



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 25TH JUNE 2012
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, J. S. Brogan, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, 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 28th May 2012 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 11/0139- SC - Proposed Pools - Alvechurch Fisheries, Bittell Road, Barnt Green, Worcestershire B45 8BW - Alvechurch Fisheries (Pages 9 - 24)
6. 12/0300 - DK - Demolition of existing building and development of bulky goods retail units (Use Class A1) with associated parking and infrastructure - 2 Sherwood Sherwood Road, Bromsgrove B60 3DU - Chase Commercial Ltd. c/o Mr Simon Hawley (Pages 25 - 38)
7. 12/0326-DK- Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works - Rose Colttage, Seafeld Lane, Portway, Birmingham B48 7HN - A E Beckett and Sons Ltd (Pages 39 - 50)
8. 12/0341/DK - Replacement of an existing dwelling with 22 no. 5 bedroomed detached houses - 7a Plymouth Road, Barnt Green, Birmingham B45 8JE - Mr J Smart (Pages 51 - 56)
9. 12/0391/SC - Change of use of Stable / Summerhouse / Utility Block into a one bedroom dwelling - Rock Cottage, Stratford Road, Bromsgrove, B60 1LE - Mr M Wright (Pages 57 - 64)
10. 12/0411/HR - Demolition of single storey wing and full refurbishment and extension - The Ridgeway, Alcester Road, Finstall, Bromsgrove B60 1EW - Mrs L Javid (Pages 65 - 70)
11. 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

14th June 2012



INFORMATION FOR THE PUBLIC

Access to Information

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

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Declaration of Interests - Explained

Definition of Interests

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

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

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

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

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

Declaring Interests

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

EXCEPTION:

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

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

EXCEPTION:

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

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

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

Tel: 01527 873232 Fax: 01527 881414

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

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 28TH MAY 2012 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker, Mrs. S. J. Baxter, Mrs. J. M. Boswell (substituting for Cllr. Mrs. H.J. Jones), M. A. Bullivant (substituting for Cllr J.S. Brogan), R. A. Clarke, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. J. Tidmarsh and C. J. K. Wilson

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

142/12 **ELECTION OF CHAIRMAN**

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

143/12 **ELECTION OF VICE-CHAIRMAN**

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

144/12 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. S. Brogan and Mrs. H. J. Jones.

145/12 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Cllr. C.J.Tidmarsh	12/0175-LA	Personal and Prejudicial. Close personal friend of Applicant, Chair of local Conservative Branch. Cllr Tidmarsh left the room and took no part in its consideration and voting thereon.

Cllr.Mrs. J.M.Boswell	12/0175-LA	Personal. Personal friend of Applicant.
Cllr.M.A.Bullivant	12/0175-LA	Personal. Personal friend of Applicant.
Cllr.R.A.Clarke	12/0175-LA	Personal. Personal friend of Applicant.
Cllr. R.J.Deeming	12/0175-LA	Personal. Personal friend of Applicant.
Cllr.R.J.Laight	12/0175-LA	Personal. Personal friend of Applicant.
Cllr.P. Lammas	12/0175-LA	Personal. Personal friend of Applicant.
Cllr.P.J.Whittaker	12/0175-LA	Personal. Personal friend of Applicant.

146/12 **MINUTES**

The minutes of the meeting of the Planning Committee held on 30th April 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

147/12 **TREE PRESERVATION ORDER 12/029 - APPLICATION TO FELL A CHESTNUT TREE AT 49 PARK ROAD, HAGLEY**

The Head of Planning and Regeneration Services reported on the deteriorating condition of an infected and decaying mature Horse Chestnut tree, the subject of a Tree Preservation Order, which, it was considered, needed to be felled in the interests of public safety.

RESOLVED that approval to fell the tree be granted, subject to the planting of a replacement Chestnut tree in a similar location within 12 months of the felling.

148/12 **11/0748- DMB - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3) AND/OR RESIDENTIAL INSTITUTION (C2),**

As both the Outline and Reserved Matters Applications for the site were on the agenda for discussion that evening, with the agreement of the Chairman, and in order to facilitate Officer's presentations and public speaking representations, the two applications were discussed together. It was

reported, however, that for purposes of clarity the Committee's decisions on the two applications would be recorded separately in the formal minutes of the meeting.

The Head of Planning and Regeneration Services reported on and provided additional clarification on a number of matters relating to: amended plans in respect of affordable housing provision; overall densities; land levels; the proposed; community building; public open space; and a number of additional terms for the Section 106 Agreement. Additional comments, received from Cofton Hackett Parish Council, were also reported.

At the invitation of the Chairman, Mr J Tait, the Agent for the Applicants, addressed the Committee.

During the discussion, it was suggested that the recent Committee site visit, undertaken in respect of both Applications, had not been conducted in the appropriate manner. Officers clarified that, the Applicant's Agent had only been present to provide visual references in the context of the other sites within the whole development, that were outside of Bromsgrove's boundary, and which the Council's Planning Officers were not privy to information on.

A motion to defer consideration of both Applications, in order to investigate the Council's role in the matter, was lost on the vote. Subsequent to the vote being lost, the three Committee Members who had requested the deferral withdrew from the meeting and took no further part in the debate nor voted on the matter.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Outline Planning Application:

- a) upon receipt of a suitable and satisfactory legal mechanism in relation to Heads of Terms as detailed on pages 53 and 54 of the report;
- b) the following additional Heads of Terms:
 - (i) Payment of the District Council's reasonable and proper legal fees incurred in connection with the completion of the Agreement.
 - (ii) The payment of a monitoring fee at £50 per dwelling index linked applicable from the 230th unit onwards
 - (iii) The Owners undertake to provide employment and apprenticeships with skills training and further education to Local People in connection with the construction and operation of the Development in the following ways:
 - Prior to Implementation of the Development the Owners undertake to designate a Local Skills and Employment Co-ordinator who shall where practicable liaise with and work in

partnership with the Longbridge Employment and Skills Group to ensure the aims of this Schedule are followed; and

- To issue a written statement to contractors and sub-contractors for contracts associated with the construction or operation of the Development requesting that such contractors and sub-contractors use reasonable endeavours to notify local employment agencies in the District Council's area and the city of Birmingham of all job vacancies as soon as the vacancies are known; and that evidence of notification of all job vacancies be given to the District Council; and
- To issue a written statement to contractors for the Development requesting a written assurance from such contractors and sub-contractors to use reasonable endeavours to comply with equal opportunities of employment and training for Local People and Local Businesses and where possible to offer apprenticeships to Local People who may qualify under a government scheme or some other scheme that may be in place from time to time by the government the District Council or some other employment agency at the time the Development is Implemented; and to advertise vacancies in local job centres and local newspapers; and to provide appropriate and adequate training skills for all new employees or apprenticeships during the construction phase of the development

Clarity that the viability reviews to be submitted on completion of the 230th and 477th dwellings, with the viability review updating the current Delivery and Viability Report submitted with the current application; and

- c) upon completion of the agreement referred to in a) and b) above, Outline permission be granted, subject to the themes of Conditions set out or referred to on pages 54 and 55 of the report.

149/12 **11/0750-DMB - ERECTION OF 229 RESIDENTIAL DWELLINGS, NEIGHBOURHOOD PARK, CHILDREN'S PLAY AREA, ASSOCIATED LANDSCAPING AND ACCESS WORKS - LAND AT FORMER LONGBRIDGE EAST WORKS, GROVELEY LANE, COFTON HACKETT - ST MODWEN DEVELOPMENTS LIMITED, ST MODWEN PROPERTIES III SARL AND PERSIMMON HOMES LIMITED**

As both the Outline and Reserved Matters Applications for the site were on the agenda for discussion that evening, with the agreement of the Chairman, and in order to facilitate Officer's presentations and public speaking representations, the two applications were discussed together. It was reported, however, that for purposes of clarity the Committee's decisions on

the two applications would be recorded separately in the formal minutes of the meeting.

The Head of Planning and Regeneration Services reported on and provided additional clarification on a number of matters relating to: traffic calming measures; amended plans in respect of affordable housing provision in respect of proposed changes to the housing mix; and a number of additional terms for the Section 106 Agreement. Additional comments, received from Cofton Hackett Parish Council, were also reported.

At the invitation of the Chairman, Mr J Tait, the Agent for the Applicants, addressed the Committee.

During the discussion, it was suggested that the recent Committee site visit, undertaken in respect of both the Outline and Reserved Matters applications, had not been conducted in the appropriate manner. Officers clarified that, the Applicant's Agent had only been present to provide visual references in the context of the other sites within the whole development, that were outside of Bromsgrove's boundary, and which the Council's Planning Officers were not privy to information on.

A motion to defer consideration of both Applications, in order to investigate the Council's role in the matter, was lost on the vote. Subsequent to the vote being lost, the three Committee Members who had requested the referral, withdrew from the meeting and took no further part in the debate nor voted on the matter.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Full Planning Application:

- a) following the receipt of a suitable and satisfactory legal mechanism in relation to Heads of Terms as detailed on page 102 of the report;
- b) the following additional Heads of Terms for the Section 106 Agreement:
 - i) Payment of the District Council's reasonable and proper legal fees incurred in connection with the completion of the Agreement;
 - ii) The sum of £22,500 to be paid to the District Council towards the costs incurred in relation to the viability assessment for the development on completion of the Section 106 Agreement.
 - iii) The Owners undertake to provide employment and apprenticeships with skills training and further education to Local People in connection with the construction and operation of the Development in the following ways:
 - Prior to Implementation of the Development the Owners undertake to designate a Local Skills and Employment Co-ordinator who shall where practicable liaise with and work in partnership with the Longbridge Employment and

Skills Group to ensure the aims of this Schedule are followed; and

- To issue a written statement to contractors and sub-contractors for contracts associated with the construction or operation of the Development requesting that such contractors and sub-contractors use reasonable endeavours to notify local employment agencies in the District Council's area and the city of Birmingham of all job vacancies as soon as the vacancies are known; and that evidence of notification of all job vacancies be given to the District Council; and
 - To issue a written statement to contractors for the Development requesting a written assurance from such contractors and sub-contractors to use reasonable endeavours to comply with equal opportunities of employment and training for Local People and Local Businesses and where possible to offer apprenticeships to Local People who may qualify under a government scheme or some other scheme that may be in place from time to time by the government the District Council or some other employment agency at the time the Development is Implemented; and to advertise vacancies in local job centres and local newspapers; and to provide appropriate and adequate training skills for all new employees or apprenticeships during the construction phase of the development; and
- c) on completion of the agreement referred to in a) and b) above, Full Planning Permission be granted, subject to the themes of Conditions set out or referred to on page 102 of the report.

150/12 **12/0066-DMB- 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 - CALA HOMES**

The Head of Planning and Regeneration Services provided additional information in relation to affordable housing issues, in particular in relation to proposals for a new mix of housing types to: make the shared ownership units more acceptable; provide a slight increase in rented units; and increase the 1 bedroom rented units. Members also noted information provided by Worcestershire County Council, in relation to Village Green issues.

At the invitation of the Chairman, Mr M. Robson of Cerda Planning, Agent for the Applicant, addressed the Committee. Ms I Frazer, of the Catshill Marshes Action Group, addressed the Committee and spoke in objection to the Application. Councillor J. Brogan also spoke in his capacity as one of the Ward Members for the area in which the application site was located.

Consideration was then given to the Application, which had been recommended for delegated approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that the development should be refused on the grounds that:

“the cumulative visual impact of the layout and character of the development (with specific reference to Plots 7 – 27 to the eastern boundary and the apartment block to the northern elevation) were unacceptable in design terms and thus failed to produce a high quality development”.

RESOLVED that permission be refused for the reason set out above.

151/12 **12/0170-DK - CONSTRUCTION OF 16 DWELLINGS PLUS NEW ACCESS FORMED BY DEMOLITION OF NO 31 COBNALL ROAD AND PART DEMOLITION OF NO 33 PLUS NEW EXTENSION TO NO 33 - LAND AT COBNALL ROAD, CATSHILL - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Regeneration Services reported that amended plans had been received and agreed in relation to two minor amendments in respect of the positioning of a number of windows to comply with SPG1. Members were also advised that, the additional information requested by the Drainage Engineer in respect of the suitability of soakaways on the site, had also been received and accepted. An additional representation, received from a Catshill resident, was also noted.

At the invitation of the Chairman, Mr C. Lewis, on behalf of the Applicant, addressed the Committee. Councillor J.Brogan also addressed the Committee in his capacity as Ward Member.

RESOLVED that permission be granted subject to the Conditions and Notes set out or referred to on pages 128 to 132 of the report.

152/12 **12/0175-LA - PROPOSED REPLACEMENT OF MODERN DEFECTIVE WINDOWS TO GRANNY ANNEX (AS AMENDED BY PLANS RECEIVED 20.04.12) - BOWLING GREEN FARM, WORCESTER ROAD, BROMSGROVE, B61 7HZ - MR. P. THOMAS**

The Head of Planning and Regeneration Services reported that Listed Building Consent was required to replace the windows in the Grade II Listed Building due to their poor condition.

RESOLVED that Listed Building Consent be granted, subject to the Conditions and Notes set out or referred to on Page 134 of the report.

153/12 **12/0310-HR - PROPOSED NEW DROPPED KERB AND ACCESS TO PROVIDE SEPARATE ACCESS AND CAR PARKING - THE LODGE, BEACON HILL, REDNAL, B45 9QL - MR. S. DUDLEY**

This item was withdrawn at the request of the Applicant's Agent and was not discussed.

