of development, an investigation, risk assessment and, where necessary, a remediation scheme shall be submitted to and approved in writing by the local planning authority. Any necessary remediation works shall be carried out in accordance with the approved details: on completion of these works, and before any building is occupied, a verification report demonstrating their effectiveness shall be submitted to and approved in writing by the local planning authority.
- (15) Notwithstanding the details contained in the RSK Utilities and Drainage Report (June 2010), no development shall take place until a fully detailed scheme for foul and surface water drainage and associated works has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate sustainable drainage measures and the proposed balancing pond, together with a timetable for implementation. The scheme shall be implemented and thereafter maintained in accordance with the approved details.
- (16) No development shall take place until both existing on-street parking bays on Stoke Road have been removed in order to facilitate the junction improvement at the New Road / Stoke Road / Finstall Road junction.

- (17) No development shall take place until a detailed engineering design and specification for the junction improvement at the New Road / Stoke Road / Fininstall Road junction, including provisions for pedestrians and cyclists, has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until this junction has been improved in accordance with the approved details.
- (18) No development shall take place until a detailed engineering specification for the junction improvement at the St. Godwald's Road / Fininstall Road junction (to accord with the details shown on drawing no. STH2369-003 Rev A) has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until this junction has been improved in accordance with the approved details.
- (19) There shall be no vehicular access to the development hereby permitted other than via Rutherford Road.
- (20) No development shall take place until details and specifications for the construction of roads and footpaths within the development (including details of gradients, surfacing materials and method of surface water disposal) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until vehicular access to it, to wearing course level, has been provided in accordance with the approved details.
- (21) The development hereby permitted shall not be occupied until details of measures to restrict vehicular movements between it and the existing access, located between nos. 47/49/51 and nos. 53/55 Rutherford Road, have been submitted to and approved in writing by the local planning authority, together with a timescale for installing such measures. Access via this link shall be restricted to pedestrians, cyclists and emergency vehicles. Development shall be carried out in accordance with the approved details.
- (22) The development hereby permitted shall not be occupied until a travel plan promoting sustainable modes of access to and from the site has been submitted to and approved in writing by the local planning authority. The plan shall include clear and unambiguous objectives and modal split targets, together with a timescale for implementation, monitoring and review, based on the framework travel plan included with the Transport Assessment accompanying the application. The travel plan shall be implemented and operated thereafter as approved.

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2168612
Planning Application	11/0682-SG
Proposal	Erection of new conservatory
Location	Gorsey Lane Farm, Scarfield Hill, Alvechurch, B48 7DB
Ward	Tardebigge
Decision	Refused by Planning Committee - 7th November 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.

The Proposal

The proposal is for the erection of a new conservatory to adjoin the south elevation of the dwellinghouse.

Discussion

The application was determined at Full Planning Committee where Members resolved to refuse planning permission for the following reason as detailed below:

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.

The Inspector found the main issue to be its Green Belt location and:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and on the character and appearance of the countryside; and
- if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Main Issues

Issue (1) : Whether inappropriate in the Green Belt

Gorsey Lane Farm is a large detached house with outbuildings, sitting within open countryside. There is an existing planning permission to link the house to the closest range of outbuildings. The proposed conservatory would site behind this link.

The Inspector refers to the national Planning Policy Guidance Note 2 (PPG2) Green Belts, in addition to the County and Local Plan policies and guidance on Green Belts. SPG 7 on Extensions to Dwellings in the Green Belt advises that extensions of over 40%, or which would bring the total floor space of the dwelling to more than 140sqm, would normally be regarded as disproportionate additions.

The Inspector considers from the evidence on file and from his site visit that the house has already been substantially extended. He acknowledges the disagreement between the Council and the appellant over the size calculations, but explains that even based on the appellant's calculations the house is well over the 140sqm floor space threshold and has already been extended by some 47.5% above the size of the original dwelling. Although the conservatory would be relatively modest in size, it would nevertheless represent a further increase of about 7%. This is significantly beyond the indicative level set out in the SPG.

On this point the Inspector concludes that the proposed conservatory would, when taken together with the existing extensions, amount to a disproportionate addition over and above the size of the original dwelling. The proposal therefore constitutes inappropriate development, which is by definition harmful to the Green Belt. Substantial weight is therefore attached to the resultant harm when determining the appeal.

