



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 30TH 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 2nd April 2012 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 12/0066-DMB - Approval of Reserved Matters for up to 80 residential units, access, parking, amenity space and associated work (Outline approval of 11/0343) - Land at Church Road, Catshill, Bromsgrove, B61 0JY - Cala Homes (Pages 5 - 20)
6. 12/0082-SC - Construction of an all weather flood-lit multi-use astroturf pitch, primarily for the use of the hockey club (scheme includes overspill parking and extension of the existing driveway) - Bromsgrove Cricket Hockey And Tennis Club, St. Godwalds Road, Bromsgrove, B60 3BW - Mrs. L. Aspland (Pages 21 - 32)
7. Appeal Decisions (Pages 33 - 52)
8. 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

19th April 2012



Bromsgrove
District Council
www.bromsgrove.gov.uk

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- Meeting Minutes
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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

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 2ND APRIL 2012

T 6.00 P.M.

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

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

125/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. J. Laight, E. J. Murray and J. A. Ruck.

126/11 **DECLARATIONS OF INTEREST**

Councillor Mrs. H. J. Jones declared a personal interest in application ref.: 10/1103-MT (relating to the land off Barnsley Hall Drive, Bromsgrove) and stated that she knew the applicant.

127/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 5th March 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

128/11 **ADOPTION OF LOCAL VALIDATION CHECKLIST**

Consideration was given to a draft version of a Local Validation Checklist relating to the administrative processes undertaken when an application for planning permission is received by the Council, prior to that application being formally registered as valid. The report also outlined those areas of the Checklist where minor amendments may be required in the future due to changes in, for example, the planning system and/or legislative requirements, and to seek delegated authority for those minor amendments to be made.

RESOLVED:

- (a) that the amended Local Validation Checklist, as shown at Appendix 2 to the report, be approved and adopted for use with effect from 1st May 2012;

- (b) that authority be delegated to the Head of Planning and Regeneration Services to make minor amendments to the Local Validation Checklist in accordance with the terms of, and subject to the limitations set out in Appendix 3 to the report; and
- (c) that Members be informed of any minor amendments made to the Local Validation Checklist under the delegated authority referred to in (b) above.

129/11 **NATIONAL PLANNING POLICY FRAMEWORK**

The Head of Planning and Regeneration Services reminded Members that, following the publication of the National Planning Policy Framework [NPPF] on 27th March 2012, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

She stated that the Development Plan currently consisted of Local and Regional planning policy documents, and that the NPPF was now to be regarded a significant material planning consideration. Due weight was still to be given to the saved policies in the Bromsgrove District Local Plan according to their degree of consistency with the NPPF, and that some weight could be given to emerging policies in certain circumstances.

In conclusion, the Head of Planning and Regeneration Services informed Members that the planning applications considered at this meeting of the Committee would need to be considered with the recently published NPPF in mind.

130/11 **10/1103-MT - ERECTION OF SINGLE STOREY CHANGING ROOM BLOCK, CAR PARK AND ACCESS ROAD FOR EXISTING FOOTBALL PITCHES - PLAYING FIELDS, BARNLEY HALL DRIVE, BROMSGROVE, B61 0EX - MR. K. WILLIAMS**

The Head of Planning and Regeneration Services reported that the main consideration in the determination of the application was whether the proposals were in accordance with policy RAT2 of the Bromsgrove District Local Plan, and she outlined the effects of the recently published NPPF on the aims and objectives of that policy.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 105 and 106 of the report.

131/11 **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**

The Head of Planning and Regeneration Services reported the receipt of two further letters of objection to the proposals, together with the comments of the Climate Change Manager. She added that the reference to Cofton Hackett Parish Council on the update sheet circulated prior to the start of the meeting had been included incorrectly.

At the invitation of the Chairman, Mr. D. J. Banner addressed the Committee and spoke in support of his application.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to refuse outline planning permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 13th April 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 accordingly.

132/11 **12/0048-MT - PROPOSED GAZEBO (RESUBMISSION OF APPLICATION 11/0686) - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, KINGS NORTON, B38 0DG - MR. C. GRANT**

The Head of Planning and Regeneration Services reported that the proposed development had been reconsidered following the publication of the NPPF and outlined the policy implications as a result.

She referred to the Committee's consideration of the application at the meeting held on 5th March 2012 and the decision to approve the application in the event of no further representations having been received. However, the Head of Planning and Regeneration Services stated that a further response had, in fact, been received and that she had decided to refer the proposals back to the Committee in order that a complete assessment could be made of the application.

She also reported the receipt of an additional written representation from the applicant's agent.

RESOLVED that, given the removal of the structure which had been the subject of the third party representation received, no further consideration of the matter was required, and the decision taken by the Committee on the application at its meeting on 5th March 2012 be endorsed.

133/11 **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**

The Head of Planning and Regeneration Services reported the policy implications relating to the application following the publication of the NPPF.

At the invitation of the Chairman, Mr. C. Lewis addressed the Committee and spoke in support of the application.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 136 to 139 of the report.

134/11 **12/0111-HR - PROPOSED NEW DROPPED KERB, ACCESS AND CARPARKING SPACE - 36 ROCK HILL, BROMSGROVE, B61 7LP - MR. S. DUDLEY**

The Head of Planning and Regeneration Services reported the receipt of an amended plan from the applicant's agent and that the description of the proposed development had been modified to account for this. With reference to the amended plan received, she confirmed that sections of the existing fence would be removed as per the approved plan.

She also referred to the relevant policy implications following the publication of the NPPF.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on page 142 of the report, together with an additional, suitably worded condition relating to visibility splay requirements.

135/11 **APPEAL DECISIONS**

The Committee gave consideration to the report which referred to several planning appeal decisions which had recently been received.

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

The meeting closed at 7.00 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref Expiry Date
CALA HOMES 'A'	Submission of Reserved Matters to 11/0343 (internal access, appearance, layout, scale and landscaping) for the erection of 80 residential units - Land at Church Road, Catshill, Bromsgrove	ADR TPO LBS	12/0066-DMB 17.05.2012

▪ **As amended by:**

Affordable Housing Layout: received 03.04.2012
House Type Elevations and Floor Plans received: 03.04.2012
Proposed Street Scenes received: 03.04.2012
Update Topographical Survey: received 03.04.2012
Proposed Site Layout received: 05.04.2012

▪ **As augmented by:**

Site Sections: received 03.04.2012
Measured Works Schedule Softworks Only: received 05.04.2012
Hoggin Path Detail: received 05.04.2012
Detailed Soft Layout Proposals for Plots: received 05.04.2012
Detailed Hard and Soft Layout Proposal for Play Area: received 05.04.2012
Detailed Hard and Soft Layout Proposals for POS: received 05.04.2012
Construction Details Knee Rail: received 05.04.2012
Report for Trees, Landscape and Biodiversity Protection: received 05.04.2012
Combined Biodiversity and Landscape Management Plan: received 05.04.2012
Supplementary Design Statement: received 16.04.2012

RECOMMENDATION: that

- (a) Subject to the satisfactory views of:
- (i) the Environment Agency
 - (ii) the Tree Officer

MINDED TO APPROVE RESERVED MATTERS

- (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 11th May 2012;
- (c) That 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

- WH
- Consulted - views received 12.04.2012:
- No objection subject to Conditions relating to:
 - Cycle parking

	<ul style="list-style-type: none"> Engineering details and specification of the proposed roads and highway drains Road completion deadline Welcome pack
HA	<p>Consulted - views received 20.03.2012:</p> <ul style="list-style-type: none"> No objection subject to Condition relating to: The design and construction of the noise bund
Drainage Engineer	<p>Consulted 27.02.2012: views awaited</p>
Severn Trent Water	<p>Views received 16.03.2012:</p> <ul style="list-style-type: none"> No objection subject to Conditions relating to: Surface and foul sewage
EA	<p>Consulted 27.02.2012: views awaited</p>
WRS: Noise	<p>Consulted - views received 12.03.2012:</p> <ul style="list-style-type: none"> No objection
WRS: Air Quality	<p>Consulted - views received 12.03.2012:</p> <ul style="list-style-type: none"> No objection
Urban Designer	<p>Consulted - views received 05.03.2012:</p> <ul style="list-style-type: none"> In summary, although I have not seen the damage done to the landscape by the recent clearance, the site deserves a design approach which responds positively to its quality, in order to produce a development of real distinction. This is possible in the proposed scheme, but there is not enough evidence submitted that we can rely upon to ensure that it will be delivered. The process which is being followed is somewhat back to front, in that the submitted scheme requires significant modification in order to be at a standard of quality which I believe should be expected by the Council. I hope that it is possible to achieve this.
Planning Policy Open Space	<p>Consulted 27.02.2012: views awaited</p>
Head of Leisure Services	<p>Consulted - views received 13.04.2012:</p> <ul style="list-style-type: none"> No objection
Strategic Housing Manager	<p>Consulted 27.02.2012: views awaited</p>
WWT	<p>Consulted - views received 09.03.2012:</p> <ul style="list-style-type: none"> Would prefer to see the indicative environmental enhancements outlined on the overall plan. This would allow WWT to confirm the proximity of the proposed houses to new wetland features and provide clarification as to the potential for light spill and other effects.
Tree Officer	<p>Consulted 27.02.2012: views awaited</p>
Contaminated Land Officer	<p>Consulted 27.02.2012: views awaited</p>
Conservation Officer	<p>Consulted - views received 04.04.2012:</p> <ul style="list-style-type: none"> No objection Although part of the site falls within the setting of the Listed