154/12 **12/0316-MT - EXTENSION OF TEMPORARY PLANNING PERMISSION FOR CAR PARK EXTENSION - FORMER MARKET HALL SITE, ST JOHN STREET, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported that a further temporary planning permission had been requested to continue the current use as a car park given that there had been no developer interest in the site to date.

A suggestion was made that a condition be included for car parking on the site to be made free. It was noted that such matters did not fall within the remit of the Planning Committee and would have to be pursued under different Council Policy.

RESOLVED that a temporary Planning Permission be granted for a period of one year, subject to the Conditions and Informatives set out or referred to on Page 144 of the report.

The meeting closed at 7.55 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Alvechurch Fisheries	Proposed pools –	GB	11/0139 - SC
'B'	As amended by: Amended Plans received 04/04/2011 As augmented by: Additional flood risk assessment received 01/03/2012 and Ecological Survey received 25/05/2012) Alvechurch Fisheries, Bittell Road, Barnt Green, Worcestershire, B45 8BW		04/07/2011

RECOMMENDATION: that permission be Granted

Consultations

DRNENG	Consulted – comments received 03/05/2011: No objection subject to EA comments. Reconsulted on revised FRA 08/03/2012: views awaited.
Natural England	Consulted 14/04/2011 – comments received 21/04/2011: No objection
PROW	Consulted 14/04/2011 – comments received 09/05/2011: No objection. The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Alvechurch footpath 527 (AV-527). I note from the application, that the proposal requires alterations to public right of way. If it is necessary to divert / extinguish / create public rights of way in order for the permitted development to take place, this should be completed to confirmation stage before any development affecting the public right of way is started. Application should be made to the Planning Authority. I look forward to further consultation on any such proposals and to receiving a copy of any Orders made.
RAMBLERS	Consulted – comments received 19/05/2011: Objects to proposed path diversion. Main area of concern is the section by the proposed stock pool. This section is comprised of a steep overgrown incline to the canal that is very uneven with rabbit and animal habitation: very difficult to maintain and in our opinion dangerous to pedestrians.

Suggest that a solution would be to divert the footpath between the stock pool and the house pool.

WMERCIA Consulted – comments received 19/04/2011:

No objections or comments to make regarding this application.

KERNON Consulted – comments received 05/05/2011:

Bromsgrove District Council Local Plan policy **RAT1: Recreational use on lower quality agricultural land** highlights “**the need to protect the best and most versatile land (Grades 1, 2 and 3a) from development**”. The policy goes on to provide an example: “**Where agricultural land is converted to ‘outdoor sports’ such as a golf course, return to best quality agricultural land is seldom practical**”. Clearly the excavation of fishing lakes and associated landscaping will permanently remove the land from agricultural use.

No information is provided regarding the Agricultural Land Classification (ALC) to determine whether the land is Grade 1, 2 or 3a. The Provisional ALC 1:250,000 Series map shows that land to the north of Alvechurch (i.e. the area of the site) is Grade 3. A copy of the ALC map and key is provided at **Attachment 1**.

ALC Grade 3 is divided into two sub-types: 3a and 3b, grade 3a being “**best and most versatile**”. The provisional 1:250,000 map does not break down Grade 3 into these subtypes and is of too large a scale to be site-specific. It is not therefore possible to ascertain whether the site is “**best and most versatile land**” without further investigation.

If the Council is minded to approve the application and has concerns regarding the potential loss of 8 ha of agricultural land, it may wish to seek clarification by requesting existing site specific ALC data or by requiring the Applicant to undertake an ALC survey.

ENVIRO Consulted – comments received 09/05/2011: No objection.

BRIWAT Consulted – comments received 11/07/2011 comments received After due consideration of the application details, British Waterways has **no objections** to the proposed development, **subject to** the submission of additional information and the imposition of suitably worded **conditions** relating to:

Flood Risk

The application site lies immediately east of the Worcester and Birmingham Canal, which is carried on an embankment which also separates the site from the Lower Bittel Reservoir. We note the comments made by the Environment Agency in their letter of 1st June

2011 and also the further comments contained in their email dated 21st June 2011 regarding the submitted Flood Risk Assessment and would concur with the view that further information should be provided to assess the potential impact of the proposed development on flows from the canal/reservoir across the site during flood events.

Structural Integrity

The proposed Stock Pool is located close to the toe of the canal embankment. BW would wish to be assured that the construction of this pond will not undermine or otherwise adversely affect the structural integrity of the canal embankment. We consider that this matter could be adequately secured by means of condition, and would request that we are consulted on any details submitted to discharge such a condition.

We would also advise that the site is crossed by a culvert carrying water from the canal. The proposed development should not damage or obstruct this culvert, and we would suggest that the route of the culvert be safeguarded during construction works to minimise the risk of accidental damage.

TREES	Consulted – comments received 28/07/2012: No objection s.t.c
EA	Consulted – comments received 03/05/2012: No objection subject to condition relating to habitat management.
WWT	Consulted – comments received 24/10/2011: The site clearly has some, albeit limited, potential for protected species.
COARCH	Consulted – comments received 20/01/2012: No objection subject to condition relating to an archaeological watching brief during the stripping of topsoil.
Alvechurch Parish Council	Comments received 17/10/2011: No objections, though there were concerns about the traffic and APC would like to a 'left turn only' at the exit site.
Barnt Green Parish Council:	Consulted – comments received 09/08/2011 The proposed pools will be a very significant development within the Green Belt and represent a 2/3 fold increase in the scale of the existing fishery. We have several concerns in relation to this proposal: 1. Landscaping needs to be carefully thought through to enable the proposed ponds to fit sympathetically within the Green Belt. 2. Careful consideration needs to be given to the effects on the wider landscape and adjoining neighbours. 3. Noise from the use of equipment should be minimal, or non-existent.

4. There should be no artificial lighting on the site.
5. Public Right of Way No. 527 should be retained.
6. An ecological survey should be carried out to assess the value of the site in relation to vegetation and wildlife.
7. The proposed pools are on land considered as a potential flood area should Bittell Reservoir fail. In the unlikely event of this happening what measures will be put in place to control such an occurrence.
8. Should this application be approved it would be anticipated that there will be a 2/3 fold increase in vehicles wishing to access the site. The increase in traffic will exacerbate the problems already experienced along this narrow stretch of Bittell Road. Consideration needs to be given to how users access the site.

We are not opposed to this proposal but there are significant problems attached to it that need resolving before permission is granted.

COMSAF Consulted 14/04/2011: No comments received.

ECON Consulted 14/04/2011: No comments received.

POLICY Consulted 14/04/2011: No comments received.

(Landscaping)

INLAND Consulted 14/04/2011: No comments received.

WH Consulted – comments received 28/04/2011: no objection.

Publicity Site Notices (3) posted 27/05/2011; expired 17/06/2011
Neighbour notification letters (4) posted 19/07/2011; expired 09/08/2011

2 Letters of representation received raising the following points:

- Careful landscaping required to ensure sympathetic development and protection of privacy.
- Use & operating opening times should be limited.
- Use of motor vehicles, quad bikes and motor cycles should be prohibited.
- Ground levels would be more sympathetic if in accordance with existing levels.
- Lack of detail in plans.
- A detailed landscape and maintenance programme should be conditioned.
- No artificial lighting as would be detrimental to Green Belt and amenity.
- Any pumps of motorised equipment be located away from residential properties.

- Use of radios, music equipment ect be prohibited.
- Method of keeping dust to a minimum and mud off roads should be conditioned.
- Concern with regards to the scale of the development and impact on outlook.
- Concern with regards loss of footpath.
- Field currently provides a flood area if upper bittell reservoir were to fail.
- Loss of trees.
- Impact on protected species and natural Wildlife.
- Loss of view.

The site and its surroundings

This application relates to an established recreational fishery and the land immediately to the north of the existing fishery. The fishery is located on the northern side of Bittell Road, approximately 1.5 miles north of Alvechurch town centre and approximately 1 mile to the east of Barnt Green. The application site includes the existing fishery (approximately 3.2ha), consisting of four pools, a clubhouse and a large car park, and also the field measuring 8.09 hectares immediately adjacent the fishery to the north. The existing fishery buildings are located adjacent to the south east boundary of the site, adjoining the common boundary with Little Stannalls, a substantial detached private dwelling.

The site is bounded by fields to the north and east, the B4120 Bittel Road to the south and by the Worcester and Birmingham Canal to the west, with the Lower Bittell Reservoir SSSI located just beyond the canal. The head of the River Arrow flows through the existing fishery in an east to west direction. An existing footpath bisects the site, providing a right of way north to south (and vice versa) though the site.

The site is located within the designated West Midlands Green Belt and the surrounding landscape is an attractive mixture of gently undulating fields and prominent water features. The field to the north of the fishery appears to have historically been used for agriculture, but is currently covered in long rough grasses and has recently seen the planting of significant numbers of young native woodland saplings. When viewed from surrounding vantage points, the field appears to be in a depression, lower than the surrounding undulating fields to the north and east and lower than the banks of the canal to the west. A sporadic run of development is located just to the south of the river and north of Bittell Road.

Proposal

This application proposes the excavation of two lakes, two pools and to extend and re-profile an existing pool. The new lakes will consist of a large specimen lake, a match lake and a stock pools for growing fingerling sized fish. The lake known as House Pool will be extended and remodelled. The proposed specimen lake is by far the largest excavation and will hold in excess of 25,000 cubic metres of water, with a maximum width of

approximately 320m. The existing fishery currently provides some 60 fishing pegs and it is proposed to increase the total number of pegs to 124.

It is proposed to retain all excavated material within the site and there is to be a graded bund bank constructed partially along the eastern boundary. The proposed bund and alterations to the profile of the land on the site will be carried out using the excavated material from the site.

The existing public footpath is proposed to be diverted along the western boundary of the site. The existing access and parking are to be retained for the expanded operation.

Relevant Policies

WMSS	QE3
WCSP	SD.1, SD.2, SD.4, CTC.1, CTC.7 CTC.8, CTC.9, CTC.12, CTC.14, CTC.15, CTC.19, D.38, D.39, D.43, T.1, T.4, RST.1, RST.2, RST.3, RST.9, RST.14
BDLP	DS1, DS2, DS13, C4, C5, C9, C10A, C17, C18, C36, C39, E9, TR8, TR10, TR11, RAT1, RAT2, RAT12, RAT13, RAT22, RAT23, RAT34, ES1, ES2, ES4, ES7, ES11, ES16
Draft CS	CP3, CP11, CP13, CP16, CP17, CP20, CP22, CP23
Others	NPPF, Circular 11/95, Circular 06/05

Relevant Planning History

09/0081	Proposed replacement club house service building (As amended by plans received 18/03/2009 and 07/04/2009 and augmented by letter and Baseline Ecological Survey Report received 18/03/2009, Water Vole Survey Report and Mitigation Strategy and Flood Drainage Standing Advice received 24/03/2009, email received 25/03/2009 and roof material information received 07/04/2009) – Approved 15/04/09
09/0080	2 no. non-illuminated entrance signs (As amended by plans received 10.03.09): advertisement consent approved 03/04/09
B/2008/0540	The siting of a temporary dwelling for a three year period to support the continued operation: approved 29/07/08
B/2008/0100	Erection of new dwelling: refused 01/04/08
B/1995/0421	Change of use of existing outbuilding to form bait and tackle shop: approved 04/09/96.
B/1994/0835	Formation of two coarse fishing lakes and two ponds, change of use of part of existing coach house to fisherman's lodge, construction of vehicular access and parking area: approved 13/02/95
B/1994/0541	Private fishing pond: withdrawn

B/1991/1154 Game pond created by cut and fill, water supplied by natural drainage:
approved 09/03/92 (for private use only)

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. The ecological and protected species impact.
3. Drainage & flood risk.
4. Highways and sustainable transport.
5. Residential amenity.
6. Economic development.

Green Belt

This proposal involves significant excavations and alterations to the existing profile of the landscape, representing a large scale engineering operation. Green Belt policy advice within the National Planning Policy Framework 2012 (NPPF) states that engineering operations are not inappropriate in the Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. For reference, members will note the NPPF states, “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 81 of the NPPF further requires that,

“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity;”

In relation to the overall principle of outdoor recreation within the Green Belt, Policy RAT2 of the BDLP reflects the NPPF in so much as it provides that the provision of essential facilities for outdoor recreation are appropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

Thus, the main Green Belt considerations in relation to this development are the impact on openness and whether the visual impact would represent encroachment into the countryside. It is necessary for members to not only consider the creation of a number new fishing lakes, but also the impact of any material changes to the lay of the land by virtue of removing and depositing spoil and also the impact of parking additional cars.

It is your officer's view that areas of open water do not detrimentally impact on the openness or, generally speaking, the visual amenity of the Green Belt. The immediate surrounding area is characterised by large bodies of water and the addition of the proposed fishing lakes could, with the addition of a satisfactory scheme of landscaping, be a positive addition to the landscape. It is viewed that the existing lakes, when viewed in the context of the surrounding mature landscaping, are accommodated comfortably within the landscape. No new associated buildings are proposed, however, fences, signage, benches, the laying of hardcore and other such associated paraphernalia have the potential to harm the current attractive landscape. The applicant has not provided a detailed scheme of landscaping or planting, however, it is viewed that this matter can be satisfactorily controlled through a suitably worded condition.