Issue (2) : Openness, character and appearance

The conservatory would be largely or wholly screened from public views. Its location, design and materials would harmonise with the existing house and no trees or other landscape features would be harmed. The Inspector therefore finds that no harm would be caused to the character or appearance of the countryside. Nevertheless, the conservatory would add to the size of the house and would therefore have a negative effect, albeit a marginal one, on the openness of the Green Belt.

Issue (3) : Very special circumstances

The Inspector explains that the lack of harm to local character and appearance is a neutral factor which does not weigh significantly in favour of the proposal. The Inspector considers the possibility that an outbuilding of similar size could be built under permitted development rights. This fall back position is a material consideration and such a situation is mentioned as a potential 'very special circumstance' in SPG7.

However, the Inspector doubts the likelihood of an outbuilding of the type described being built in the indicated location, so close to the house, where it would interfere with

the outlook from nearby windows and the usefulness of the patio area. The Inspector believes that if an outbuilding were to be erected, this would take place in other locations within the garden where they could be additional to, rather than alternative to, the conservatory, with consequential effect on the openness of the Green Belt. No planning condition or other means has been proposed by either side to limit such a possibility. For these reasons the Inspector places little weight on the fallback position.

Balance

The Inspector considers that the factors set out in favour of the proposal are not sufficient to clearly outweigh the significant harm due to inappropriateness and the more limited harm that would be caused to the openness of the Green Belt. Accordingly, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case. The proposal therefore conflicts with national, county and local policy and guidance.

In conclusion

The Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th February 2012).

Recommendation

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

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Appeal made against a refusal to grant planning permission

Appeal reference	APP/P1805/D/11/2167909
Planning Application	11/0878-TC
Proposal	First floor side extension
Location	233 Old Birmingham Road, Marlbrook, Bromsgrove, B60 1HQ
Ward	Marlbrook
Decision	Refused (Delegated decision) - 8th December 2011

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

Discussion

The Inspector considered that the main issue is the effect of the proposal, for a first floor side extension, on the character and appearance of the local area.

The Inspector identified that the application dwelling is within a long row of similar houses, almost all of which have a single storey garage to one side, with only a narrow gap between the side wall of the garage and the main gable wall of the next house. The Inspector outlined that the proposal is to build a first floor side extension over an existing flat roof garage, closing the gap to the neighbouring house (No. 235) at upper floor level to only about 0.6m.

It was noted that a number of other extensions have been built over the side garages in this part of Old Birmingham Road, closing down the space between houses at first floor level. The Inspector mentioned the officer's report which recognised this and raised no objection to the loss of the visual gap between the properties.

The Inspector identified that the Council's position that the proposal would cause a 'terracing effect', harming the street scene. The Inspector referred to Supplementary Planning Guidance Note 1 (SPG1) *Residential Design Guide* which states that it is important that semi-detached or detached houses should not appear to become terraced. For this reason, it advises that 2 storey or first floor extensions should be set at least 1m off the common boundary thus the proposal conflicted with the guidance.

It was considered that as the front of No. 233 is stepped back by a couple of metres from that of No. 235, it would significantly reduce the potential for Nos. 233 and 235 to look like a pair of semi-detached or terraced houses and it would also limit the prominence of the extension in the street scene. The Inspector acknowledged the technical breach of SPG1; however, could not find a substantive conflict with its aims in this respect.

The Inspector also acknowledged that the proposal conflicted with SPG1 in terms of the extension not being subservient to the main house. However, the Inspector considered

that extension would improve the dwelling's general proportions and balance. It was considered that the extension would appear as a complementary, rather than a visually dominant, part of the building. It was considered that a smaller scale extension, complying with the detailed advice of SPG1, would likely have a somewhat contrived and awkward appearance here.

It was considered that the proposal would not harm the character or appearance of the local area. The Inspector imposed a condition listing the approved plans and a further condition requiring the use of matching materials to protect the character and appearance of the area.

The Inspector thus concluded that the appeal should succeed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (16th February 2012).

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2168968
Planning Application	11/0907-HR
Proposal	Bedroom extension over garage
Location	71 Lodge Crescent, Hagley, DY9 0ND
Ward	Hagley
Decision	Refused (Delegated decision) - 23rd December 2011

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

The Proposal

The proposal is for a first floor bedroom extension over an existing garage. A front porch extension and a ground floor rear elevation kitchen extension is also proposed.