WCC(CA) West Mercia Constabulary	<p>Building, I do not consider that the development as proposed will significantly impact on the Listed Building or its setting</p> <p>Consulted 27.02.2012 views awaited</p> <p>Consulted - views received 05.04.2012:</p> <ul style="list-style-type: none"> ▪ The revised layout is an improvement on the original submission. ▪ A number of rear gardens are adjacent to open land; it is therefore essential that the fencing around these gardens is of the highest quality and is at least 1.8 metres in height. Consideration should be given to topping the fence with trellis to make it harder to climb. ▪ I note on the revised plans that pedestrian walkways have been put between plots 7 - 12, 13 - 17, 18 - 21 and 23 - 27. The drawings indicate that a gate will be put at the top of these walkways near to the front building line. To be effective the gates must be kept locked, therefore I suggest that they be fitted with automatic closing devices and locks that automatically secure the gate when shut. Each resident that has use of the path will have to be provided with a key. ▪ I am a little bemused as to why gates have not been specified between plots 21 - 22 and 22 - 23. Any potential burglar operating in the area will simply use the paths between these houses to gain access to the rear gardens. These paths need to be gated in the same way as those mentioned above.
Community Safety	<p>Consulted - views received 19.03.2012:</p> <ul style="list-style-type: none"> ▪ Mature tree canopies should be raised above two metres to maintain visibility lines from footpaths ▪ Footpaths should be provided alongside all roads on the development on both sides ▪ The footpath that connects the development with Stourbridge Road should be at least 3 metres wide and as straight as possible ▪ Lack of surveillance to the open space to the rear of plots 49 - 60 and the side of plots 33 - 80. These should have enhanced security measures (high fencing with topping / defensive planting) ▪ Lack of defensible space to the apartments ▪ Gable end plots attract graffiti and loitering, particularly where there is no defensible space and little natural surveillance (plots 1, 12, 21, 30, 33, 49, 69, 77 and 80) ▪ Garages are preferred to car-ports ▪ Car-parking should be located within the development boundary. The development has a number of communal car parking areas with allocated car parking spaces. Some spaces do not have good surveillance ▪ Recommendation of a number of security measures (window and door standards / security lighting / side access gate specification) ▪ Enhanced boundary treatment to existing perimeter boundaries
Climate Change Officer	Consulted 27.02.2012: views awaited
Western Power Distribution CPRE	<p>Consulted 27.02.2012: views awaited</p> <p>Views received 14.03.2012:</p> <ul style="list-style-type: none"> ▪ Concerns over issues relating to:

- Public open space
 - Interference with Badgers' setts
- Catshill and North Marlbrook PC Consulted - views received 13.03.2012:
- Flooding: The Section 106 Agreement states the dwellings must be a minimum height above the floodplain and they will therefore be an over-dominant feature to the north-east of the site; the Parish Council would prefer to see the heights reduced to be less of a dominant feature. There are concerns the culverting of Battlefield Brook to the north-east of the site may create flooding upstream and of the play area during periods of heavy rainfall; similar concerns apply to the access road.
 - Street Lighting: The street lighting to the west of the site may cause a nuisance to the residents of Stourbridge Road whose back gardens will be lit up by the new lighting.
 - Parking: The provision of parking spaces is inadequate, with minimal parking for properties and no visitor parking for example at the flats, 15 spaces are proposed for 15 flats and it is believed that double-depth parking in some of the areas will produce problems to residents. The insufficiencies of parking provision in the existing surrounding roads, for example, Chadcote Way, cause problems to residents and impede free flow of traffic so it would be wrong to repeat the same mistake on a new-build site.
 - Appearance: The Parish Council is not in favour of 3-storey dwellings. The proposed street scenes are not aesthetically pleasing, particularly those of the affordable units at the north-east of the site.
 - Traffic: There are concerns about the junction within the site where the upper and lower road separate - will rights of way be clearly signed, can visibility be improved taking into account the differing heights of the roads?
- Publicity Re-consulted 05.04.2012 in relation to amended plans: views awaited
 38 letters sent 27.02.2012 (expire 19.03.2012)
 1 letter sent 05.03.2012 (expires 26.03.2012)
 40 letters sent 05.04.2012 in relation to amended plans (expire 19.04.2012)
 7 identical site notices posted 22.03.2012 (expire 12.04.2012)
 1 press notice published 20.04.2012 (expires 11.05.2012)
- 1 letter received from the Catshill Marshes Action Group **objecting** to the scheme on the following principal grounds:
- Loss of privacy to dwellings on Stourbridge Road: the new road and dwellings should be built at least 4 metres below the existing level and should not have windows overlooking the existing gardens
 - General concerns regarding overlooking
 - Density is too great
 - Lack of green space between buildings and to perimeter
 - Lack of replacement planting measures
 - Security concerns
 - Loss of rear access to dwellings on eastern boundary

17 representations **objecting** to the scheme on the following principal grounds:

- Site is totally unsuitable for housing development
- More detached dwellings are unsuitable
- Proposed homes will not enhance the area
- Layout lacks design quality
- Church Road is narrow and already creates traffic problems
- Cars travel at great speeds coming off Stourbridge Road and the proposed access is just after a blind bend
- Planned road layout is unsuitable and potentially hazardous
- Exacerbate parking issues on Church Road, Chadcote Way, Bourne Avenue and Woodrow Close
- Cycle path at the top of the site is in a dangerous position
- Pedestrian safety will be compromised
- More homes mean more traffic and pollution to an already heavily congested area
- Request for additional parking measures for Christ Church, the Cemetery and the Spiritualist Church and adequate speed calming measures on Church Road
- Destruction of woodland and wildlife habitat
- Loss of biodiverse area of natural habitat will prevent the reduction of atmospheric carbon dioxide
- Flooding issues will be exacerbated: through pressure on the water table and the flooding created by blockage of the brook and the impact on the rainwater drainage in Church Road and its overflow into Marsh Way
- The garages on Bourne Avenue regularly flood
- Loss of existing access to rear of property
- Rear accesses to new dwellings are unacceptable
- Loss of light
- Overlooking and loss of privacy due to proximity of new dwellings to existing properties
- Concern over levels, with particular regard to the new dwellings facing the rear gardens of the existing dwellings on Stourbridge Road
- Security concerns (with particular regard to the rear gardens of existing properties fronting Stourbridge Road)
- Lack of provision for the safety of existing residents
- Light pollution
- Restrict street lighting to low level bollards and restrict security flood lighting on the new dwellings
- Lack of green space
- The removal of the existing vegetation and mature tree specimens leaves an inability to have a robust landscaping scheme
- Include landscape buffers between existing and new dwellings
- Increased noise for existing residents

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

The site and its surroundings

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

The site is vacant and has recently been cleared of the majority of low lying scrub vegetation and a number of tree specimens. The site is open in character and is roughly linear in shape. The southern boundary of the site is bounded by Church Road, with the eastern boundary abutting the established residential dwellings located on Marsh Way / Chadcote Way / Bourne Avenue / Woodrow Close / Mayfield Close. The western boundary is bounded by the rear gardens of dwellings located on the B4091 Stourbridge Road. The northern boundary runs parallel with the M5 motorway.

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

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

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

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

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and the Draft Core Strategy 2 (retitled "Development Site").

Since the approval of the outline planning application, the site is now subject to a blanket Tree Preservation Order. This is with particular regard to the mature trees located along the valley of the Battlefield Brook.

Proposals

This is an application for the approval of reserved matters following the granting of outline planning permission 11/0343 for the erection of up to 80 residential units.

The application seeks approval of internal access, appearance, layout, scale and landscaping Reserved Matters for the erection of 80 residential units. The layout of the scheme broadly follows the Masterplan submitted as part of the outline application under 11/0343.