In relation to the profiling of the site, a topographical survey of the existing site has been provided including spot levels and sectional detail. The survey data provided indicate that the highest point (139.38m AOD) of the site is at the northern corner of the site. The lowest point (126.90m AOD) of the site is located adjacent the River Arrow at the eastern boundary of the site. The proposed sectional survey data provided indicates a maximum increase of 2.5m in the height of the existing land, however, the information regarding proposed levels is limited in its precise detail. Whilst the building up of large landscape bunds would give an unnatural appearance to the landscape, it is considered that the satisfactory re-profiling of the landscape could be controlled by condition and that the increase in levels shown in the sectional data would not necessarily result in harm to the visual amenity of the Green Belt.

Whilst it is viewed that the creation of a number of new fishing lakes does not of itself harm openness, the presence of a significant number of extra cars serving additional customers would represent a detrimental impact on the visual amenity of the Green Belt. It is noted, however, that Alvechurch fisheries benefits from a large car park adjacent to its access. No extension to this car park has been proposed and it is therefore viewed that the impact on the visual amenity of the Green Belt would be limited in this regard as no further laying of hardcore would be required.

In consideration of the above, it is viewed that, subject to appropriate conditions in relation to the re-profiling of the site and landscaping details, that the development would not be detrimental to the purposes of the Green Belt and therefore represents an appropriate form of development.

Flood Risk

Part of the site is located within the Flood Zone 3 (1%, 'high probability') of the River Arrow, based on the Environment Agency Flood Zone Map. Whilst the proposed development can be considered as 'water compatible', it is necessary for applications within Flood Zone 3 to be accompanied by a Flood Risk Assessment (FRA) that is appropriate to the scale and nature of the development and that clarifies the existing flood risk to the site and the impacts of the proposed development on flood risk. The NPPF requires that local Planning Authorities ensure flood risk is not increased elsewhere.

Policy ES2 of the BDLP guides that proposals involving the alteration of ground levels will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates that there are potential problems.

An augmented FRA, Final Report Rev A, reference 9W9686, dated 21 February 2012, and prepared by Royal Haskoning, for the above site has been submitted in support of the application. The Environment Agency has reviewed the FRA and has raised no objection, subject to conditions, to the proposal in light of the additional FRA information provided.

The Council's Drainage Engineer has indicated that the principle of the proposed scheme is acceptable in practical terms. I am currently awaiting comments from the Drainage Engineer with regards to the updated FRA and will update members at your committee on this issue.

Bio-diversity and Protected Species

Paragraph 118 of the NPPF guides that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

Paragraphs 99 of Circular 06/2005 (Bio-diversity & Geological Conservation) requires that when habitat is viewed as suitable for protected species, "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision."

An extended Phase 1 Habitat Survey submitted in February 2011 recommended further surveys to be carried out in relation to reptiles and amphibians (pages 12 – 14). Further habitat and protected species surveys have since been carried out to determine the presence of Great Crested Newts and the suitability of the area for protected reptiles. These surveys conclude that:

- there does not appear to be any implications for this development with regard to Great Crested Newts under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.
- the habitat is distinctly unfavourable for slow-worms and grass snakes.
- depending on the timing of the works there is the potential to disturb nesting birds and as all wild birds (i.e. resident, visiting and introduced species) in England and Wales are protected by law under the Wildlife and Countryside Act 1981 (as amended) care should be taken to ensure that no nesting wild birds are disturbed during any clearance of vegetation or any other works. Ideally the removal or destruction of suitable breeding habitat should occur outside the breeding season, which for most species occurs from late February until late August. Should any work be undertaken during these months then a suitably qualified ecologist must be engaged prior to commencement in order to check for nesting birds and advise accordingly on the most appropriate way to proceed.

Members will note the comments of the Environment Agency have commented on the issue of bio-diversity and protected species. White clawed crayfish, a protected species under The Wildlife and Countryside Act 1981, are known to be present downstream of the site (2011 records) and Water Voles were found to be present during ecological surveys performed in support of the 2009 application for the club house. A Natural England licence would be required to disturb such legally protected species. Natural England has raised no objection with regard to the impact of the proposal on the nearby Lower Bittell Reservoir SSSI. Members will note the views of WWT.

To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, it is recommended that a Habitat Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. This will be controlled through a suitably worded condition.

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.

The proposal requires the diversion of the legally defined public right of way. Members will note the safety and amenity concerns of the Ramblers Association in relation to this proposed diversion. The County Council PROW Officer has not raised an objection with regards to the proposal subject to the satisfactory diversion of the footpath.

I am of the view that the proposal would not be unduly intrusive in this location and that a suitable diversion satisfying all parties should be possible. The Council's legal advice recommends that conditions relating to the diversion or stopping up of Public Rights of Way are not attached to planning permissions. As such, if members are minded to approve the application, it is recommended that an informative is attached informing the applicant of the obligation to formally divert the footpath under section 257 of the Town and Country Planning Act 1990.

Highways

The NPPF advises local planning authorities to promote sustainable transport choices and reduce reliance on the car for journeys. Carefully managing the amount of parking is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. Policy RAT2 requires new facilities for outdoor sport and recreation to be located within a reasonable walking distance of an existing public transport service.

It is noted, however, that the provision of fishing lakes is a development of inherently rural nature. As such, it is accepted that a certain level of vehicular trip generation is necessary. The site is already established and is located relatively closely to smaller local population centres, as well as within 2 miles of the larger Birmingham conurbation. Barnt Green train station is located approximately a 1 mile walk away and the site is located approximately 0.5km from the local bus services to and from Alvechurch.

Overall, whilst the proposal is likely to generate extra vehicular trips, it is accepted that the rural nature of the proposal necessitates such travel and that the close proximity of urban centres likely reduces trip length.

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking.

The County Highways Officer has been consulted with regards to the designs and has raised no objection to the proposal. Members will note the representations received in relation to highways and increased vehicular trip generation.

In consideration of these matters, significant weight should be given to the views of the Highways Engineer. As such, it is viewed that the proposal would not introduce vehicular usage detrimental to the proper functioning of the highway.

Residential Amenity

It is noted that there are a number of residential dwellings located to the south of the proposed development and also Bittell Cottage located to the west, the other side of the canal. At least 60m separates the new lakes from the dwellings to the south and significant boundary screening is already in existence. Fishing can be described as 'quiet' recreation and it is not viewed that the use of fishing ponds creates significant residential amenity issues. The existing clubhouse has opening hours from 08:00 hours to 22:30 hours Monday to Sunday including Bank Holidays controlled by planning condition. It is recommended that similar opening hours are applied to the extended enterprise. Whilst the concerns of nearby residents in relation to noise should be noted, Alvechurch Fisheries is well established and it is viewed that its extension is unlikely to create significant residential amenity issues over and above current operations.

Economic Development

The NPPF supports economic growth in rural areas in order to create jobs and prosperity and guides that Local Planning Authorities should take a positive approach to the sustainable development of rural based enterprises (Para 28). The applicant has submitted a business plan in support of the proposal and it is clear that there is significant ongoing investment at the site. The application form indicates that the enterprise provides employment for 2 full time and 3 part time employees and that the proposal will increase employment to 2 full time and 5 part time employees.

It is viewed that the expansion of this enterprise would not compromise the character of the countryside and represents a relatively sustainable location for what is a necessarily rural activity.

Conclusion

In consideration of the above, it is viewed that, subject to appropriate conditions in relation to the re-profiling and landscaping of the site, the development would not be detrimental to the purposes of the Green Belt and represents the expansion of a relatively sustainable rural enterprise.

RECOMMENDATION: that permission be granted

Suggested Conditions

1. C001 (3 years)
2. C001A (Approved Plans)
3. C010 (Landscaping)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no works set out in Class A and B, Part 2 of Schedule 2 to the Order shall be carried out without prior written permission of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and national policy PPG2.

5. Prior to the commencement of development a Habitat Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority.

The scheme shall include detail on: any new habitat created on site, including the design of the proposed marsh ponds; the extent and type of new planting; the treatment of site boundaries and/or buffers around water bodies; details of restoration of the reinstated land between the river and the new/re-aligned lakes; measures to minimise erosion and details of maintenance regimes.

The habitat management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site in accordance with the provisions of the National Planning Policy Framework.

6. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing.

Reason: To protect features of archaeological interest in accordance with Policy C38 of the Bromsgrove District Local Plan, Policies CTC.17 and CTC.18 of the Worcestershire County Structure Plan and the provisions of the NPPF.

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

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies C12, C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

8. Where any works are proposed or required within the Root Protection Area of any trees or hedges on or adjacent to the application site, these shall only be carried out in accordance with an Arboricultural Method Statement or similar detailed schedule of works submitted to and approved by the Local Planning Authority.

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

9. No development shall take place until a detailed scheme for the construction of the proposed pools and landscape re-profiling (including depths of all excavations, method of construction and finished ground levels within the application site) have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure that the structural integrity of the adjacent canal is not adversely affected in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and the provisions of the NPPF.

10. Within seven days of the commencement of the development hereby permitted, written notification of such commencement shall be sent to the Local Planning Authority.

Reason: To enable the Local Planning Authority to monitor the development.

11. A topographical survey of the site shall be carried out within six months of the site re-profiling works beginning and shall be provided to the Local Planning Authority within one month of the survey date. Thereafter the survey shall be updated every four months and provided to the Local Planning Authority. A final topographical survey of the site shall be carried out following completion of the site re-profiling and this shall be provided to the Local Planning Authority within one month of the final survey date.

The survey shall be at a scale of no less than 1:1250 unless otherwise agreed in writing by the Local Planning Authority, with all levels related to Ordnance Datum.

Reason: To protect the visual amenity of the area in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and the provisions of the NPPF.

12. The hours of operation for the excavation and re-profiling works hereby permitted shall be 08:30 hours to 18:00 hours Monday to Friday, 08:30 hours to 15:30 hours on Saturdays. No excavations or re-profiling works in connection with the development hereby permitted are to take place whatsoever on Sundays or Bank Holidays. No excavation or re-profiling works in connection with the development hereby permitted shall be carried out on site outside these hours.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with Policy DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan.

13. Unless otherwise expressly approved in writing by the Local Planning Authority, no materials excavated in connection with the hereby approved development shall be removed from the application site.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with Policy DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan.

14. No development shall take place until details for the arrangements to prevent heavy plant/machinery passing over the line of the existing culvert crossing the site has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the agreed arrangements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of flooding and ensure proper water management in accordance with the provisions of the NPPF.

15. The fishing pools hereby approved shall only be open between the hours of 08:00 hours and 22:30 hours Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies DS13 and E9 of the Bromsgrove District Local Plan 2004.

Informatives

1. The granting of planning consent does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and condition of any licences required, as described in Part IV B of Circular 06/2005.
2. If it is necessary to divert, extinguish or create public rights of way in order for the permitted development to take place, this should be **completed to confirmation stage** before any development affecting the public right of way is started. Application should be made to the Planning Authority prior to development commencing.

Notes:

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

WMSS	QE3
WCSP	SD.1, SD.2, SD.4, CTC.1, CTC.7 CTC.8, CTC.9, CTC.12, CTC.14, CTC.15, CTC.19, D.38, D.39, D.43, T.1, T.4, RST.1, RST.2, RST.3, RST.9, RST.14
BDLP	DS1, DS2, DS13, C4, C5, C9, C10A, C17, C18, C36, C39, E9, TR8, TR10, TR11, RAT1, RAT2, RAT12, RAT13, RAT22, RAT23, RAT34, ES1, ES2, ES4, ES7, ES11, ES16
Draft CS	CP3, CP11, CP13, CP16, CP17, CP20, CP22, CP23
Others	NPPF, Circular 11/95, Circular 06/05

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

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Chase Commercial Ltd., c/o Mr Simon Hawley, 'B'	Demolition of existing building and development of bulky goods retail units (Use Class A1) with associated parking and infrastructure. 2 SHERWOOD ROAD BROMSGROVE WORCESTERSHIRE B60 3DU	Employment	12/0300 DK 17.07.2012

RECOMMENDATION:

Subject to the satisfactory views of:

- (i) Worcestershire Highways
- (ii) The Environment Agency
- (iii) Worcestershire Regulatory Services (Lighting Engineer)

(a) MINDED to APPROVE FULL PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following:

- (i) The receipt of a suitable and satisfactory legal mechanism in relation to improvement measures to public transport infrastructure
- (ii) The application being referred to the Secretary of State (National Planning Casework Unit) under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009

Consultations

WH Consulted 24.04.2012. No response to date.

ENG Consulted 24.04.2012. Response received: 18.05.2012.

The site is partially within fluvial flood zones 2 & 3. The site is also partially at risk of both shallow and deep surface water flooding. There are no historically known issues of any significance at the site.