Discussion

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. The proposed extension would be detrimental to the form and character of the existing dwelling and the street scene by virtue of its siting in front of the building line and would therefore represent a dominant and incongruous feature contrary to policy CTC.1 of the Worcester County Structure Plan, Bromsgrove District Council's Residential Design Guide SPG1, and policies DS13 and S10 of the Bromsgrove District Local Plan.

The Inspector found the main issue to be the effect of the proposed development on the character and appearance of the existing property and the street scene.

Main Issues

The Inspector notes the characteristics of the existing street scene. The surrounding area is predominantly residential and the properties are generally two-storey detached and semi-detached dwellings of varying design. Properties exist with projecting front gables which are subservient to the host building and there are several examples of large bay windows projecting beyond the front elevation. The predominant characteristics of the street scene are the dwellings being set back from the road to the rear of open front gardens, the spacing between the dwellings and the generally tiled gabled roof forms of the dwellings. Some of the dwellings have been extended to the side above garages, but have not been set back from the front elevations or set down from the ridgeline.

Although the proposed first floor side extension would not be set back or set down, the Inspector considers that the extension would still be in scale with, and well related to, the original dwelling and would not have a detrimental effect on the street scene or its locality. In this case the Inspector attached little weight to the guidance contained in the Council's SPG1: Residential Design Guide.

The apex of the projecting front gable's roof would be at a lower level and, in conjunction with its width, would be visually and physically subordinate to the dwelling and would not be an over-dominant feature. It would retain the basic character of a two-storey detached dwelling.

The proposed projection of the first floor extension would not protrude any further into the open front garden as it would follow the footprint of the existing garage. The existing visual and physical gap between the extended property and No. 60 would be retained, maintaining the characteristic of the street scene.

In conclusion

Overall the proposed development, including the mono-pitched roof at ground floor level, would not cause material harm to the character and appearance of the existing property and the street scene. It would result in a sympathetic and cohesive design which would improve the appearance of both the property and its contribution to the street scene.

The Inspector allowed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan and Job No. 18/10/2011 Drawing No. 01.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those in the existing building.
4. Before the first occupation of the extension hereby permitted the window to the en-suite at the first floor of the side (south) elevation shall be fitted with obscured glass and any opening lights shall be at high level and top hinged only. The window shall be permanently retained in that condition.

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2169177
Planning Application	11/0753-HR
Proposal	Proposed single storey rear extension, two storey side extension and garage roof replacement
Location	35 Marlborough Avenue, Bromsgrove, B60 2PH
Ward	Slideslow
Decision	Refused (Delegated decision) - 3rd November 2011

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

The Proposal

The proposal is for a single-storey rear extension, two-storey side extension and garage roof replacement.

Discussion

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. Due to the terracing effect and resultant cramping effect that would be caused by the proposed extension, the scheme would detrimentally affect the street scene and character of the area. 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.

The Inspector found the main issue to be the effect of the proposed development on the street scene.

Main Issues

The character of the east side of Marlborough Avenue, within which No. 35 is sited, is that of mainly two-storey houses (detached and semi-detached) set back from the footway behind low walls / hedges and gardens with vehicle crossovers providing access to garages and / or hard standings used for car parking. The area is residential.

Most of the houses on this stretch of the road have been built to or extended towards the side boundaries; however, this is generally only at ground floor level. The Inspector considers this fortunate as it has retained the undeveloped gaps to the side of some properties or the space at first floor level between adjacent dwellings, maintaining a pleasing sense of spaciousness.

There is a substantial gap between the existing staggered side elevation of No. 35 and the hedge that divides No. 35 from No. 37. The proposal, in so far as it is relevant to the refusal of planning permission, is to build a part single-storey and part two-storey extension to the side of No. 35 leaving a very small gap to the common boundary with No. 37.

The Inspector gives substantial weight to the Council's Residential Design Guide SPG1 which explains that it is important that detached houses should not appear to become terraced. For this reason two storey extensions should be set at least one metre off the common boundary.

The Inspector notes that there would not be a 1m gap to the common boundary with No. 37, but is aware that there would be a 2m gap between the side elevation of No. 37 and the proposed side elevation of the extension. The Inspector is mindful that it would be difficult for the Council to resist a similar type of extension at No. 37 and this would have a detrimental impact on the street scene and would result in a terracing effect.

In conclusion

The Inspector concludes that the space between No.s 35 and 37 at first floor level would be below that generally found elsewhere in Marlborough Avenue. The proposal would therefore materially harm the character and appearance of the street scene in this part of Marlborough Avenue.

The Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (5th March 2012).

Recommendation

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