In summary, the development consists of:

- Construction of 80 no. residential units, comprising 65 no. 2, 3 and 4 bedroom houses and 15 no. 1 and 2 bedroom apartments set in a singular L-shaped block
- Provision of a total of 159 no. car spaces comprising 22 no. garages, 23 no. carports and 114 no. open spaces
- Provision of communal bin and cycle store with capacity for 15 no. bicycles to serve the apartment block
- Provision of garden sheds capable of storing cycles to the affordable housing units
- Construction of new spine road with access from Church Road and two cul-de-sacs
- Provision of public open space including children's play area and pedestrian links to Stourbridge Road

The site has three distinct areas:

- (a) The dwellings set along the spine road and western cul-de-sac
- (b) The 'horseshoe' of dwellings to the east
- (c) The apartment block to the north-east boundary

Members will recall that access was determined at the outline stage with vehicular and pedestrian access obtained off Church Road to the south. A dedicated walking / cycling access formed by the existing track to the northern boundary leading off the service road on Stourbridge Road has also been approved as part of the outline consent.

The development will provide a mix of dwelling types and sizes, with the net residential density on the developable area of the site equating to 36 dwellings per hectare. The proposed mix below indicates an emphasis on 2, 3 and 4 bed units.

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	4 bed	25	31%
	3 bed	19	24%
	2 bed	21	26%
Apartment	1 bed	6	8%
	2 bed	9	11%
Total		80	100%

The mix of house types comprises detached, semi-detached and terraced dwellings, with one block of one and two bed apartments. All dwellings are two-storey in height. The apartment block is three-storey in height. Car parking will be provided on site within the curtilage of a plot, on a private driveway, or within small groups relating to a small group of dwellings.

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

This mix of affordable homes is as follows:

Proposed Mix	Rent	Intermediate
1 Bed Apartment	3	3
2 Bed Apartment	5	4
2 Bed House	6	1
3 Bed House	8	2
	22	10

An area of public open space of 3.81 hectares is provided on site. This encompasses the existing tree-planted valley adjoining Battlefield Brook running north to south through the site and a substantial area of open land in the north-west corner of the site. New footpaths and re-grading will permit access to areas of steep topography towards the western boundary. A more formal area of public open space is proposed to be set out with formal landscaping and an equipped children's play area adjacent to the horseshoe of new housing to the north-east of the site.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	BROM5E, BROM28, DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
DCS2	CP2, CP3, CP4B, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	NPPF, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Ministerial Paper: Planning for Growth

Relevant Planning History

11/0343	Outline application for up to 80 residential units, including 12 retirement flats and associated communal facilities, access, parking, amenity space and associated work Approved: 13th January 2012
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Notes

The principle of the proposed development (up to 80 units) has been established through the granting of outline permission 11/0343. Therefore, the issues for consideration by Members are limited to matters of the internal vehicular access, layout, scale, appearance and landscaping.

For reference:

- appearance means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- landscaping relates to the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;
- layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- scale refers to the height, width and length of each building proposed within the development in relation to its surroundings.

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

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

For the reference of Members, policy S7 of the BDLP sets out a number of criteria against which residential proposals should be considered. This policy is in general conformity with the thrust of the NPPF.

General Principles

The Design Statement accompanying the application sets out the main objectives of the scheme:

- The arrangement of the access, spine road and cul-de-sac following the contours along the western side of the valley with a linear arrangement of two-storey houses
- A further cul-de-sac crossing the Brook, with an area of public open space enclosed on three sides by houses, with the third side open to the valley
- The construction of two crossing points over Battlefield Brook
- A grain and architectural vocabulary taking reference from adjoining residential development but with a semi-rural character appropriate to the valley setting

- The siting of an apartment block and parking court at the head of the spine road at the north-western end of the site, recessed into the slope
- The creation of an area of open space in the north western corner of the site with a network of public footpaths and landscape enhancement
- The creation of a planted bund adjacent to the M5 Motorway to act as a visual and acoustic barrier
- The retention of identified trees and enhancement of the valley
- Retaining and enhancing the ecological features of the site which include badger setts, existing wildlife habitats, shrubs and trees. Retain and enhance Battlefield Brook and ensure that it is an inclusive feature of the development

Form and Layout

Members will note the scheme proposes a total of 80 residential units, equating to a density of 36 dwellings per hectare (based on the developable area of the application site). Members will be aware that the adopted Local Plan no longer includes a policy requiring residential development to meet a minimum density, nor does the NPPF contain minimum density figure requirements. Notwithstanding this, I am of the view that the density of 36 dwellings per hectare achieves an efficient use of land and will result in a development that respects its surroundings whilst providing for a range and choice of dwellings.

The development contains a mix of unit types, ranging from one and two bedroom apartments to two, three and four bedroom houses. All housing units are two-storey in appearance. The apartment block to the northern boundary is three-storey. The proposal includes a mix of detached, semi-detached and terraced units, in addition to the one and two bedroom units contained within the apartment block.

The topography of the site, Battlefield Brook and the surrounding flood zones strictly prescribe the path of the road structure to which the dwellings relate. The lower density grain of detached and semi-detached houses to the west of the site are arranged to follow the topography, with the slab levels gradually stepped up the slope along the spine road from the southern frontage towards the northern boundary. The looser grain of dwellings in this location would enable parking spaces to be located to the side of houses, avoiding frontage parking. Higher density dwellings to the east of the site are set in a more formal arrangement and the existing topography allows more consistent slab levels. The consolidated blocks of mainly semi-detached and terraced housing in this area is reflective of the scale and grain of adjoining residential development to the east. Parking would generally be in open spaces to the front of dwellings with garages to the larger detached units overlooking Battlefield Brook. The affordable housing elements of the development are located to the north-east corner and within the apartment block to the north-west boundary.

Members will recall the views of the Urban Designer in relation to the Masterplan presented as part of the outline planning application under 11/0343. In this response, the UD deemed the north-facing location of the retirement block, with the enclosed space turned away from the road and its full exposure to the noise of the motorway, in addition to its physical location at the most distant from local facilities in an uphill location, to be misguided.

The applicant has responded to the points raised by the UD. With respect to the positioning of the apartment block, I accept it is located to the northern part of the site. However, this location provides a greater landscape setting than that afforded to individual dwellings, with the northern area of the site providing the optimum location by virtue of open land towards the M5 and the proposed public open space to steeply graded land to the rear of houses on Stourbridge Road.

The L-shaped footprint would be maintained, but the building is now proposed to be re-orientated to better address the end of the spine road, reducing the encroachment into the steep bank to the west, and to have less of an impact on the adjoining house plots and views from the north across the M5 Motorway. The apartments are orientated to face away from the most severe gradient and the ground is sculpted elsewhere in order to provide a more attractive outlook from habitable rooms. The footprint has been reduced and the building more compact in form to that shown on the original Masterplan. In order to achieve this reduction in massing, the accommodation has been consolidated into a three-storey building with hipped roofs (rather than the 1, 2 and 2.5 storey block proposed in the Masterplan). The ground floor slab level would be slightly higher to further reduce the area of excavation and provide level access to the front of the building. The building would be surrounded by higher ground and substantially hidden by the slope in views from the north, south and west. Whilst partially set into the severe gradients of the site, levels adjoining the apartment block have been designed to ensure that accessibility of the apartments is acceptable.

Although I note the view of the CSO, the front of the apartment block will have defensible space given the provision of parking which will be marked out and surfaced to be clearly separate from the open spaces surrounding it. As a consequence of the topography, there will be a retaining wall that sits beyond the north, south and western elevations and as such there will be a clear definition between circulation and open spaces that are semi-private and associated with the apartments, and the public accessible open spaces beyond.

The proposed dwellings to the west would be predominantly finished in red facing brickwork with selected use of render to enhance key elevations. Roofs to houses would be pitched and finished in either red or grey tiles with boxed or corbelled eaves. Houses along the central access road would have a mixture of gabled roofs and projecting gabled bays. The car ports would have pitched roofs. The more regular pattern of houses to the east would define the rectangular area of open space which they enclose and be predominately grouped in terraces. The elevations are designed with gabled roofs to provide focal points within the street scene. The choice of materials would be from a similar range to the houses to the west. Windows and door openings would generally have arched brick soldier courses or stone heads with stone sills. Windows would be PVC casements with dividing glazing bars. Front doors would be 'cottage style' timber finish with vertical boarding with matching garage doors where applicable. The apartment block would be in a mixture of red and brown facing brickwork. The main elevations would be punctuated by balconies at upper levels and the ground floor apartments would have external terraces.

The scheme includes natural surveillance where necessary (parking areas, pedestrian routes and public open space). The applicant has reduced the number of car-ports. in line with the comments of the CSO. Whilst I note the specific comments of the CSO in

relation to plot 69 and plot 80, Members will be aware of the need to balance urban design matters and crime prevention measures and as such I am satisfied with the orientation and boundary treatments of these two plots in these circumstances. I am of the view the proposed design and layout of the site adequately provides sufficient space within the gardens of the plots for bin stores, bin collection and cycle parking.