The application states that the watercourse will be enhanced and reconfigured, that petrol interceptors will be installed and that SuDS will be implemented to prevent flooding from 1:100 +20% Climate Change, which I am happy to see. I would, however, like to see the pre and post development outputs from the WinDes model to verify that the buildings will not flood and that the proposed SuDS are

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	sufficient.		
	The FRA advises that maintenance and inspections of the watercourse throughout the life of the development should be carried out, along with implementing evacuation strategies and monitoring river levels. I would like to ensure these are carried out. I also support the idea of demarcating those car parking spaces at risk of flooding, and the use of bollards to prevent vehicles being washed away. I would prefer to see the drainage from the West car park to soakaway rather than to the brook, if this is possible and the ground is not contaminated. I would also like to ensure any gullies discharging to the brook have sediment traps in place, and are regularly maintained. Other than the above comments, no objection to the application.		
EA	Consulted 24.04.2012. Response received: The application includes a proposal to divert part of the watercourse (classified 'Main River') within the site. Whilst the applicant has submitted a Flood Risk Assessment (FRA) to assess existing flood risk, insufficient information has been submitted with the planning application to confirm that there would be no adverse impacts on flood risk as a result of the proposed channel diversion. The detailed design of the channel diversion (including cross sections, dimensions and a method statement for the proposed works) would be considered by us under the Flood Defence Consent requirements (for temporary and permanent works to the 'Main River'). However, the applicant should provide some reassurance at the planning application stage to confirm that the design of the new section of channel would have no adverse impacts on flood risk or to biodiversity, and that opportunities for betterment have been considered, in line with the National Planning Policy Framework and its associated Technical Guidance. At this time insufficient information has been submitted with the planning application to allow us to comment fully on the proposed development. Once the applicant has submitted additional information to provide reassurance on the above aspect of the proposal, we will be able to comment fully on the application and recommend conditions where appropriate.		
EDO	Consulted 24.04.2012. No response received.		
LP	Consulted 24.04.2012. Response received 11.05.2012. Following a call-in by the Secretary of State, the site was granted planning permission for a non-food retail warehouse of 3,716 sq. m. with a condition limiting the range of goods that can be sold		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	(10/0115, renewal of B/2005/0293). Permission to vary the range of goods to meet the requirements of potential occupant (Homebase) was given in 11/0387. This application is to increase the floorspace from 3,716sq.m. + 660sq.m external areas to 4,128sq.m. + 929sq.m external areas, section 2 Ensuring the vitality of town centres of the NPPF, Practice guidance on need, impact and the sequential approach of PPS4 and Policy S21 of the Bromsgrove District Local Plan, which I consider is in conformity with the NPPF and hence due weight could be attached to it, are therefore relevant. As the site is at an out-of-centre location and the development is over 2,500 sqm, the applicant has submitted a sequential test and an impact test to comply with requirements of paragraphs 24 and 26 of the NPPF and S21. Comments from the Town Centre team and Economic Development team or external retail consultant will be relevant in checking whether the information and assumptions included/ applied are valid and up to date. Assuming the figures are valid and given that there is £29.1m of residual spending to support new comparison shops after deduction from commitments in 2015 (Retail Capacity Analysis, Nov 2010) in the town centre, I consider the increase of comparison floorspace as acceptable. Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing <u>net gains</u> in biodiversity where possible”. It carries on to say that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging biodiversity to be incorporated in and around developments (para 118). Comments from the Tree Officer and the Worcestershire Wildlife Trust are therefore relevant when determining whether the development contributes to enhancement of the natural and local environment and provide net gains in biodiversity. The views of the Highways Engineer and Drainage Engineer will be of relevance in relation to the highways, water management and sustainability issues.		
Retail Consultant	Consulted 24.04.2012. Response received: 16.05.2012. I have now had the opportunity to review the above planning application. As you are aware, I previously provided detailed comments on an earlier proposal (11/0387) which allowed the variation of a planning permission limiting the range of goods allowed to be sold from a retail warehouse development previously permitted, and for which the planning permission had subsequently been renewed. My comments below are submitted against that background and, as ever, focus on retail planning issues in circumstances where you are best placed to comment on the general planning issues surrounding the proposal.		

There are numerous aspects of the submitted material that I do not agree with. However, I do not propose to present a detailed point by point critique here. Rather, I have sought to focus on the key points to assist in your determination of the application.

Given the extant planning permission for retail warehouse development on this site, and the recent (2011) consideration of key aspects of retail policy in relation to the positive determination of 11/0387, it is the case that consideration of the current proposal should focus on changes that have subsequently taken place, either in policy, the nature of the proposal, or other material considerations. If there have been no such changes of consequence then it follows that the scheme should remain acceptable in retail terms.

The key change from a policy perspective is obviously the publication of the NPPF. Given that the application was submitted in April, and the Planning Support Statement was approved by its authors and issued on 3 April, it is curious that the NPPF (which was adopted in March) is not mentioned. This notwithstanding, other than the way some of the submitted analysis is cast, this oversight does not make a great deal of difference. From a retail perspective the emphasis of the NPPF is largely consistent with the predecessor policy in PPS4, and the key tests (sequential approach and impact) remain.

In terms of the sequential test the approach taken – which is to reflect on sites previously examined and identify any new ones – is reasonable. If a sequentially preferable site had emerged since the grant of 11/0387, capable of accommodating either of the proposed units or both together, then this would represent a change in material circumstances such that the current scheme may well be viewed in a different light. However, the additional sites now examined can all in my view be discounted, because they are unsuitable and / or unavailable. I am unaware of any changes in circumstances in relation to the sites previously examined in relation to 11/0387. On that basis the proposal remains in my view compliant with the provisions of the sequential test.

Turning to the nature of the proposal, the scheme has now become larger than that assessed under 11/0387. However, in relative terms and having regard to the specific nature of the proposal, the difference is not particularly significant. The building is now proposed to be 412 sqm larger, and the outside sales area 269 sq m larger, than previously considered. However, the increase in the building size is achieved through the inclusion of a mezzanine, and this plus the outside sales area would be expected to trade less efficiently than the main retail area. This has the effect of diluting the effect of the new space from a retail perspective.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	The impact associated with the original planning permission (as extended), and then with the variation of condition, was found to be acceptable. The question should then be whether the marginal effect of this additional floorspace is such that the scheme would now in NPPF terms give rise to “significant adverse impact”. I do not consider that it would, given the scale and type of floorspace, as well as the nature of the occupiers identified. The Planning Support Statement proposes (paragraph 7.2) a condition to limit the range of goods should planning permission be granted. This appears to be almost identical to that provided by 11/0387, other than some small differences which are either immaterial or do not make sense. In the event that planning permission is granted I would therefore recommend applying the condition as set out in 11/0387. I would also recommend a condition that prevents the subdivision of the space other than in accordance with the approved plans, unless otherwise agreed in writing by the Council. This would prevent subdivision into a larger number of units, which might be considered differently in sequential and impact terms, but allow the agreement of minor reconfiguration of space for operational purposes.		
WRS (Contaminated Land)	Consulted 24.04.2012. Response received: 12.06.2012. No objection subject to conditions.		
WRS (Lighting)	Consulted 24.04.2012. No response received.		
WWT	Consulted 24.04.2012. No response received.		
Tree Officer	Consulted 24.04.2012. Response received: 17.05.2012. I would like to see the stumps of trees on the banking of the stream in the Northern end of the site retained and allowed to re-coppice in conjunction with any additional landscape tree planting as this is characteristic of the nature of the stream line habitat. The proposed management regime for the Alder and Willow on the banking of the Northern section of the stream line is highlighted on the Landscape Plan as to be Coppiced every 3-5 years. I feel these tree should not be Coppiced any more frequently than every 5 years so would prefer this proposed timing for re-coppice is altered to between every 5 -7 years in frequency. There will be a number of trees lost but most to be removed are of low prominence and quality. There is however a good proposed amount varied and suitable tree planting within the landscaping plan to mitigate the lost of these trees.		

Therefore I have no objection to the proposed development under the following conditions.

1. All existing trees highlighted for retention should be afforded full protection in accordance with BS5837:2005 Recommendations.
2. The existing coppiced Willow and Alder stumps on the banking of the Northern section of the stream are retained and the proposed re-coppicing management regime for these species of trees in this area is changed to between every 5-7 year in frequency.
3. Details of the planting specification, the after care and replacement policy should be provided for the Councils consideration and agreement.

Publicity: Neighbour notification: 12 letters sent 24.04.2012, Expired 15.05.2012.
5 additional letters sent 27.04.2012, expired 18.05.2012.
Site Notice posted: 27.04.2012, Expired 18.05.2012.
Press Notice posted: 04.05.2012. Expired 25.05.2012.

No responses received.

The site and its surroundings

The application site relates to a 1.72 ha site on the south eastern quadrant of the junction of Stoke Road and Sherwood Road, Aston Fields. The site is currently occupied by the vacant Barpro building, which is understood have been unused since 2003. The Spadesbourne Brook divides the site with land to the west being used as parking with a vehicular access over the stream. Industrial units of relatively small scale are sited opposite the site and set back from the road behind frontage parking areas.

Proposal

The proposal relates to the demolition of the existing Barpro building and the development of bulky goods retail units (Use Class A1) with associated parking and infrastructure. The application relates to the development of two retail units providing 4128sqm of retail floorspace with an external sales area of some 929sqm. The larger unit to the south (to serve Homebase) would have a floorspace of 3,291sqm. The smaller unit (to serve Pets at Home) amounts to 837sqm. There is a service yard proposed to the SW of the retail units. The proposed access to the units would be from Sherwood Road with limited changes from that already approved in B/2010/0115. The car parking is located in two areas of the site immediately to the north of the proposed units (57 spaces) and across the brook to the NW of the site (108 spaces). The previous approval amounted to a single retail unit in the centre of

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
the site and the current one relates to two units with a different position for the external sales area, maneuvering and service areas.			

The application is supported by a Retail Impact Assessment, Flood Risk Assessment, Sequential Assessment, Supporting Statement, Arboricultural Survey, Transport Statement and Design and Access Statement. There is also a Phase 3 Environmental Investigation and Risk Assessment, an Ecological Assessment and Arboricultural Assessment. The Statements are available on Public Access and Members are encouraged to read these documents.

Relevant planning history

B/2011/0387 Variation of Condition 3 attached to application 10/0115 to broaden the range of goods sold. Granted 09.09.2011.

B/2010/0115 Retail Warehouse (bulky goods) with associated parking and infrastructure. Ext time for B/2005/0293. Granted 28.10.2010.

B/2005/0293 Retail Warehouse (Bulky goods) with associated parking and infrastructure. Refused: Call in Inquiry: Allowed 10.02.2007.

B/1991/0223 Development of site as a Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping. Granted 21.12.1991.

Relevant policies

WMRSS	UR3, PA6, PA13.
WCSP	SD2, SD6, D26, CTC1, T1.
BDLP	DS13, E4, E10, S20, TR8, TR11.
Draft CS2	CP15
Draft Town Centre AAP	TC8, TC13.
NPPF	Paragraphs 23 - 27

Brief Outline of Planning History

Members should note that there is a long and complex planning history on this site. The main application which is of relevance is B/2005/0293. The site had been used for manufacturing purposes before 2005. On 5th December 2005, the planning committee resolved to approve the application for a change of use to a retail warehouse, subject to referral to the Secretary of State and the completion of a satisfactory planning obligation by way of legal agreement or unilateral undertaking. The application was 'called in' by the Government Office for the West Midlands on behalf of the Secretary of State in March 2006. Following a public inquiry in November 2006, an Inspector recommended that the Secretary of State refuse planning permission for the development. However, the Secretary the Secretary of State overruled the Inspector and granted planning permission in March 2007.

The permission was also subject to a legal agreement securing payment for resurfacing on Sherwood Road, a contribution to a signals upgrade on the A38/Stoke Road/Charford Road junction and bus shelter improvements. Planning permission was granted in 2010 (B/2010/0115) for an extension of time of application B/2005/0293. In 2011, condition 3 attached to this permission was slightly varied to broaden the range of goods sold (B/2011/0387).

Assessment of Current Proposal

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF). Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

In terms of the proposal, policy S21 of the BDLP is most relevant. I consider that this policy is broadly consistent with paragraphs 23 – 27 of the NPPF, *Ensuring Town Centre Vitality*. The principles outlined here also reflect the national guidance of PPS4 which has been replaced by the NPPF. However the PPS4 Practice Guidance has not been replaced and remains relevant.

Fallback position

The applicant has planning permission for the construction of a bulky goods retail warehouse under application B/2010/0115 which is an extension of time for permission B/2005/0293. The permission allowed for a 3,716sqm retail warehouse unit with an external bulk sales area of 929 sq m, with parking for 200 vehicles. This decision was issued on 28.10.2010 and is capable of implementation and represents a compelling fallback position. This is significant since applications of this type in an out of centre location would usually not be considered favourably.

The current proposal relates to a floorspace of 4128sqm of retail floorspace with an external sales area of some 929sqm.

The main issues in the determination of this application are:

- (i) The planning history of the site and the principle of non-employment retail development
- (ii) Availability of sequentially preferable sites

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
(iii)	Retail Impact of the proposal		
(iv)	Highway Implications		
(v)	Flood Risk and other Technical Issues		

(i) Principle

Members should note that the application was received in advance of the publication of the NPPF and the supporting documents make numerous references to PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport) which have since been replaced by the NPPF. These should not form part of the determination process and weight is duly attached to relevant development plan policies and the NPPF.

In accordance with policy S21 and the NPPF, retail development in an out of centre location would not be acceptable in principle. The exception on this site in relation to this site is that there is an extant planning permission capable of implementation as outlined above.

In terms of the loss of employment land, policy E10 seeks to resist the loss of such land to retail and recreational uses. However paragraph 22 of the NPPF makes it clear that planning policies should avoid long term protection of sites allocated for employment use. Therefore, policy E10 is accorded limited weight. Additionally, the site has an extant planning permission for retail development.