I am of the view that the design principles are generally sound in that the proposed development would provide a sustainable, attractive, safe and convenient place to live. I raise no issue on the external finish to the dwellings. As such this approach accords with the principles of design set out in the NPPF.

Landscaping and Public Open Space

The site has recently been cleared and this has led to the loss of scrub and some tree cover. In terms of the legality of the start on site, the definition of commencement of the development specifically excludes site clearance, amongst other things, in the Section 106 Agreement attached to the outline planning permission. On this basis the developer has not implemented the outline planning consent.

All retained trees are now protected by an interim Tree Preservation Order (8th March 2012). The period for objections and comments expires on 19th April 2012. The Order was imposed following the recent site clearance works. The TPO has been made in the interests of amenity.

The application site broadly consists of three distinct areas.

- (a) Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook. At the north and south ends of this corridor, the Brook has a single channel with central tree cover. In the central section of the site, the Brook has broken its banks within recent years to form three separate channels, and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain;
- (b) On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road;
- (c) To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue.

The largest landscape feature, forming a central unifying band of managed open space, would be along Battlefield Brook, encompassing the flood compensation plain. The western edge of this aspect of the site is defined by the spine road set between approximately 1 and 2 metres higher than the valley floor, with an embankment providing the transition in levels and affording views over the green corridor from the houses to the west. Due to this topography, it will be possible for occupiers of the dwellings on plots 49 to 60 to observe the open space the rear boundary treatment, in addition to having a degree of passive surveillance up across the open space to the west.

Retained tree and shrub planting is to be incorporated into the development, in addition to replacement planting measures. Watercourse enhancement works will create new areas of marsh and reed bed habitats adjacent to the new channel.

The central green corridor extends toward the proposed dwellings to the east and the more formal open land within the 'horseshoe' of houses includes an equipped children's play area overlooked by the surrounding dwellings. The landscaped corridor would continue to the north where levels would be re-graded to form a new landscaped bund towards the motorway. The proposed development has been situated to avoid offset zones surrounding the existing badger setts to the north. A substantial area of public open space is located between the rear boundary of houses to the central access road and the western site boundary where topography is at its most extreme. The new apartment block would be cut into the eastern bank of this area and footpaths would provide access to the higher land and link with the existing gated entrance to the site from Stourbridge Road.

The views of the Tree Officer are currently awaited. Subject to the receipt of satisfactory view from this Officer, I raise no issue on landscaping and tree matters.

Harm to Amenities of Neighbouring Properties

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. A minimum separation of 21 metres is required to achieve a degree of privacy within conventional two-storey dwellings. Where three and four storey housing is proposed with main living rooms above ground floor level (such as flats and maisonettes), a minimum separation of 27.5 metres is required to achieve both privacy and adequate visual separation.

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

I am satisfied that the majority of the scheme has been designed to comply with the guidance in SPG1. This includes the dwellings to the eastern boundary located to the rear boundaries of properties located in Bourne Avenue and Woodrow Close. The relationship between the proposed and existing dwellings is such so as to avoid any significant harm to residential amenity and complies with the separation distances set out in SPG1. This includes the interface between the proposed and existing dwellings on Stourbridge Road to the west and the proposed and existing dwellings on Bourne Avenue to the east. The applicant has responded to the concerns raised by third parties in relation to the retention of access to the rear of a number of properties on Bourne Avenue. This has now been incorporated into the layout scheme.

For the reference of Members, a suitable Condition has been imposed on the outline consent in relation to noise mitigation from the adjacent motorway, including the formation of a raised bund to the northern boundary, boundary barrier treatments and noise attenuating glazing and ventilation specifications.

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

Traffic and Access

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

I note the views of the CSO in relation to access and footpath issues. Footpaths are provided along all stretches of road and are located to coincide with the location of houses (that is, where there is single sided development only, the footpath occurs on the side where houses are sited). Where it is possible to do so, footpaths are provided on both sides of the road. However due to the need to retain the floodplain area and as a consequence of topographical issues it has not been possible to provide a footpath on both sides of the main spine road, nor the western road adjacent to the Stourbridge Road properties. I am of the view that safe and convenient pedestrian access has been achieved given the acknowledged constraints of the site.

As a result of the views of the CSO, the footpath leading into the site from Stourbridge Road has been increased to 3 metres in width. Due to topography and the need to achieve appropriate gradient it is not possible for this path to be straightened, but in any event given that this path is at a significantly higher level than the properties on the site this presents opportunities for passive surveillance from the rear of plots 51 to 60 and plot 80. Furthermore, the secondary informal path to the north and west of the apartments will similarly be overlooked from the front of the apartments where the path passes the parking area and from the rear of the apartments where the path runs parallel with the M5 to the northern boundary.

WH has raised no objection to the scheme on the internal road system (including the suitability of visibility splays, design and function) subject to the imposition of suitable Conditions relating to engineering details and specification of the new road and highway drains, a deadline for the completion of highway works, the submission of a welcome pack travel plan and cycle parking provision.

Other Matters

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

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

The Conservation Officer has raised no objection to the scheme on this issue.

Sustainable Design and Construction

The construction methods chosen would be responsible and energy efficient to meet the requirements of current Building Regulations. Dwellings will be constructed to achieve Code for Sustainable Homes Level 3, incorporating appropriate insulating materials, energy-efficient means of heating, low energy light fittings, A-rated appliances, and would include the installation of water metres and low water consumption sanitary fittings.

A sustainable surface water drainage system will be taken into account the existing watercourses flowing through the site and the associated flood risk.

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

Conclusions

Although I note the views of third parties, the principle of development has been established through the granting of outline planning permission 11/0343. The proposed layout follows the broad principles set out in the Masterplan presented to Members at the outline stage.

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

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

I therefore find no reason to refuse permission and I am thus minded to approve the submitted Reserved Matters.

RECOMMENDATION:

- (a) Minded to **APPROVE RESERVED MATTERS**
- (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 11th May 2012

- (c) That 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

For the reference of Members I intend to impose suitable Conditions relating to:

- The approval to be read in conjunction with outline planning permission 11/0343 and the conditions attached thereto
- Cycle parking
- Engineering details and specification of the proposed roads and highway drains
- Road completion deadline
- Welcome pack
- Removal of permitted development rights for new openings or windows at second floor level or within the roofslope to the rear elevations to Plots 13 to 27 (inclusive).

Notes

- Security measures advisory information
- Section 38 Agreement details
- Drainage details for Section 38 Agreement
- No drainage to discharge to highway
- Protection of visibility splays
- Temporary direction signs to housing developments

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6,.CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	BROM5E, BROM28, DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
DCS2	CP2, CP3, CP4B, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	NPPF, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Ministerial Paper: Planning for Growth

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. L. Aspland 'B'	Construction of all weather floodlit multi-use 'Astroturf', overspill parking and extension of existing drive - Bromsgrove Cricket, Hockey and Tennis Club, St. Godwalds Road, Bromsgrove	GB Footpath	12/0082-SC 24.05.2012

This application has been referred to the Committee for determination as it represents a Major Development.

RECOMMENDATION:

- (a) Minded to **APPROVE**.
- (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 **1st May 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 29.02.2012: No comments received to date.

EHM: Lighting Consulted 29.02.2012:

Recommend a lighting scheme is provided showing impact upon neighbours and a plot of the light overspill levels showing lux levels at facades of surrounding residences.

EHM: Noise Consulted 29.02.2012:

With regard to the possible noise impact of the development, there is no indication of what the noise levels are likely to be and whether they are likely to prove to be disturbing to the inhabitant(s) of what looks like the nearest premises to the proposed development, Lower Gambolds Cottage. I don't think that I would expect an assessment on the scale of a BS 4142 noise assessment to be carried out but I would like to see some indication from the developer of predicted noise levels.

CSO Consulted 29.02.2012: No comments received to date.

SPM Consulted 29.02.2012: No comments received to date.

WH

Consulted 29.02.2012:

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

The application does not provide a light spill plan indicating lux levels projected over the highway as a result of this application. The floodlights is very close to the Public highway known as Lower Gambolds Lane and notwithstanding the absence of lighting details light spill over the highway would be expected and no light source should project more than 5 lux over a highway. The information submitted is not adequate to demonstrate that there will be no impact on the highway network.

The proposed increase in car parking levels are not justified and parking for this facility should be considered against a maximum standard. The increased parking provision is excessively high compared to the new sports pitch it is supporting. The excessive provision of car parking is in direct opposition to the provision of a sustainable development which is not car reliant.

The proposal will result in an obstruction to an existing public right of way which would pass through the proposed hockey pitch. The pitch is surrounded by a 3m high fence which will prevent the lawful use of the public right of way. This right of way also appears to pass through the proposed car parking area which when in use will also be obstruct the use of the right of way. The County Councils public rights of way officer will provide separate comments on this matter.

Tree Officer

Consulted 29.02.2012: No comments received to date.

Sport England

Consulted 29.02.2012:

Looking first at the sporting benefit of the proposed development, the design and access statement sets out that the artificial grass pitch would meet an identified demand for this type of provision, especially to meet the club's need for dedicated provision for hockey match and training purposes. We understand the design of the proposed AGP has been discussed with England Hockey and meets recognised design guidance.

Although the surface type responds predominantly to hockey use and will limit the level of use for other sports to training, the clear stated intention for wider community access to this facility is recognised and supported. The proposed lighting is vitally important to ensure this access is deliverable. Such lighting will considerably extend the hours of use, especially outside the summer months and is often critical to the viability of many facilities which rely on income from evening lettings to cover operating costs.

With regard to the perceived potential detrimental sporting impact of the development, an area which has been utilised for some formal football use in recent years would be lost. However, given the sporadic nature of this use and the circumstances of this site, this impact is considered to be outweighed by the potential sporting benefits of the development.

This being the case, Sport England does not wish to raise an objection to this application. In order to ensure the proposed community access arrangements are clear, both for the benefit of the club and for prospective users, we would encourage that the following planning condition is attached to the decision notice (if the Council are minded to approve the application):

Prior to first occupation of the development, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall contain details on pricing policy, booking procedures and include a mechanism for review. The approved Agreement shall be implemented upon commencement of use of the development.

To secure well managed safe community access to the development.

RA

Consulted 29.02.2012: Objects on the following grounds:

1. The Hockey Club ground is bordered on its NW side for something over a quarter of a mile by a public footpath. The proposed hockey field would be at the western end of the Club's land. Near this point, the public right of way leaves the boundary and follows a direct line to a footbridge at the western boundary, across the site of the proposed hockey pitch.

An alternative route for the footpath has been created (and waymarked with Worcs. C.C. plastic discs), following the boundary of the field. This is not however a public right of way.

2. The footpath is well used. Despite the proximity of recent housing developments, it provides a convenient and pleasant access route to a network of unspoilt rural footpaths and lanes, in an area of natural beauty and industrial heritage interest. It is within twenty minutes' walk of the majority of the population of Bromsgrove, and five minutes walk from the railway station. At a different level, it provides a pleasing short walk for dog walkers, etc.

The proposed development would reduce significantly the attractiveness of the footpath. Three- and four- metre high fencing around the whole field, eight 16m- high lighting columns, together with metalled driveways over a part of the footpath's length, and a considerable increase in usage, would effectively destroy the amenity of the footpath for most of its length.

3. There is also a safety issue. At no point is the footpath shared with road traffic at present. The proposed layout of footpath and additional car parking shows no clear separation between the two.

WCC (PROW) Consulted 29.02.2012: Objects on the following basis:

Concern that the proposed car park and hockey pitch will obstruct Fininstall Footpath 505.

The proposal appears to be contrary to policy RST.3 of the Worcestershire County Structure Plan which aims to ensure that the development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of public rights of way.

Fininstall Parish Council Consulted 29.02.2012: no objection to this application in principle and feel it would be good for the community but we must raise concerns about the additional traffic using the narrow roads and lanes when permission has just been granted for an additional 212 houses in the vicinity. This area already proves to be a problem which is exacerbated even more by railway station users using St. Godwalds Road as a car park.

Publicity Site Notice posted 10.04.2012; expired 01.05.2012
Press Notice published 09.03.2012; expired 30.03.2012
Neighbour notification letters (26) posted 01.03.2012; expired 22.03.2012

3 letters received raising the following concerns:

- Harm to residential amenity by virtue of additional light spill on to rear of dwelling and garden, increased noise and intensification of use up to 10pm.
- Increased risk of flooding due to the drainage of the artificial surface. Damage to local watercourse.
- Impact on Wildlife.
- Increased traffic on Lower Gambolds Lane and St. Godwalds Road causing increased congestion, parking and traffic hazards.
- Development will place extra burdens on highway system that is already locally congested.
- Lack of detail in relation to flood risk, bio-diversity, trees and hedges.

The site and its surroundings

Bromsgrove Cricket, Hockey and Tennis Club is located off the western side of St. Godwalds Road, just to the south of the Aston Fields residential area and within the Green Belt. The club's grounds cover a large (approximately 6.9ha), relatively flat and open area that is predominantly surrounded by fields. The club house and parking is located at the north-eastern end of the clubs grounds Lower Gambolds Lane is located to

the south of the grounds and a number of sporadically located dwellings are located off Lower Gambolds Lane in close proximity to the playing fields.

The playing grounds are predominantly bounded by mature trees, hedging and vegetation. A public footpath is located through the site, close to the north western boundary of the grounds. A small water-course is located at the south western boundary.

Proposal

Planning permission is sought for an all weather surface suitable for a range of sports but specifically designed to meet International Hockey Federation criteria. The pitch will measure 63 metres wide by 101.5 metres long and will be surrounded by 3 metre high fencing, which rises to 4 metres in height along the pitch perimeter behind the goals. Eight floodlights measuring 16.5 metres high will be spaced around the pitch. An overspill 'Grasscrete' car park with 31 spaces will be created northeast of the pitch linked by a gravel drive.

Relevant Policies

WMSS	QE3
WCSP	D.38, D.39, CTC.1, CTC.5, RST.3, CTC.1, CTC.8, T.3, T.4, T.10
BDLP	DS2, DS13, RAT2, RAT12, RAT13, RAT5, RAT4, RAT2, TR13, TR11, TR10
DCS2	CP14, CP10, CP21
Others	NPPF

Relevant Planning History

09/0958	Construction of an all weather floodlit hockey pitch - Extension of time for permission for B/2006/0984 - Granted - 08.02.2010
B/2007/0451	Extension and resurfacing of tennis courts and erection of 12 no. floodlights on 8 no. poles at 10 metres high - Granted - 17.08.2007
B/2006/0874	4 lane non turf cricket practice nets - Granted - 10.11.2006
B/2006/0984	Construction of an all weather floodlit hockey pitch - Granted - 06.11.2006
B/2006/0407	Proposed replacement cricket scoreboard - Granted - 14.06.2006
B/2005/0709	Change of use from changing room/ office to Pro Shop / office - Granted - 23.09.2005
B/2005/0634	Replacement score board - Granted - 08.08.2005
B/2003/0478	Extension to club house - Granted - 10.06.2003
B/1996/0351	Replacement pavilion containing dressing rooms and toilet facilities - Granted - 12.08.1996

Notes

Permission for this development was previously granted by permissions B/2006/0874 and 09/0956. Neither of these permission were commenced and have now expired.

Assessment

The main issues to be considered in this application include:

1. Whether the proposed development is an appropriate form of development in the Green Belt and, if not, whether very special circumstances exist to outweigh the level of harm caused.
2. Whether the visual impact of the proposal is acceptable.
3. Whether the proposal will create unacceptable residential amenity issues for nearby occupiers.
4. Highways and Public Rights of Way.

Green Belt:

Policy DS2 of the Bromsgrove District Local Plan 2004 and Policy D.39 of the Worcestershire County Structure Plan are in accordance with paragraph 19 of the NPPF in guiding that permission for development in the Green Belt will not be given, except in very special circumstances, unless the development relates to, amongst other criteria, proposals for essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

It is noted that policy RAT2 of the BDLP 2004 makes allowance for the construction of facilities within the Green Belt provided the proposals are for essential facilities for outdoor sport or outdoor recreation. RAT2 also requires that -

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

This application site relates to an existing sports field belonging to a long established sports club. The applicant's supporting statement notes that Bromsgrove has insufficient all weather pitch facilities and as a result Bromsgrove Hockey Club have to play 'home' games in Redditch. It is proposed within the applicant's supporting statement for the use of the new pitch to be available to the wider community, serving hockey, football and any other sports for which the surface is suitable. Bromsgrove District Council's Leisure and Culture Services Department are supportive of the application.

Whilst the site is located within the Green Belt, it is viewed to represent a fairly sustainable location on the edge of the built up area of Bromsgrove and a reasonable walking distance from Bromsgrove Train Station. Its edge of settlement position should provide suitable access for the local teams and schools.

The all weather surface and fencing will be well screened by existing mature landscaping, which largely surrounds the site. The applicant also proposes to plant a mix of Hawthorn / Quickthorn along the whole southwest boundary to strengthen the existing boundary screen to form a substantial 2 metre high hedgerow. The overspill car park will be constructed of Grasscrete, which is particularly sympathetic and will appear as grass minimising its intrusion into the Green Belt. A gravel drive will run from the car park to the pitch to provide a safe pedestrian access, disabled access and in the unfortunate event of an accident, emergency vehicle access.