The proposal relates to a floorspace of 4128sqm in two retail units with an external sales area of some 929sqm. The critical issue is the difference between this and the fallback position. The internal floorspace approved in B/2010/0115 was 3716sqm (consistent with B/2005/0293). The plans refer to a 'Bulk Store' while your Officer referred to an 'External Bulk Sales Area' in B/2010/0115. In the Inquiry Report on B/2005/0293, (paragraphs 3.1 and 9.14), the Inspector refers to the area as an external bulk store sales area of some 929sqm. On that basis, it must be accepted that the external sales area with permission and that being considered in this application are equivalent. Therefore, the additional retail floorspace proposed is 412sqm. This is 11% above the existing approved floorspace. There is a mezzanine included in the larger unit.

(ii) Sequential Test

There is a sequential test accompanying the application, in accordance with the requirement of paragraph 24 of the NPPF. The purpose of the sequential test is to reconsider all of the sites discounted during the same exercise in application B/2011/0387 and to examine if any further sites have become available. Four additional sites have been considered – (1) Dolphin Centre School Drive; (2). Birmingham Rd. Retail Park; (3). Mill Lane (These sites are outlined in the Town Centre AAP as TC12, TC14 and TC16) and (4) the former Halfords Store 137 Birmingham Road.

The Sequential Test concludes that none of the sites previously considered have since become available or are suitable for the proposed use. In terms of the new sites, whilst (1) and (2) are considered to be of sufficient size, they have either been identified for an alternative use in the Town Centre Area Action Plan or are not available in the short term.

The views of the Retail Consultant are noted and the approach taken (to re-examine sites previously considered and identify new ones) is acceptable. No sequentially preferable sites have emerged. Members should note that whilst this is a correct factual representation, the reality is that it is highly unlikely that some of the larger and more suitable sites in the Town Centre would become available without ownership/preferred land use or other constraints. The Sequential Analysis has been carried out from the perspective of the developer and is, therefore, not an entirely independent objective analysis. Notwithstanding that, the policy approach as outlined in the NPPF has been complied with and the weaknesses of the approach (as outlined above) are more an issue for the government and their advisors than the applicant. In the case of this proposal, the fallback position also carries significant weight in any event.

(iii) Impact Assessment

In accordance with the requirements of paragraph 26 of the NPPF, an impact assessment is a requirement for all out of centre retail proposals above 2500sqm where no local threshold has been set. Paragraph 5.17 of the Supporting Retail Statement outlines the position in terms of the level of predicted turnover (Retail Capacity Update 2010) for a constant continuing market share and a 5% uplift. This estimates that there is an expenditure capacity of £29.1million in 2015 or 4860sqm in terms of floorspace. This takes existing retail commitments into account. The views of Strategic Planning and the Retail Consultant are noted. It is not considered that the additional floorspace of 412sqm would have any significant impact on these capacity figures. It is also noted that the external sales area, entrance lobby and mezzanine are unlikely to function as effectively in terms of retail sales capacity as the remainder of the floorspace. Therefore, it would be difficult to draw the conclusion that the additional floorspace would have any greater impact on the town centre than the scheme already approved in B/2010/0115.

In terms of the range of goods to be sold, the applicant has made a suggestion of these in paragraph 6.1 of the Planning Supporting Statement. In the interests of clarity, the condition applied in terms of the range of goods will be that applied under B/2011/0387. The condition stated that the range of goods to be sold was restricted to:

DIY, home improvement and garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; electrical goods and gas appliances; car accessories; kitchens, bathrooms and associated accessories; homewares; soft furnishings; pets and pet products including animal foods, cages and animal accessories. Goods falling outside this range may be sold only where they form a minor and ancillary part of the proposed store's operation.

(iv) Highway Implications

The application is accompanied by a Transport Statement and Travel Plan (dated Feb 2012). It is concluded that the proposed development would not have any significant impact on the operation of the highway network and an outline travel plan is provided in Section 5. This entails both suggestions to enhance the public transport infrastructure on the site and the appointment of a Travel Coordinator by the operator. Members should note that there was a Legal Agreement attached to B/2010/0115 to provide road improvements. This has been varied at the request of WH to provide £20,000 to upgrade the existing 2 bus stops on Sherwood Road immediately outside the development site to "gold standard" facilities. The final views of WH are awaited.

(v) Flood Risk and other Technical Issues

The application is accompanied by a Flood Risk Assessment and part of the site (where the car park is proposed) is in an area of flood risk. The views of the Environment Agency are noted above. Additional information is required from the applicant to resolve any flood risk issues which may arise from the diversion of the watercourse.

The application is also accompanied by an Ecological Assessment which examines the potential for protected species and assessed the potential of any habitats on the site. It concludes that the majority of the site is of low ecological value with no rare or endangered species identified. The hedgerow outside the SW boundary and the Sugar Brook are identified as potential habitats. In the case of the brook, this has been undermanaged and is of relatively low value. The existing Barpro building is unlikely to provide any potential for bats but a precautionary approach during the demolition process is recommended. Water voles use the brook as a corridor.

It is noted that local residents have complained about the loss of trees, particularly on the northern end of the site and some of these are identified for retention on plan Ref: 5050-A-02 of the Arboricultural Assessment. However, there is a detailed landscaping plan provided to the satisfaction of the Tree Officer and this would provide some valuable screening of the site from the perspective of the A38.

Members should note that plan Ref: P109-2058-D-ASL refers to lighting infrastructure for the site and detailed information is provided in terms of the proposed position of columns and lux levels proposed. There are 26 columns proposed with an average height of 7m. Although the site is large and mainly surrounded by commercial uses, the lighting would be visible from the A38 and there are residential properties on the south side of Stoke Road, the closest of which is approximately 25m away. The views of Worcestershire Regulatory Services are awaited in respect of the acceptability or otherwise of the proposed lighting.

Conclusion

The application amounts to retail development outside the town centre contrary to the general principles of policy S21 of the BDLP and the NPPF. However, the site has planning permission under B/2010/0115 for a similar retail scheme which is capable of implementation. Whilst the floorspace of the current proposal is marginally larger, the impact of the proposal on town centre has been duly considered and is not significant. Furthermore, there are no sequentially preferable sites in or on the edge of the town centre to accommodate the proposal. I am thus minded to grant planning permission.

Referral to the Secretary of State

Members are advised that resolving to approve the application would depart from the development plan, and in particular would be contrary to the 'town centre first' approach set out in various development plan policies. It is noted that the Town and Country Planning (Consultation) (England) Direction 2009 directs that, where the Council does not propose to refuse planning permission for certain categories of development, it should consult the Secretary of State. One such category (as listed at paragraph 5.(1)) includes retail development which:

- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- (b) Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - (i) 5,000 square metres or more; or
 - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

The proposed development would a) be in an out-of-centre location; b) constitute a departure from the development plan; and c) would exceed 2,500 sq m. Para. 5(2) explains that the 'existing floor space' referred to should include 'retail, leisure or office floor space situated within a 1 kilometre radius of any part of the same type of use', and is either in existence, substantially completed, committed or planned. The application site is within 1 km of the existing Morrisons and approved Aldi store (09/0729). Officers are therefore of the view that, if Members are minded to grant planning permission, the decision should be referred to the Secretary of State.

RECOMMENDATION:

Subject to the satisfactory views of:

- (iv) Worcestershire Highways
- (v) The Environment Agency
- (vi) Worcestershire Regulatory Services (Lighting Engineer)

(a) **MINDED to APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following:

- (iii) The receipt of a suitable and satisfactory legal mechanism in relation to improvement measures to public transport infrastructure
- (iv) The application being referred to the Secretary of State (National Planning Casework Unit) under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
A E Beckett and Sons Ltd, ‘A’	Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works. ROSE COTTAGE SEAFIELD LANE PORTWAY BIRMINGHAM WORCESTERSHIRE B48 7HN	Green Belt	12/0326 DK 18.07.2012.

RECOMMENDATION: that Planning Permission be **REFUSED**.

Consultations

WH	Consulted 23.04.2012. Response received: 29.12.2012. Recommends that the permission be refused for the following reasons:- The application site is inaccessible to the public transport network and does not offer any acceptable alternative access to the site other than by car. The County Councils Development Control (Transport) Policy requires all new developments to be accessible to the bus networks and suggests that this should be within 250m walking distance and this application does not comply with this policy. The application does not provide for any cycle storage which is a requirement in the adopted design guide. The site is also located significantly far away from any local amenities. The accumulation of the lack of alternative means of access and distance amenities will result in the development being unsustainable and reliant of car access. The applicant fails to comply with adopted policy and therefore should be refused.
Wythall PC	Consulted 23.04.2012. No response to date.
WCC Minerals and Waste	Consulted 23.04.2012. No response to date.
WCC PROW	Consulted 23.04.2012. No response to date.
Ramblers Association	Consulted 23.04.2012. No response to date.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
WWT	Consulted 31.05.2012. Response received: 08.06.2012. Having studied the ecologist's report I can confirm that you now have sufficient information to determine the application. We do not wish to object to the proposed development but we would recommend that you append a condition to any permission you may be otherwise minded to grant to cover the recommendations made in the ecological report.		
WCC Education Services	Consulted 23.04.2012. Response received 01.06.2012. In the case of the 3 bedroom dwellings, a contribution of £3035 per dwelling is required.		
LP	Consulted 23.04.2012. Response received 06.06.2012. The NPPF is now a material consideration in the determination of all planning applications with almost all PPGs and PPSs revoked. The Bromsgrove District Local Plan was adopted prior to the Planning and Compulsory Act 2004 meaning that due weight can be attached to the saved policies depending on the level of conformity with the NPPF. At the heart of the NPPF there is the presumption in favour of sustainable development (para 14) which is an important consideration when determining planning applications. I note the application is a resubmission of previously scheme (11/0025) that was refused on the grounds that the buildings were not suitable for conversion without significant alterations and the site had poor access to public transport. Paragraph 90 of the NPPF provides guidance on the re-use of buildings within the Green Belt however the advice has been modified from the previous guidance within PPG2. Paragraphs 3.7 to 3.10 of PPG2 addressed the re-use of buildings in the Green Belt in some detail with criteria c) of paragraph 3.8 stating: “The re-use of buildings inside the Green Belt is not inappropriate development providing the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction” The simplified guidance within paragraph 90 of the NPPF refers only to “the reuse of buildings provided that the buildings are of permanent and substantial construction”. In this instance the most relevant policies are D16 of the Structure Plan, policies DS2, S9 and C27 of the BDLP and SPG4. Criteria c) of C27 states in reference to the re-use of buildings that: “The buildings are of permanent and substantial construction and are capable of conversion without major works or complete		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	reconstruction” It is arguable that less weight should now be attached to criteria c) of policy C27 in this instance. In accordance with the NPPF the relevant test is simply whether the buildings are of permanent and substantial construction. The provision of 10 x 3bed properties generates a play space requirement of 970m². SPG11 highlights that open spaces should generally not be smaller than 1000m² however the plans show the applicant proposes a much larger area of open space on site which totals 1472m². The previously refused scheme stated that the open space would be maintained by a management company. If this is not the case with this application maintenance costs of £34,144 would be required.		
Strategic Housing	Consulted: 23.04.2012. Response received; 14.05.2012. My views in respect of affordable housing are as follows • The site itself is a considerable distance from the nearest village of Beoley. Affordable housing would normally only be considered within or very near to the village envelope. • To access the local village school at Beoley private vehicles would have to be used as there is no public transport • The site is off a small lane not much more than a single car width with no footpaths and no lighting thus realistically making residents dependant upon private vehicle transport. • The Design and Access statement refers to the footpath running from the site to the A435. This footpath appears to be along the edge of a field completely overgrown, not maintained and inaccessible • The Rural housing needs survey referred to in the Design and Access statement is almost eight years old and is now completely out of date. In addition there were concerns about its accuracy when it was carried out • Any rural housing need in Alvechurch has been met with the development of Woodpecker Way in Hopwood and the Tanyard Lane School Site. In addition there is an application for housing including affordable housing on Birmingham Rd, Alvechurch. • There are concerns that this type of housing would meet housing demand but not housing need and potentially this demand would come from outside the district. • The current economic situation has meant that we revised our		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	original model of affordable housing which was 30% rented 70% intermediate housing to a model of 30% intermediate housing to 70% social rent. This is not proposed on this site		
	Overall Strategic Housing do not feel that this site due to its location and all of the above reasons would not assist in meeting housing need in the district and therefore we would be unable to support it.		
BC	Consulted: 23.04.2012. Response received: 01.06.2012.		
	My view on the planning application for the conversion of the chicken sheds into dwellings is that a new internal structure will be required. I am very familiar with this type of building as I have previously worked in this type chicken sheds in my younger years and know that at the building would only be a cosmetic envelope. I note that the roof is to change and the cladding which wouldn't need to be done for building regs but I assume this is to make the building look more attractive. The lower block work will require a external weather proofing system such as render to prevent moisture penetration. New footings will be required for party dividing walls and internal load bearing walls which will require specific design as to not undermine the existing shed structure.		
ENG	Consulted 23.04.2012. Response received 25.04.2012.		
	The site is not in fluvial flood risk zones 2 or 3. Parts of the site are at risk of shallow surface water flooding. Surface water is to be discharged to soakaways, and foul is to be discharged to a package treatment plant.		
	I am happy for the application to be granted, provided a full drainage scheme (foul and surface water) is provided and approved before development commences. I would like to ensure the soakaways and foul treatment plants are of sufficient capacity. I would finally like to ensure that all surface water is contained on site.		
EDO	Consulted 23.04.2012. No response received.		
Tree Officer	Consulted: 23.04.2012. Response received: 14.05.2012.		
	There are no trees that will be affected by the development that are worthy of protection. There is great potential to carryout mitigation and additional native tree planting around the development which would benefit the development, residents and its character in this setting.		
	Replanting of the hedge line on the boundary of Seafield Lane should be carried out as required with suitably high specification of stock to ensure a speedy recovery of this feature.		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Publicity:	Other wise I have no objection to this development under the following condition. 1. A full landscape plan and specification should be supplied for the consideration of the Council. 2 Letters posted: 23.04.2012, expired 14.05.2012. Site Notice posted 09.05.2012, expired 30.05.2012. Press Notice posted 03.05.2012, expired 24.05.2012. 14 Comments received, summarized as appropriate: • This is Green Belt land and should be protected from development • Nothing has changed since the last application which was rejected. • The proposal would set a precedent for other chicken sheds to be converted further harming the Green Belt. • North Beoley Residents Association object to the application • Erection of a residential estate in a rural area • The lane is used extensively by pedestrians, horse riders and cyclists • There has been no consideration for local residents or the wider countryside • Loss of crop growing area to sewage and drainage • Significant increases in traffic levels and attendant pollution • Seafield Lane is incapable of taking additional traffic. There are no footways for pedestrians. The transport statement provided is not satisfactory. The verges of the highway are under intolerable strain. • Increased risk of accidents and injuries. There have been a number of serious accidents both on Seafield Lane and the surrounding lanes. There are insufficient passing places on Seafield Lane. • The structures are not capable of conversion. The roof height will have to be raised • There are no nearby bus routes so all future residents will have to travel by car • The local schools are over subscribed and there are no regular local employment opportunities • There would be a negative impact in terms of highways and drainage • The Transport Statement provided by the applicant is not sufficient since it does not take the unique circumstances of Seafield Lane into account. • The measuring equipment for the TS was set up at an inappropriate location and carried out in December when conditions are such that speeds are reduced. • The number of movements is stated as 10 to 12 per hour,		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	calculated by dividing the recorded daily movements by 24. However, there is little movement at night so the correct figure should be between 30 and 36 per hour. • The proposed access to the development is close to an existing blind bend. • There have been a number of serious accidents on Seafield Lane • A precedent would be set for future chicken shed conversions • Green Belt rules are against mixed use development • The vertical structures of the sheds are so dilapidated that they will have to be rebuilt rather than repaired. • The ten dwellings amounts to over development • The project is not economically viable • This is a site deep in the Green Belt. Despite its classification in the Landscape Character Assessment, it may well be part of an enclosed common: this is suggested by the road and field pattern. • If this were an application for new housing, the grant of planning consent would be virtually out of the question. Even a “rural exception” application for a scheme that was for 100% affordable housing would probably be out of the question, because it is not adjacent to a settlement of any kind, not even to a minor hamlet, such as Portway. • The applicants make a lot of the potential availability of the housing for shared ownership. There is undoubtedly a need for affordable housing in the district, but we suspect that much of this is for rented housing rather than intermediate. The data quoted from the housing list for Wythall is largely meaningless, because of multiple counting. The housing needs survey for Alvechurch was almost certainly done before recent planning approvals there, which ought at least to have met the outstanding demand in that parish. The alleged need in Beoley is certainly smaller than the proposed development would accommodate, and provides no grounds for justifying the grant of consent. The use of data from the housing list is highly tendentious, as there is a vast amount of multiple counting of applicants: the count appears to be of applications for each place, so that an applicant who has stated willingness to live in any of a dozen different places will be counted a dozen times.		