The pitch and its ancillary elements will conflict, to a certain extent with the open nature of the site at present. However, the fencing will be largely viewed against the backdrop of landscaping and a condition is suggested to ensure the fencing is coloured in a dark green along with the ancillary electric cabinets to help them integrate into the surrounding landscape.

The 16.5 metre high floodlighting element of the proposal will have the greatest impact upon the openness of the Green Belt and amenity of adjoining neighbours. It is suggested a condition is attached to minimise visual intrusion, ensuring the colour of the galvanised steel floodlight columns is a light grey to help blend with the sky and minimise visual intrusion. Whilst the proposal will inevitably represent harm to the openness of the Green Belt, the visual amenity impact will be mitigated somewhat by virtue of the significant mature boundary vegetation of the site.

In consideration of the above, it is viewed that the proposal represents an essential sporting facility to support outdoor sport and is therefore appropriate development in the Green Belt in accordance with national policy PPG2 and policies DS2 and RAT2 of the BDLP.

Residential Amenity:

The application site relates to an existing sports pitch which may already be utilised during daylight hours. The construction of an all weather surface to replace this pitch is not therefore considered to introduce a new activity or use. However, it is acknowledged that the floodlighting will encourage greater use of the facility and later into the evening. It will therefore be essential to ensure that the use of the floodlights are limited, especially as the pitches primary use will be for team sports, which tend to be noisy due to the shouting between players. A single letter of objection in relation to the residential amenity impact of the proposal has been received from the occupiers of the dwelling located closest to the proposed pitch. Maidsmere Cottage (formerly Lower Gambolds Cottage) is located approximately 30 metres from the nearest floodlight and is shielded by relatively dense and mature vegetation.

The applicant has not provided manufacturer's specifications or plans to indicate lighting contours, which demonstrate how overspill, glare and skyglow will be controlled. Additionally, the applicant has not stated preferred opening hours. However, it is viewed that the opening hours previously conditioned for the site remain appropriate. As the principle of having floodlighting is agreed to be essential for the viability of the pitch, it is viewed that a suitably worded condition may be applied to agree necessary details with the Council prior to the commencement of works. A condition has been suggested to

ensure that the lighting is baffled to ensure light is directed to where it is needed and does not shine unnecessarily towards neighbours or create an over halo effect.

Considering the existing use, it is viewed that the proposal will have an acceptable impact on nearby residents subject to a condition controlling hours of use of the floodlighting, which will in turn limit playing time.

Highways

The County Highways Officer has been consulted and has raised concerns with regards to the proposed lighting, additional parking and the obstruction of the existing public right of way. Members will also note that the County PROW Officer and the Ramblers Associations have raised concerns with regards to the impact of the proposal on the public footpath.

It is viewed that the highways impact of the proposed lighting can be appropriately controlled through the use of a pre-commencement condition.

Members will note Paragraph 17 of the NPPF guides that decisions should, *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*

Additionally Paragraph 29 of the NPPF guides that, *"The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel."*

Members will note the comments of the Parish Council and the concerns within the letters of objection in relation to the already congested local roads. Whilst the allocation of additional parking can create additional vehicular demand, this is viewed to be unlikely to be significant as there is no increase in the total number of pitches. In relation to the additional proposed parking, it is considered that the linear layout of the Club's playing pitches would be significantly better served, from a functional perspective, by the addition of overspill parking in closer proximity to the proposed all weather pitch. It is your officer's view that the additional parking would not significantly harm the sustainability of the site and that the functional benefits of the proposed parking outweighs any such harm.

Public Rights of Way (PROW)

Paragraph 75 of the NPPF guides that, *"Planning policies should protect and enhance public rights of way and access."*

Policy RAT12 (Public Rights of Way) of the BDLP requires that,

"The District Council will, in conjunction with the County Council, actively support and promote the use of public rights of way for recreational purposes through a recognised network of public paths, routes and trails. Liaison will take place with other bodies as necessary to ensure landscape, agricultural, conservation and user interests are taken into account."

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

Whilst the proposed fencing will block the legally defined public right of way, an informal diversion has been in use by members of the public for a number of years. Members will note the concerns of Ramblers Association in relation to visual amenity and the safety aspect of further vehicular access. Whilst these concerns are noted, Members will note that a significant housing development is proposed immediately adjoining the site. It is viewed that this edge of settlement location represents an appropriate location for the enhancement of the existing sporting facilities and that such development would not represent an unduly intrusive element that would erode the character of this limited green space. Conditions are suggested to minimise the visual impact and requiring the diversion of the footpath prior to commencement of development.

Other Matters

Members will note the concerns of the occupiers of a nearby residential dwelling in relation to drainage and wildlife. Given the existing sports pitch use of the site, it is not considered that the development would represent significant harm to the wildlife of the area. No comments have been received from the Drainage Engineer at the time of writing; however, in light of the previously granted permissions for the same development, it is viewed that appropriate drainage can be secured by condition.

Conclusion

The construction of an all weather floodlit multi-use 'Astroturf', overspill parking and drive are viewed to represent essential facilities supporting outdoor recreation and, as such, are viewed to be an appropriate form of development in the Green Belt in accordance with the NPPF and policies DS2 and RAT2 of the BDLP. The concerns and suggested mitigating conditions in relation to visual amenity, residential amenity, additional parking and the impact on the affected footpath should be noted. However, on balance, it is viewed that the NPPF strongly supports the enhancement of existing sporting facilities in sustainable locations and that the concerns raised do not outweigh the benefits of this application.

RECOMMENDATION:

- (a) Minded to **APPROVE** (subject to conditions)
- (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 **1st May 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.

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 Sections 91 and 92 of the Town and Country Planning Act 1990.

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

Location plan at scale 1:2500, dwg no. 001 - received 02.02.2012

Proposed Site Layout Plan, dwg no.1076/02E - received 02.02.2012

Layout and Details of Hockey Pitch, drawing no. 1076/05B - received 23.02.2012

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

3. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy TR11 of the Bromsgrove District Local Plan 2004.

4. No such light source shall be visible from outside the boundaries of the application site or produce more than 2 Lux horizontal or vertical illuminance at any adjacent property boundary.

Reason: To safeguard the visual amenity of the area in accordance with policy DS13 of the BDLP 2004.

5. Before development hereby approved commences, details must be submitted to and approved in writing by the Local Planning Authority showing scale elevational drawings of any driveway lighting. Thereafter, driveway lighting shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenity of the area in accordance with policy DS13 of the BDLP 2004.

6. Notwithstanding the approval hereby given the fencing, electric cabinets and lighting columns shall be painted in suitable colours to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the area in accordance with policy DS13 of the BDLP 2004.

7. Notwithstanding details of the floodlighting and columns illustrated on the approved drawing No. 1076/05B, a full technical specification to include a lighting plan of the pitch lighting direction and lux levels shall be first agreed in writing with the Local Planning Authority, prior to the erection of the floodlighting columns. Works shall be carried out as approved.

Reason: To minimize the spillage of light out of the area to be illuminated in the interests of the amenity of the area and the surrounding neighbours in accordance with policies DS13 and RAT2 of the BDLP 2004.

8. The floodlights shall not be switched on until they have been fitted with baffles / cut off attachments, details of which shall be first agreed in writing by the Local Planning Authority which shall be permanently fixed in position so as to direct light to the area they are intended to illuminate.

Reason: To minimize spillage of light outside the area to be illuminated in the interests of the area and surrounding neighbours in accordance with policy DS13 and RAT2 of the BDLP 2004.

9. The floodlights shall be switched off between 2215 hours and 0900 hours Monday to Saturday and between 1615 hours and 0900 hours on Sunday. Ancillary driveway lighting shall be switched off 15 minutes after floodlighting.

Reason: In the interests of minimizing the effects of the lights and the activities so lit on the area and surrounding neighbours in accordance with policy DS13 and RAT2 of the BDLP 2004.

10. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the development being first used or in accordance with a programme agreed in writing by the Local Planning Authority. If within a period of five years from the date that soft landscaping is planted that landscaping is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, it shall be replaced in the same place by the next planting season.

Reason: To minimize the effect and enhance the character of the development in accordance with policy DS13 of the BDLP 2004.

11. Prior to the commencement of development hereby approved, the Public Right of Way number 505, as shown on the definitive Map for Worcestershire shall, as at the date of this permission, be diverted or stopped up to confirmation stage and approved in writing by the Local Planning Authority.

Reason: To ensure users of the public right of way are safeguarded in accordance with policies RAT12 and RAT13 of Bromsgrove District Local Plan 2004.

12. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence. Balancing will be required in accordance with the Environment Agency's policy.

Reason: In order to secure the satisfactory drainage conditions in accordance with policies ES2 and ES4 of the Bromsgrove District Local Plan 2004.

Notes:

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.

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

WMSS: QE3
WCSP: D.38, D.39, CTC.1, CTC.5, RST.3, CTC.1, CTC.8, T.3, T.4, T.10
BDLP: DS2, DS13, RAT2, RAT12, RAT5, RAT4, RAT2, TR13, TR11, TR10
DCS2: CP14, CP10, CP21
Others: NPPF

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

PLANNING COMMITTEE

30th 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	Furlongs; Marlbrook; Stoke Prior; 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	Mrs. J. Mills	11/0606-SC - Proposed detached dwelling - 106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX - See APPENDIX 1 Refused: 7th September 2011 Appeal decision: dismissed - 2nd March 2012

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	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.2	Mr. M. Ashwin	11/0127-DK - Proposed conversion of existing brick-built bull pens to form 11 dwellings with associated parking and access - Robin Hill Farm, Hanbury Road, Stoke Prior, Bromsgrove, B60 4DW - See APPENDIX 2 Refused: 11th February 2011 Appeal decision: dismissed - 9th March 2012
3.3.3	Mr. J. McHugh	11/0846-HR - Proposed two storey side extension for additional bedrooms and bathroom - 392 Bromsgrove Road, Hunnington, B62 0JN - See APPENDIX 3 Refused: 25th November 2011 Appeal decision: dismissed - 15th March 2012
3.3.4	Mrs. S. Brookes	11/0889-HR - Proposed conservatory - Skye West, Gorse Green Lane, Belbroughton, DY9 9UH - See APPENDIX 4 Refused: 9th December 2011 Appeal decision: dismissed - 15th March 2012
3.3.5	Mr. J. Anderson	11/0178-DK - Proposed three bedroom bungalow - 42 Old Birmingham Road, Lickey End, Bromsgrove, B60 1DE - See APPENDIX 5 Refused: 17th May 2011 Appeal decision: dismissed - 21st March 2012
3.3.6	Mr. D. Cotton	11/0829-HR - Proposed alterations of garage roof and first floor windows - Holt Farm, Holt Lane, Romsley, B62 0ND - See APPENDIX 6 Refused: 17th November 2011 Appeal decision: allowed - 26th 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

PLANNING COMMITTEE

30th April 2012

5. APPENDICES

- Appendix 1 - Appeal decision report for 11/0606-SC - 106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX
- Appendix 2 - Appeal decision report for 11/0127-DK - Robin Hill Farm, Hanbury Road, Stoke Prior, Bromsgrove, B60 4DW
- Appendix 3 - Appeal decision report for 11/0846-HR - 392 Bromsgrove Road, Hunnington, B62 0JN
- Appendix 4 - Appeal decision report for 11/0889-HR - Skye West, Gorse Green Lane, Belbroughton, DY9 9UH
- Appendix 5 - Appeal decision report for 11/0178-DK - 42 Old Birmingham Road, Lickey End, Bromsgrove, B60 1DE
- Appendix 6 - Appeal decision report for 11/0829-HR - Holt Farm, Holt Lane, Romsley, B62 0ND

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate dated 2nd, 9th, 15th, 21st and 26th March 2012.

AUTHOR OF REPORT

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2166474
Planning Application	11/0606-SC
Proposal	Proposed detached dwelling
Location	106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX
Ward	Stoke Prior
Decision	Refused (Delegated decision) - 7th September 2011

The author of this report is Stuart Castle who can be contacted on 01527 881339 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Proposal

The proposal is for a 4 bedroom detached dwelling (with integral garage) within the rear garden of the existing dwelling at 106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX.

Discussion

The application was determined under delegated powers and refused due to the following reason as detailed below:

- R1 The proposed development would result in a cramped, contrived and overdeveloped layout that is harmful to the established character, appearance and amenities of the locality contrary to policies DS13, S7, and S8 of the Bromsgrove District Local Plan 2004, policy CTC.1 of the Worcestershire County Structure Plan 2001, Supplementary Planning Guidance Note 1: Residential Design Guide and the principles of good design advocated in Planning Policy Statements 1 and 3.

The Inspector found the main issues to be the effect of the proposal on:

- (i) the character and appearance of Foley Gardens; and
- (ii) living conditions at neighbouring properties, with particular reference to the effect on privacy.

Main Issues**Character and appearance**

The proposed 2 storey detached house would sit to the rear of 106 Hanbury Road, fronting Foley Gardens, an informally laid out residential street. New dwellings have already been built within the rear domestic curtilages of the dwellings to the north of Hanbury Road. Whilst there is a well defined and established building line to the western side of the street, consisting of two-storey semi-detached dwellings, there is no

defined building line of housing to the eastern side of the street, just a disparate pattern of flat roofed garages serving the properties of Hanbury Road.

The existing backland dwellings to the north of Hanbury Road are situated on relatively wide plots and are lower in height than that proposed. In contrast, the more restricted width of the appeal site, coupled with the need to provide a side pathway to No 106, results in the proposed 4 bedroom house being much taller, with its bulk accentuated by its narrow frontage, deep plan form. The Inspector considers this would contrast sharply with nearby development on this side of Foley Gardens, standing out as an isolated, atypical and visually dominant feature. In addition to these concerns, the proposed provision of 5 car parking spaces in a cramped frontage, with little space left over for landscaping to the front or side of the house, would create a strong impression of overdevelopment. It is therefore concluded on this point that the proposal would harm the character and appearance of Foley Gardens.

Living Conditions

The proposed house would have 2 first floor bedroom windows at the back, giving views at very close range into the long rear gardens of the 2 adjoining properties, Nos. 104 and 110, and towards the backs of those houses. Clear views would be provided towards a conservatory at the back of No. 104. The Inspector found on his site visit that the degree of overlooking of the garden and conservatory at No. 104 and of the garden at No. 110 would be sufficiently intrusive to cause a serious loss of privacy to occupiers of those houses. The Inspector considered it would not be appropriate to attempt to remedy this by requiring the new windows to be obscure glazed, as they would be the only windows serving habitable rooms.

The Inspector found that overshadowing would be limited to the lower sections of the gardens of Nos. 104 and 110 and that there would be no significant harm to living conditions at properties on the other side of Foley Gardens. It is therefore concluded on this point that the main concern would be the unacceptable loss of privacy at Nos. 104 and 110.

Other Matters

Although residential garden land is now excluded from the definition of previously developed land in Planning Policy Statement 3 *Housing*, Local Plan policies S7 and S8 continue to allow for such development in principle. The Council accepts that, due to the predominance of Green Belt land within its area, there is inherently a shortage of land suitable for new development. The Inspector therefore finds no objection in principle to residential development of this site.

In conclusion

For the reasons set out above, the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (2nd March 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/11/2162589
Planning Application	11/0127-DK
Proposal	Conversion of existing brick built bull pens to form eleven dwellings, with associated parking and access
Location	Robin Hill Farm, Hanbury Road, Bromsgrove, B60 4DW
Ward	Stoke Prior
Decision	Refused by Planning Committee - 23rd May 2011

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

Discussion

The main issues were:

- (a) whether or not the proposed development would constitute inappropriate development in the Green Belt;
- (b) the effect of the proposed development on the character and appearance of the surrounding area; and
- (c) if the proposed development is inappropriate development, 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 was concerned that the buildings were not capable of conversion without substantial alteration. The conversion works would involve the removal of the pens' existing, shallow asbestos roofs and their replacement by tiled roofs at a much steeper pitch. Although the replacement of roof coverings and timbers is a common feature of rural building conversions, it was unusual for the pitch of the roof to be radically altered. In this case, however, there would be a substantial increase in the roof pitch, and a consequent need to build up the gable-end walls. This would have the effect of making the overall volume of each range of buildings considerably greater.

The Inspector opined that there were no very special circumstances put forward which would outweigh the harm to the Green Belt.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (9th March 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/12/2169122
Planning Application	11/0846-HR
Proposal	Two-storey side extension for additional bedrooms and bathroom
Location	392 Bromsgrove Road, Hunnington, B62 0JN
Ward	Uffdown
Decision	Refused (Delegated decision) - 25th 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 two storey side extension for additional bedrooms and bathroom at 392 Bromsgrove Road, Hunnington, B62 0JN.

Discussion

The application was determined under delegated powers and refused due to the following reason as detailed below:

- R1 The proposed extension at first floor level would lead to an over cramping / terracing effect between the application site and the adjoining property which is detrimental to the character of the streetscene. This is contrary to policy CTC.1 of the Worcestershire County Structure Plan, policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the guidance contained in SPG1, the Council's Residential Design Guidance.