The site and its surroundings

The application site comprises a complex of four large poultry houses at Rose Cottage Farm. All of the former sheds are now redundant. Seafield Lane lies to the west of the application site and there is open countryside to the east. All of the buildings are oriented on an east west alignment with service structures such as feed hoppers present. Each of the buildings have two levels, the lower one was used for the collection of chicken waste and the upper one was for housing the chickens

themselves. The lower level still contains ventilation holes which have wooden covers.

Proposal

The proposal is for the demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works. The proposal is accompanied by a Planning, Design and Access Statement, Bat Survey Report, Transport Statement and an Addendum to the original Structural Report.

Relevant Planning History

B/2011/0025 Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works (As augmented by plans received 06th April 2011). Refused 21.04.2011.

B/2007/0101 Conversion of former chicken shed/barn to enable storage of historic/preserved vehicles relating to a registered educational trust. Withdrawn 02.04.2007.

BR/545/1973 Erection of four poultry rearing houses. Granted.

Relevant policies

WMRSS	QE1, QE3.
WCSP	CTC1, CTC7, CTC13, CTC21, D16, D38, D39.
BDLP	DS2, DS13, C4, C27, C11, C27B, TR11, SPG1, 4.
NPPF	Paragraphs 7, 29, 30, 32, 79 - 92
Draft CP2	CP22

Members should note that this application is an amended form of the application B/2011/0025 for the conversion of the buildings into 14 units which was refused. The proposal now relates to 10 dwellings and these are proposed for shared ownership occupancy. The application relates to the same buildings as previously considered. It is important for Members to consider the differences between the previous application and the current proposal.

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF). Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will

be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

Assessment

The main issues to be considered in this application are the following:

- (i) whether the proposal would amount to appropriate development in the Green Belt,
- (ii) overall impact of the scheme and suitability of the buildings for conversion
- (iii) the issue of shared ownership housing provision
- (iv) the highway and sustainability issues associated with the proposal
- (v) the impact of the proposal on trees and biodiversity
- (vi) Residential Amenity

(i) Green Belt

The objectives of Green Belt policy as outlined in paragraphs 79 – 92 of the NPPF are broadly consistent with the existing local and structure plan policies and therefore policies DS2 and C27 of the BDLP, D38 and D39 of the WCSP still carry significant weight in decision making. The comments of Strategic Planning are noted and in particular the reference to policy C27 criterion c that the buildings need to be of permanent and substantial construction and capable of conversion without major works or complete reconstruction. Paragraph 90 of the NPPF refers only to “the reuse of buildings provided that the buildings are of permanent and substantial construction”. Whilst it can be argued that the provisions of policy C27 carry less weight, I consider that the principles of these policies are still valid since a building of substantial construction should not require major works or complete reconstruction.

Therefore I consider that policies DS2 and C27 and BDLP and the advice of SPG4 are most relevant in determining the application.

The development is for the conversion of rural buildings and falls to be considered as acceptable in the context of policy DS2, provided that it meets the requirements of policy C27. It may be appropriate development in the Green Belt provided that the criteria for the conversion of rural buildings are fulfilled.

(ii) Suitability of the buildings for the proposed use and overall impact

Policy C27 states that any re-use of an existing rural building must not have a materially greater impact on the openness of the Green Belt and that the building is of substantial construction, capable of conversion without major works or complete reconstruction. The form, bulk and general design of the scheme must be in keeping with its surroundings.

The scheme proposes the demolition of two chicken sheds and the retention and conversion of the remaining two into 10 three bedroom dwelling houses. Members should note that the provision of 20 car parking spaces is proposed on the site of the

removal of one of the sheds, but the additional access onto Seafeld Lane is over undeveloped land. The proposed provision of public open space to the east side of the site will occupy land that is currently agricultural and amounts to a strip 15m in width. This is precisely the same arrangement as with the previous application. The applicant states that this criticism has been overcome and alludes to other examples. Each application must be considered on its own merit in totality and I do not consider that this aspect accords with criterion (a) of policy C27, since there would be a materially greater impact on the Green Belt. The supporting statement prepared on behalf of the applicant (which is available for Members to view) cites the removal of the two poultry sheds as amounting to an enhancement which overrides any negative impact. I note that agricultural buildings can be built, usually without permission under Part 6, Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995. The applicant refers repeatedly to the decision at the Twin Oaks Development (B2000/0214). This is further discussed below.

I thereby consider that there is less planning gain in terms of enhanced openness than that referred to by the applicant. Members should consider the overall cumulative impact of the development comprising public open space, equipped play area, private gardens, car parking and attendant domestic apparel which amounts to significant urbanization to the detriment of Green Belt openness than would be expected of a conventional agricultural use.

I do not consider that the building to be converted is of considerable architectural merit. One of the clear objectives of SPG4 is to maintain the character and integrity of the original rural building. I would refer to paragraph 3.0 which states that a *'building should be capable of conversion to its new use, without the loss of those characteristics which make it worth keeping and conversions are least likely to be successful where:* (i) Excessive original fabric is lost by the introduction of new openings; (ii) Unbroken walls are disrupted with new doors and windows; (iii) Interior walls are sub-divided by the introduction of floors and partition walls. Members should note that an Addendum to the original structural report has been provided. This states that the fabric of the buildings remain suitable for the conversion works to be carried out and the previous structural survey is cited. This concludes that steel portal frames are required to support the existing roof to compensate for the loss of the timber cage and walkway system which will be removed.

Members should note the comments of Building Control which are relevant to these points. The conclusion that the building is capable of conversion without substantial alteration is not accepted. Besides the structural information, it is evident that the roofing material will be changed from asbestos cement roofing to a slate effect roof and the existing timber cladding will be replaced by new timber boarding. There are a large number of windows and doors being inserted. In terms of the 'Twin Oaks' scheme at Billesley Lane (Ref: B/2000/0214), cited by the applicant I consider that this scheme is not directly comparable with that under consideration in that the existing roofing and walling material was retained and far more of the existing openings were utilized. The applicant has referred to subsequent applications at the Twin Oaks site for revised elevational treatment and revised roof materials (B/2003/0195). There have also been subsequent applications at 'Twin Oaks' (B/2001/0777) and (B/2001/0954) which were refused. The applicant has stated that the materials proposed for the proposal are the same as those permitted at Twin

Oaks. I am of the view that each application should be considered on its own merits and conclude that the judgment reached in the previous application at this site (B/2011/0025) is correct and the examples put forward are not positive precedents.

In the Planning, Design and Access Statement, the applicant has referred to paragraph 90 of the NPPF that the only requirement is that the buildings are of a permanent and substantial construction. The fact that an entirely new reinforcing structure is required conflicts with the statement from the Structural Report stating that the building is structurally of substantial construction.

I note that the proposal under consideration would completely remove the characteristics of the existing buildings contrary to the requirements of SPG4. The proposal conflicts with policy C27 (c) and the NPPF. I do not consider that the design of the conversion is in keeping with its surroundings and amounts to a radical alteration of fairly simple utilitarian farm buildings.

(iii) Shared Ownership proposal

The applicant has stated that the ten proposed dwellings would be made available as shared ownership houses and have offered to enter into a S106 Agreement to that effect. A number of relevant studies such as the District Level Housing Market Assessment (2008) are cited and there are also figures provided in respect of affordable housing need in Beoley and Wythall Parishes. Members should note the response of Strategic Housing (SH) to the provision of the affordable units at this location. In summary, the type of tenure proposed; meeting demand not need; the isolated location and the accuracy and date of the surveys cited do not allow SH to support the application. The applicant has responded to these concerns (Response received 08.06.2012). It is stated that the long term occupancy of the dwellings can be secured through the S106 and there is substantial unmet affordable housing need in the District. The applicant does not necessarily accept the proposition that affordable housing should be on a 70% social rented, 30% shared ownership split. The applicant accepts that the location is not ideal but considers that there is nowhere else available in the Parish. I consider that the views of SH are valid and that the location of the development militates against it as a site for affordable housing provision and there are no basic public services within walking distance.

(iv) Highway and Sustainability Issues

Members should note that the application is accompanied by a Transport Statement which examines the capacity of the existing highway network and the impact of the proposal on it.

There are comparisons drawn between the traffic generated by the previous use of egg production and the proposed residential development which will amount to 6 - 7 traffic movements in the peak hour. A Traffic and Speed Survey (conducted in December 2010) is also provided. There are some relevant comments raised in the Third Party Representations which are outlined above and Members should take note of these.

The County Council is objecting to the application. The Development Control (Transport) Policy requires all new developments to be accessible to the bus networks and suggests that this should be within 250m walking distance. This objection was also raised in the previous application. The applicant has responded on 08.06.2012 to the points raised. The number of units has been reduced and would now provide local affordable housing. Walking and cycling options are possible. The bus service at Portway can be accessed via the public footpath network.

Policy T1 of the WCSP states that development should be located where access is possible by a variety of means of transport and this is also referred to in policy DS13 of the BDLP. The NPPF greatly augments the sustainability requirements especially in the Core Planning Principles (paragraph 17) and Promoting Sustainable Transport (paragraphs 29 – 35). Development should be located where the need to travel is minimized and the use of sustainable transport can be maximized (paragraph 34). Apart from challenging the status of County Council's 'Development Control (Transport) Policy', neither the Transport Statement or Planning Design and Access Statement really address the fact that the development does not meet the NPPF objectives to promote sustainable development and move to a new carbon future. This is more explicit here than in the development plan and carried significant weight. The development conflicts with the objectives of the NPPF.

Ecological Issues

The application is accompanied by a Bat Survey and there has been no objection from WWT. Whilst there are no trees in the vicinity of the buildings, a large section of the hedge along Seafield Lane will be removed for the new access and visibility splays. The Tree Officer is not objecting to the development subject to an appropriate landscaping scheme.

Residential Amenity

The only residential dwelling in proximity to the proposal is Rose Cottage Farm, which is approximately 30m from the elevation of one of the proposed conversions. With the removal of existing sheds, there is 30m separation distance between both of the proposed ranges for conversion which is adequate in the context of SPG1.

Conclusion

There is a request for an education contribution and a requirement from Strategic Planning for a management agreement for the proposed open space. The applicant has been made aware of these requirements.

Whilst the removal of two chicken sheds would enhance openness, the planning benefits arising are otherwise limited. The site is not in an accessible location and the buildings do not lend themselves to conversion without substantial structural intervention and alteration.

The revised application would provide 10 dwellings which are proposed in shared ownership tenure. Whilst the provision of new affordable housing is usually welcome,

there are significant planning issues in respect of the proposal. It is in an isolated and unsustainable location for either affordable or market provision and is not supported by Strategic Housing. The proposal is neither in accordance with the development plan nor with the core sustainability objectives of the NPPF. Permission should be refused.

RECOMMENDATION that planning permission be REFUSED for the following reasons:

1. The buildings are not suitable for the residential use proposed without significant structural and material alteration. As such, the proposal amounts to inappropriate development in the Green Belt. Very special circumstances do not exist to outweigh the harm that would be caused. Thereby the proposal is contrary to policies DS2 and C27 of the Bromsgrove District Local Plan (2004), the advice of Supplementary Planning Guidance Note 4 (Conversion of Rural Buildings) and the NPPF.
2. The proposed development would be located outside of the urban area in an isolated position which would not be well related to existing public transport links. It is likely that residents of the site would be highly dependent on the private car to travel to and from the site. As such, the proposal is contrary to policies SD4 and T1 of the Worcestershire County Structure Plan (2001) policy DS13 of the Bromsgrove District Local Plan (2004) and the sustainability provisions of the NPPF.

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr John Smart 'A'	Replacement of an existing dwelling with 2No. 5 bed detached houses 7A PLYMOUTH ROAD BARNT GREEN BIRMINGHAM WORCESTERSHIRE B45 8JE	Residential Conservation Area	12/0341 DK 09.07.2012

Councillor Deeming has requested that this application is not dealt with under delegated powers but is taken to Planning Committee for determination (Verbal request 12.06.2012).

RECOMMENDATION: that permission be REFUSED.

Consultations

WH Consulted 23.05.2012. No response received.

Lickey and Blackwell PC Consulted: 23.05.2012. Response received:
Lickey and Blackwell Parish Council are confused as to how this application differs from 10/1189. Our comments are the same as were submitted for 10/1189 on 5th August 2011. Lickey and Blackwell Parish Council object to this application, especially when taken into consideration with other recent and current applications. 1. All of the 4 applications being considering along with 10/1189 in this small area of our parish (11/0610, 11/0621,11/0626) are subdivisions of already sub-divided original gardens. Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected against becoming part of the urban sprawl by the following means: preserve the openness in residential areas by avoiding subdivision of plots and infill development, especially if it joins areas of housing previously seen as distinct and separate maintain current density levels, which vary through the parish, wherever possible." Therefore we would like these applications to be seen together for their impact, and would urge that they be put before the Planning Committee. The application site is adjacent to the Barnt Green Conservation Area and so should be treated sensitively if it is not to have a negative impact on the Area. 7. There are trees with TPOs on the site. Finally, we have concerns that the continued destruction of good, well maintained housing stock such as this is contrary to a sustainable housing policy.

ENG Consulted: 23.05.2012. Response received: 23.05.2012.
No objection.

Conservation Officer Consulted: 23.05.2012. No response received. Response to previous application 10/1189 was as follows:

I note that this site is immediately adjacent to the Barnt Green Conservation Area. The Conservation Area is generally characterised by large detached houses on large plots. 7A was constructed in part of the large garden of the

neighbouring property, a distinguished late Victorian property. Although I have no objection to the demolition of the current property which is of little architectural merit, I am concerned that it is to be replaced with two detached properties therefore leading to a further sub division of the plot.

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

EHO Consulted: 23.05.2012. No response received.

Tree Officer Consulted 23.05.2012. No response received.
Response to previous application (10/1089) was:

No objection subject to conditions:

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

Publicity: Neighbour notification:
3 letters sent 23.05.2012, expired 13.06.2012.
Site Notice posted 25.05.2012, expired 15.05.2012.
Press Notice posted 01.06.2012, expired 22.06.2012.
No comments received to date.

The site and its surroundings

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

Proposal

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

Relevant Planning History

B/2010/1189 Replacement of an existing dwelling with 2No. 5 bed detached houses (As augmented by plan received 15.09.2011, as amended by plans received 13.09.2011). Granted 15.11.2011.

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

BU/163/1963 House Granted.

Relevant Policies

WMSS	QE1, QE2, QE3.
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, S35A, S36, C4, C17, BG4, TR1, TR11.
NPPF	Paragraphs 56 – 68. SPG1.
Draft CS2	CP18
Others	SPG1.

Notes

Members should note that this application relates to the replacement of an existing dwelling with 2 detached houses. It is an *amendment* to the application B/2010/1089 for the erection of two detached dwellings. The difference with the current proposal is that it relates to a different design incorporating set forward extensions at opposite ends of the proposed dwellings.

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF). Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

I consider that the key issue in the determination of this application is the impact of the proposed amendment on the overall design of the scheme and the character of the streetscene and adjoining conservation area. The comments of the Parish Council are noted but the principle of development has been accepted in B/2010/1089 and for the sake of expediency the issue of principle will not be considered further here. The issues of density and layout in the context of policies BG4 and S7 of the BDLP have also been previously considered acceptable in application B/2010/1089.

Impact on streetscene

The application site is located within the low density housing area and adjoins a conservation area. Therefore in terms of the NPPF, I consider that paragraphs 56 – 68 of the NPPF are most relevant. These sections are entitled '*Requiring Good Design*' and augment the design requirement of the local plan policy S7 and the advice of SPG1. The latter document states that careful consideration needs to be made of all development forward of the existing building line.

The proposed dwellings would occupy a position set back approximately 3m from the position of the front of the existing bungalow. The proposed projections would come forward approximately 1.5m from the position of the front of the existing bungalow. The applicant has pointed out that the existing dwelling is set below the level of Plymouth Road, Whilst this is accepted, the dwelling is approximately 13m from the road which is approximately the same position as most of the properties on this side of Plymouth Road. There is a reasonable amount of tree cover along most sections of the road frontage on this side but there is a break at Nos. 7 – 9.

Previous applications

The applicant has provided evidence of examples of set forward garages and extensions on Plymouth Road, notably at Nos. 10 and 26. There are other examples presented but these are older properties and the advice of SPG1 would have carried less weight.

The examples presented are on the opposite side of Plymouth Road and the properties here are set back by in excess of 30m but I accept that there is some convergence towards the Twatling Road end. I accept that there is a more mixed streetscene in the direction of Mearse Lane so the main focus of attention is the building line and streetscene surrounding the application site.

In the case of No. 26, application B/2011/0917 related to a large side extension which projected forward of the existing property. It was an amendment to a larger scheme which had been refused (B/2011/0692). The plot occupies a corner position with Ashley Court and is located along a section of Plymouth Road with a much more varied building line. Having considered the Officer's report, it is clear that this factor weighed in favour of allowing the application. The individual circumstances are different in the case of the current proposal.

In the case of No. 10 Plymouth Road, this relates to a replacement dwelling approved in 2007 (B/2007/0977). There is a large detached garage and games room set forward of the principal elevation of the replacement dwelling. The replacement dwelling was set back some 48m from Plymouth Road and the detached garage is 36m set back. The Officer considered that this would obviate any harm arising as a result of the set forward garage. Despite the set back of the proposed property, I consider a side or rear garage would have been more appropriate. As explained to the applicant in the recent meeting, previously application do not always set a precedent for future proposals; a positive precedent carries more weight than a negative one.

In the case of this proposal, the set forward elements are considerably closer to the highway and the site also adjoins the conservation area to the east. Paragraph 58 of the NPPF places importance on the character of the streetscene and recommends (paragraph 64) that permission should be refused for development of poor design that fails to take the opportunity to improve the character and quality of the area. I consider that this is even more imperative giving the proximity of the conservation area.

Conservation Area

Policy S35A of the BDLP is consistent with the NPPF in requiring development within or adjacent to conservation areas to conserve the character of such areas. Paragraph 131 of the NPPF states that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. I do not consider that the proposal meets this objective.

Other Matters

Having examined the plans, it is evident that there are no significant changes in design (other than those outlined above) which require additional assessment of residential amenity; the impact on this was considered acceptable in B/2010/1189. Furthermore, the proposed amendment would not affect the issue of ecology and this has previously been considered. The views of the Tree Officer are awaited.

Conclusion

The nature of the proposed amendment to approved application B/2010/1189 has been considered and it is clear that it conflicts with the objectives of the development plan and national planning policy framework. Permission should be refused.

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

The proposal would have a detrimental impact on the character of the streetscene and adjoining conservation area contrary to policies S7, BG4 and S35A of the Bromsgrove District Local Plan 2004 and the principles outlined in the National Planning Policy Framework 2012 and Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Michael Wright 'A'	Change of use of Stable / Summerhouse / Utility Block into one bedroom dwelling. As amended : by Amended plans received 11/06/2012 Rock Cottage, Stratford Road, Bromsgrove, Worcestershire B60 1LE	RES	12/0391 - SC 05/07/2012

RECOMMENDATION: that permission be **GRANTED**

Consultations

DRNENG Consulted – Views received 24.05.2012: No objection s.t.c

POLICY Consulted – Views received 30.05.2012:

The NPPF is now a material consideration in the determination of all planning applications with all PPGs and PPSs revoked. Annex 1 of the NPPF states that “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).*” Therefore, the Bromsgrove District Local Plan was adopted prior to the Planning and Compulsory Act 2004 meaning that due weight can be attached to the saved policies depending on the level of conformity with the NPPF.

At the heart of the NPPF there is the presumption in favour of sustainable development (para 14) which is an important consideration when determining planning applications. Therefore policy DS13 within the Bromsgrove District Local Plan (BDLP) is applicable.

The above site is situated within the residential area of Bromsgrove Town within the BDLP. I consider that the issues within Local Plan policies S7 and S8 and guidance within SPG1 are particularly relevant, as they seek to accord with the NPPF core planning principle above and should thus be applied in this instance.

The NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This aligns with Policy S8 in the BDLP, which states “*The District Council will not permit proposals for plot sub-division or housing on backland sites where such development would be*

detrimental to the character, traditional pattern or amenity of the location”.

The issue of scale, density and backland development in SPG1 are of particular relevance in this application. Para 5.7 states that *“development which significantly increases the proportion of ground coverage or the scale of proposed buildings is likely to be out of keeping with its surroundings. The impact is particularly noticeable, for example, where redevelopment or infilling reduces generous side gardens and leads to the loss of foliage and trees.”*

The NPPF also seeks to deliver *“a wide choice of high quality homes”* (Para 50) which is echoed by Local Plan Policy S14 which seeks to *“increase the range of Housing types available within the District.”* The opportunity to increase provision of a one bed room dwelling should be taken into consideration”.

A Core Planning Principle within the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. The concept of high quality design is re-enforced within Chapter 7 and states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

The site is below 0.2 hectares and 6 units; therefore SPG11 should not be applied to the proposal.

Due to the changing needs of access and parking on the site it will be important to promote sustainable transport (NPPF, para. 35), the Highways Engineers’ comments will be pertinent in this respect.

HIGHPTN Consulted – Views received 13/06/2012: No objection s.t.c.

Publicity Site Notice posted 01.06.2012; expired 22.06.2012
Neighbour notification letters (7) posted 24.05.2012; expire 14.0.2012
Additional neighbour notification letter (1) posted 01/06/2012; expires 22/06/2012

1 letter of objection received from Cllr Spencer (31/05/2012) raising the following concerns:

- Development would represent overdevelopment and a loss of privacy by virtue of nearby dwellings.
- Noise due to residential use and car parking.
- Highways concern due to angle of driveway onto busy road and brow of hill creating limited visibility.
- Insufficient parking for visitors.

The site and its surroundings

The application site is wedge shaped and located on the southern side of Alcester Road, immediately adjoining the northern garden boundaries of dwellings on Valencia Road.

The site is designated as residential in the Bromsgrove District Local Plan and represents the western most part of the curtilage of Rock Cottage. At present, a wooden outbuilding that appears to have originally been constructed as a stable is located on the northern boundary of the site. The outbuilding is prominent in the street scene by virtue of its raised location, proximity to the public highway and separation from the further set back Rock Cottage. The site is served by a highway access at the westernmost end of the site in addition to the driveway immediately to the front of Rock Cottage. A mature hedge forms the site's highway boundary with Alcester Road and a high brick wall forms the common boundary with the properties of Valencia Road.