The Inspector found the main issue to be the effect of the proposal on:

- (i) the character and appearance of the street scene.

Main Issue**Character and appearance**

The appeal premises are one of a row of detached and semi-detached dwellings of a variety of designs set behind deep front gardens along a service road off Bromsgrove Road. The proposed development would comprise a second storey above the existing extension, with a hipped roof. The first floor would be set back to align with the main elevation of the house. The side extension would continue beyond the original rear elevation alongside the greater part of the side elevation of No. 394, the eaves being almost at the ridge height of No.394.

The Inspector commented that whilst a gap would remain between the two properties, the bulk of the proposed extension and its full two storey height adjacent to and forward of the roof of the property next door would result in a cramped form of development introducing a terracing effect to the detriment of the character and appearance of the streetscene in conflict with saved policies DS13 and S11 of the Bromsgrove District Local Plan 2004.

The Inspector noted that there are a number of recent side extensions in the vicinity including one allowed on appeal (Ref. APP/P1805/A/09/2104486). In the case of the allowed appeal the relationship between the host dwelling the neighbouring property is substantially different and the circumstances of the other extensions are not known. Each case must be determined on its individual merits and the other extensions in the area do not constitute a precedent.

Other Matters

The Inspector stated that the Council's Officer's Report concluded that whilst the extension constituted inappropriate development, the existence of other extensions in the vicinity represented very special circumstances in terms of the potential impact on the openness of the Green Belt; and that the extension would not be of any harm to the Green Belt. The report stated that the extension could therefore be considered "appropriate".

The Inspector disagreed with the Council's reasoning in this matter. Very special circumstances only exist where the harm to the Green Belt by virtue of inappropriateness, and any other harm, is clearly outweighed by other considerations. In all cases of inappropriate development it is necessary to firstly consider whether there are other considerations which clearly outweigh the totality of the harm, and then (if they do) go on to consider whether very special circumstances to justify the development exist.

In conclusion

For the reasons set out above, the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th March 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/12/2168550
Planning Application	11/0889-HR
Proposal	Proposed conservatory
Location	Skye West, Gorse Green Lane, Belbroughton, DY9 9UH
Ward	Furlongs
Decision	Refused (Delegated decision) - 9th 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 rear conservatory at Skye West, Gorse Green Lane, Belbroughton, DY9 9UH.

Discussion

The application was determined under delegated powers and refused due to the following reasons as detailed below:

- R1 The proposed extension would detrimentally erode the utilitarian character and appearance of the building contrary to policies DS2 and C27C of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the guidance of SPG4, PPS1 and PPG2.
- R2 The proposal would be harmful to the openness and visual amenities of the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal would conflict with policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan, and policies DS2 and DS13 of the Bromsgrove District Local Plan and the guidance of SPG4, PPS1 and PPG2.

The Inspector found the main issues to be the effect of the proposal on:

- (i) whether the proposed conservatory constitutes inappropriate development within the Green Belt; and
- (ii) Whether the proposed extension would detrimentally erode the utilitarian character and appearance of the building.

Inappropriate development within the Green Belt

Skye West is one of a number of converted agricultural buildings situated around a courtyard and parking area.

The proposed development takes the form of a rectangular conservatory constructed of powder coated aluminium with five bi-fold doors enabling the outer elevation to be fully opened. The conservatory would be set against an enlarged opening in the wall of the dwelling where there is currently a small window.

The Inspector stated that the proposed conservatory represents a limited extension which is not inappropriate development as defined in PPG2 or saved LP policy DS2. It is not, therefore, necessary to demonstrate that there are other considerations which outweigh harm by virtue of inappropriateness so as to justify the development on the basis of very special circumstances. Though the proposed conservatory would introduce additional development and would therefore be harmful to the openness of the Green Belt, that harm would be limited and insufficient to justify refusal of planning permission.

The utilitarian character and appearance of the building

Notwithstanding the above conclusions in relation to the Green Belt, the Inspector stated that the proposed conservatory and the enlarged opening in the wall would be so fundamentally at odds with the utilitarian character and appearance of the original agricultural building that that character would be severely eroded. The proposal would, therefore, introduce significant harm to the character of the building, contrary to saved LP policy C27C and the guidance in SPG4.

In conclusion

For the reasons set out above, the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th March 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/A/11/2163771
Planning Application	11/0178-DK
Proposal	Proposed three bedroom bungalow
Location	42 Old Birmingham Road, Lickey End, Bromsgrove, B60 1DE
Ward	Marlbrook
Decision	Refused (Delegated decision) - 17th May 2011

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

Discussion

The main issues in this case were the effect of the proposal on the character and appearance of the area and on the visual amenity of the adjoining Green Belt. The proposed bungalow would be situated to the rear of No. 42 Old Birmingham Road and it would be accessed via a driveway extension, following demolition of the current side garage at the property.

This part of Old Birmingham Road and the adjoining Staple Flat is characterised by relatively linear and uniform residential development set along the road frontage.

The proposed bungalow would be located a substantial distance behind the line of frontage dwellings, towards the rear of the large L-shaped garden of No 42. It would occupy a relatively isolated, open and visually exposed position and there were no nearby examples of similarly located dwellings. This stand-alone position of the development would emphasise the incongruity of the dwelling in its surroundings.

The proposal was considered to be contrary to policies S7 and S8 of the Bromsgrove District Local Plan and the advice in the Council's Supplementary Planning Guidance Note 1, *Residential Design Guide*. Collectively these seek to ensure an appropriate form and layout of development and to protect the character of an area.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (21st March 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/D/12/2170424
Planning Application	11/0829-HR
Proposal	Alterations to garage roof and proposed first floor windows
Location	Holt Farm, Holt Lane, Romsley, B62 0ND
Ward	Uffdown
Decision	Refused (Delegated decision) - 17th 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 the alteration to the garage roof and proposed first floor windows to the garage.

Discussion

The application was determined under delegated powers and refused due to the following reason as detailed below:

- R1 The appearance of the proposal would not respect the appearance of the converted rural building as the proposal would result in the incongruous domestication of the building and the surrounding area of land which is rural in appearance. Therefore, the proposal would be contrary to policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan, policies C27C, DS2 and DS13 of the Bromsgrove District Local Plan and the guidance of SPG4 and PPG2.
- R2 The proposal would be harmful to the visual amenities of the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal would conflict with policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan, policies C27C, DS2 and DS13 of the Bromsgrove District Local Plan and the advice of SPG4 and PPG2.

The Inspector found the main issues to be the effect of the proposal on:

- (i) whether the proposal is inappropriate development in the Green Belt, and
- (ii) the effect of the proposal on the character and appearance of the area.

Main Issues

The existing building is a very large timber clad garage with a mono-pitched tin roof and is used as garaging on the ground floor with domestic storage on the first floor. A dual

pitched roof is proposed at the same height as the existing roof along with the insertion of two windows at first floor level.

The Inspector is of the view that the proposed alterations to the garage can be treated in the same way as an extension to the dwelling for the purposes of assessing the proposal against PPG 2. This is because the garage is the closest of the existing outbuildings to the house and was previously linked to the main dwelling by an underground passageway.

PPG2 states that a limited extension or an alteration of an existing dwelling is not inappropriate development provided that it does not result in a disproportionate addition over and above the size of the original building. The Inspector does not deem the detrimental impact to the visual amenity of the Green Belt to be inappropriate development.

The Inspector notes that the proposed alteration to the roof of the garage is a very minor alteration to the garage and would not therefore result in a disproportionate addition over and above the size of the existing garage.

With regard to the effect of the proposal on the character and appearance of the area, the Inspector explains that with no information as to the original appearance of the garage, an assessment must be based on its current appearance. It is considered that the minor alteration would not have any adverse impact on the landscape within which it is located or conflict with any of the purposes of including land in the Green Belt. In addition it would not result in any harm to the openness of the Green Belt.

The Inspector is of the opinion that the proposed change to the roof would, in visual terms, assist in assimilating the garage into its surroundings as it would match the other nearby outbuildings which already have dual pitched roofs.

With regard to the insertion of two windows at first floor level, as the windows are on the inside elevation they would not be seen from any public vantage point. The Inspector considers that they are the minimum number necessary to allow natural light into the first floor area thus allowing it to be used as a games room. It is the Inspector's view that the provision of first floor windows would improve the appearance of the garage by breaking up the vast expanse of wood cladding.

In conclusion

In conclusion the Inspector is of the view that the proposal taken as a whole would not harm the plain, simple and utilitarian appearance of the garage.

The proposal would not result in the incongruous domestication of the garage, or have any adverse effect on the surrounding area, or harm the visual amenities of the Green Belt, and would not harm the character or appearance of the area.

For these reasons, the Inspector allowed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (26th March 2012).

Recommendation

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

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