Proposal

Planning permission is sought for the proposed conversion and change of use of the existing wooden outbuilding to a one bedroom dwelling.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.5, CTC.8, SD.2, SD.3, SD.4, SD.5 T.4
BDLP	DS2, DS13, S7, S8, RAT2, TR11
Draft CS	CP3
Others	NPPF, SPG1, SPG4

Relevant Planning History

11/0526: Take down the existing stable / tack room / store, remove the existing WC / store. Lower ground to suit the existing footpath and construct a new 'Cottage' style 2 bedroom, 2 storey dwelling. The existing vehicular entrance will be retained with parking for a car (Amended plans received - 12/07/2011) – Refused 10/08/2011

B/14046/1986: Alterations and extension to dwelling, erection of loose box and construction of vehicular access, (as augmented by additional plan received 2.6.86). – Granted 16.06.1986

Assessment

The main issues to be considered in this application include:

1. Whether the principle of an additional residential unit at this site is acceptable.

2. Whether the development would be detrimental to the character, traditional pattern of development or amenity of the location.
3. Highways

Principle of Development

The proposals are located within residential garden land and on land that is designated as residential within the Bromsgrove District Local Plan. It is noted that garden land is not included within the definition of 'previously developed land' as set out within the NPPF. However, whilst garden land is no longer within the definition of 'previously developed land', Members will note that this does not mean that garden land may not be developed with an additional residential dwelling. Rather, the feasibility of developing a site depends on the particulars of the proposed site and its context.

Part 6 of the NPPF is of a strategic nature and it is considered to be of relevance to the proposal insofar as it provides that housing applications should be considered in the context of the presumption in favour of sustainable development.

Para 49: "Housing applications should be considered in the context of the presumption in favour of sustainable development."

In this case, the site is located within an established residential area within reasonable walking distance of nearby community facilities including green space, a public house and bus stops. Given the predominance of the Green Belt within the Bromsgrove District, there is inherently a shortage of land that is suitable for new housing development. Allowing suitable development on residential garden sites can help to relieve development pressures on more sensitive Green Belt sites.

On the above basis it is considered that the principle of the development of this site for an additional unit of housing is acceptable.

Layout and character

Policy S7 provides that new dwellings will be considered favourably subject to the requirement (inter alia) for the form and layout of the development to be appropriate to the area.

Policy S8 states that the Local Planning Authority will not permit proposals for plot subdivision where such development would be detrimental to the character, traditional pattern or amenity of the location.

In this instance, the proposal involves the change of use of an existing building and does not propose any new buildings, driveway or vehicular access. The existing building has a footprint measuring approximately 3.6m x 10.2m and sits within a plot in excess of 190 sq m. Whilst the wedge shape of the plot results in a proposed dwelling that is relatively close to the gardens of Valencia Road, it is not viewed that the change of use will give rise to an unacceptably cramped residential layout. In consideration of the small scale of the dwelling and the size of the proposed plot, it is not viewed that the proposal would

introduce a density of residential development that would be harmful to the area. Members will note that Rock Cottage would retain a garden area in excess of 100 sq m.

It is proposed to introduce three velux windows to the southern elevation roof, a single window to the eastern elevation and an additional window to the northern elevation. Predominantly, however, the existing openings of the building will be re-used and it is viewed that the character of the existing building will be retained. The existing wooden outbuilding appears subordinate to the main dwelling. No extensions to the existing building are proposed and the dwelling will only provide a single bedroom unit. It is not viewed that the scale of the dwelling or the visual impact of associated uses will be detrimental to the character or pattern of development of what is an existing residential area.

Residential Amenity

Paragraph 17 of the NPPF sets out Core Planning Principles and states that planning should,

“...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;”

Policy S7 of the BDLP states that new housing must not adversely affect the existing amenities of adjoining occupiers. The Council's Residential Design Guide (SPG1) sets out a range of criteria to ensure that new development affords future occupiers an acceptable standard of residential amenity whilst protecting the residential amenity of nearby dwellings also.

As a single storey building, it is viewed that the proposal will not give rise to concerns in relation to overlooking into neighbouring properties. The dwelling would be located within close proximity of the rear gardens of Valencia Road, with a separation distance from the front elevation to the rear gardens of Valencia Road varying from 3.3m to 6.4m. In consideration of the existing domestic use of the building, the high boundary wall and the small scale of the proposal, it is not viewed that the proposal would introduce an unacceptable intensity of use or give rise to a loss of residential amenity by virtue of additional noise, light or loss of privacy.

The proposal provides sufficient garden space for both the proposed and existing dwellings in accordance with SPG1. Considering the existing use, it is viewed that the proposal will not be unacceptably detrimental in relation to residential amenity impact.

Highways and Servicing

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking.

The County Highways Officer has been consulted with regards to the designs and has raised no objection, subject to conditions, to the proposal. Members will note the third party comments received in relation to highways, parking and visibility.

In consideration of these matters, significant weight should be given to the views of the Highways Engineer. As such, it is viewed that the proposal would not introduce vehicular usage detrimental to the proper functioning of the highway.

The Council's Drainage Engineer has been consulted with regards to the designs and has raised no objection to the proposal and I am therefore satisfied that the proposal is acceptable in terms of drainage implications, subject to conditions.

Conclusion

It is viewed that the proposed change of use would introduce an additional dwelling within an appropriate designated residential area. Whilst the new dwelling would be in close proximity to adjoining occupiers, the proposal is not viewed to result in additional overdevelopment of the site or in unacceptable harm to residential amenity given the small scale and existing domestic use of the building. As such, it is recommended that permission is granted.

RECOMMENDATION: that permission be approved

Conditions

1. C001 (Three years)
2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Location Plan, Block Plan, Layout Plan, Elevations & Floor Plan at scales 1:1250, 1:200, 1:100, dwg no. 373002 A – amended plan received 11/06/2012

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

3. C007 (Drainage)
4. C022 (Removal of PD)
5. C005 (Obscure glazed window)
6. Cycle parking.

Notes:

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

Plan reference

WMSS	QE3
WCSP	CTC.1, CTC.5, CTC.8, SD.2, SD.3, SD.4, SD.5 T.4
BDLP	DS2, DS13, S7, S8, RAT2, TR11
Draft CS	CP3
Others	NPPF, SPG1, SPG4

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

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. Laura Javid	Demolition Of Single Storey Wing and Full Refurbishment and Extension. The Ridgeway, Alcester Road, Finstall, Bromsgrove, B60 1EW.	Green Belt Landscape Protection Area	12/0411-HR 19.07.12
“A”			

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted: 30.05.2012 - No objection.
Tree Officer	Consulted: 30.05.2012 – No comments received.
Tutnall And Cobley Parish Council	Consulted: 30.05.2012 – No comments received
Publicity	Site Notice posted 13.06.12; expires 04.07.12 No adjacent occupiers.

The site and its surroundings

The application site relates to a two storey detached dwelling located on Alcester Road, Finstall, Bromsgrove which is situated within a Landscape Protection Area and within the Green Belt as defined in the Bromsgrove District Local Plan 2004. The boundary treatment on all sides consists of mature trees and hedges and pedestrian and vehicular access to the property is via an existing timber gated driveway off Alcester Road. A detached structure is located to the rear garden.

Proposal

This application proposes to demolish the existing single storey side extension and the existing rear conservatory and erect a two storey side extension and front porch. The proposal would comprise of a front kitchen and a rear playroom, utility room, airing cupboard and store at ground floor. A master bedroom and en-suite is proposed at first floor with three roof lights to the front elevation and one roof light to the rear elevation. The existing second floor photographic studio would be converted to a fifth bedroom.

Relevant Policies

WMSS	QE3
WCSP	CTC1, D38, D39.
BDLP	TR11, DS2, DS13, S11, C1, C4,
DCS2	CP3, CP22
Others	SPG1, SPG7, NPPF

Relevant Planning History

12/0145 Demolition of single storey wing and full refurbishment and extension.
Withdrawn: 19.03.2012

B/3097/1976 Extension to side of existing garage: Granted: 01.02.1977

Assessment

The main considerations in this application are:

- (i) whether the proposal would constitute inappropriate development in the Green Belt
- (ii) whether the proposals design would be acceptable
- (iii) whether the proposal would constitute any residential amenity issues.
- (iv) whether the proposal would have a detrimental affect on the Landscape Protection Area

Green Belt Policy

With respect to the NPPF recent adoption, it is imperative to note that Planning Policy Guidance note 7 (SPG7): Extensions to Dwellings in the Green Belt, is consistent with Section 9 of the NPPF: Protecting Green Belt land, and namely paragraph 89 which explicitly states that an extension or alteration of a building would be considered as appropriate provided that it does not result in disproportionate additions over and above the size of the original building.

SPG7 for Extensions to dwelling in the Green Belt states that a maximum extension of 40% of the original dwelling or a maximum total floor space of 140 m². (i.e. the original dwelling plus extension) may be regarded as a proportionate addition over and above the size of the original dwelling. This relates to all habitable floor space measured externally. Extensions over this size will normally be regarded as disproportionate additions.

What is Original?

The original dwelling had a floor space area of approximately 169.15m².

% increase? Is development appropriate?

The proposal would equate to an additional 76.72m² of floor space.

$$\frac{(\text{sum of proposed extension})}{(\text{original floorspace area})} = \frac{76.72\text{m}^2 \times 100}{169.15\text{m}^2} = 45\%$$

This equates to a 45% increase over and above the original dwelling. Having regard to SPG7 which states that dwellings within the Green Belt can only be extended by up to

40% for the extension to be considered a proportionate addition, this increase would be a disproportionate addition and an inappropriate form of development in the Green Belt.

VSC

SPG7 states examples of Very Special Circumstances include where a building is similar in size to a building which could be built under Permitted Development.

It is considered that the proposed front porch would have a Permitted Development fallback position under S2, P1 Class D.1 (a) and (b) which permits a porch with a ground area of 3m² and 3m (H).

Though the proposed extension takes the cumulative effect above 40% of the original floor area, it is considered that the design is such that it enhances the appearance and character of the dwelling. The main roof of the dwelling and the proposed pitch roof design are unified and this design is considered to be an enhancement on the existing flat roof design of the existing single storey side extension which represents a disjointed arrangement.

These factors represent VSC's in terms of the potential impact on the openness of the Green Belt. It is therefore considered that within this context the extension would not be of any harm to the openness of the Green Belt.

To protect the openness of the Green Belt, permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would be removed.

Design/Impact on street scene

The Residential Design Guide (SPG1) used to appraise the appearance and design of the proposal, is consistent with the design principles contained within the NPPF (section 7). Within both of these documents achieving good design is of fundamental importance.

Para 4.1 (d) of SPG 1 advises to keep the extension subordinate to the original house. Two-storey extensions should have a roof ridgeline set lower than the existing one in order to provide a design break between the old and the new and enable the extension to be visually subordinate to the original house.

SPG 1 advises that development forward of the building line need be given particularly careful consideration. In general extensions should be in scale with, and well related to, the original building and should not have a detrimental affect on the street scene or locality.

Set down: The proposed extension is two-storey in height but would be set down from maximum existing ridge height by approximately 0.9m (H).

Set off: The proposal would be off the boundary by approximately 8m (L).

Set back: The proposal would be set forward by approximately 1.6m (L).

I am of the opinion that the proposed set down and set off would be acceptable in appearance and design in relation to SPG1.

Though the proposed two storey side extension would not be set back from the original dwelling's principal elevation, it is considered that the proposal would be in scale with and well related to the original building and would not have a detrimental affect on the street scene or locality.

Therefore the proposal would be acceptable in terms of character, appearance and design in relation to SPG 1, Policy DS13 and S11 of the BDLP 2004 and the design principles contained within the NPPF (section 7).

Residential amenity issues

The Residential Design Guide (SPG1) used to appraise the impact upon residential amenity is consistent with the design principles contained within the NPPF (section 7).

Considering the guidance in SPG 1 and the design principles contained within the NPPF (section 7), as there are no neighbouring dwellings adjacent to the application site, the proposal would raise no residential amenity issues.

Landscape Protection Area

The site is within a Landscape Protection Area and although landscape protection is not explicitly included in the NPPF, Paragraph 17 (Core Principles) states that the intrinsic value and character of the countryside should be *recognized*.

Policy C1 of the Bromsgrove District Local Plan identifies Landscape Protection Areas as local designations of areas where it is considered that the character of the countryside and the quality of the landscape merits special protection. It is noted that Policy C4 identifies specific criteria for assessing development proposals within Landscape Protection Areas by stating that any proposed development should not have a materially detrimental effect on the landscape.

Special attention is given to development on prominent slopes and the proposed site's location on a hillside, whilst providing panoramic views to the south-east, requires careful design that is sympathetic to the landscape. It is therefore necessary to ensure that all new development is sympathetic in form, scale and materials used.

Policy C1 and C4 of the Bromsgrove District Local Plan is consistent with Paragraph 17 (Core Principles) of the NPPF.

It is therefore considered that the proposal would not cause significant undue harm to the amenities of the Landscape Protection Area.

Conclusion

Taking the above points into consideration and on balance I am of the view that planning permission should be granted.

RECOMMENDATION: that permission be **GRANTED**.

COO1 (development to commence within 3 years)
C001A (In accordance with approved plans)
C002 (matching materials)
C022 (removal of PD rights)

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

WMSS: QE3
WCSP: CTC1, D38, D39.
BDLP: TR11, DS2, DS13, S11, C1, C4,
DCS2: CP3, CP22
Others: SPG1, SPG7, NPPF

It is the Council's view that the proposed development does not comply with the provisions of the development plan however very special circumstances exist that justify approving planning permission.

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