



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 23RD JULY 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 25th June 2012 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 12/0156 - MT- Install Wind Turbine (as augmented by information received 27/04/12 and 08/06/12) - Land at Thriftwood Farm, Holyoakes Lane, Tardebigge - Aeolus Power (Wind Energy) Limited (Pages 7 - 30)
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 Road, Bromsgrove - Chase Commercial Limited c/o Mr Simon Hawley (Pages 31 - 44)
7. 12/0401 - DMB - Outline application for open space relating to mixed use development for up to 200 dwellings, Class B1 office floorspace with associated access arrangements - Land at Weights Lane, Redditch - Gallagher Estates Limited (Pages 45 - 56)
8. 12/0460 - LA - Retrospective conservatory - 33 Lynbrook Close, Hollywood - Mr M Farrington (Pages 57 - 62)
9. Appeal Decisions (Pages 63 - 98)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

12th July 2012



INFORMATION FOR THE PUBLIC

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Declaration of Interests - Explained

Definition of Interests

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

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

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

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

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

Declaring Interests

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

EXCEPTION:

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

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

EXCEPTION:

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

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

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

Tel: 01527 873232 Fax: 01527 881414

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

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 25TH JUNE 2012 AT 6.00 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter,
R. A. Clarke, R. J. Laight, P. Lammas, J. A. Ruck and C. J. Tidmarsh

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

14/12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. J. Deeming (Chair),
J. S. Brogan, and Mrs. H. J. Jones.

15/12 DECLARATIONS OF INTEREST

The following declarations of interest were made:

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Cllr. P. J. Whittaker	12/0326-DK	Personal and Prejudicial. Supplies food produce to the Applicants. Cllr. Whittaker left the room and took no part in its consideration and voting thereon.
Cllr. R. A. Clarke	12/0411-HR	Personal. Personally acquainted with the Applicants.
Cllr. R. J. Laight	12/0411-HR	Personal. Personally acquainted with the Applicants.
Cllr. P. Lammas	12/0411-HR	Personal. Personally acquainted with the Applicants.
Cllr. J. A. Ruck	12/0411-HR	Personal. Personally acquainted with the Applicants.
Cllr. C. J. Tidmarsh	12/0411-HR	Personal. Personally acquainted with the Applicants.

connection with the hereby development shall be removed from the application site.

3) The following additional Informative:

1. Any mills, culverts, weirs or dams will either require the formal consent of the Lead Local Flood Authority (NWWM), in accordance with s23 of Land Drainage Act 1991 and Flood and Water Management Act 2010. No works shall commence on site until such applications have been submitted and approved in writing by the appropriate authorities.

18/12 **12/0300 - DK - DEMOLITION OF EXISTING BUILDING AND DEVELOPMENT OF BULKY GOODS RETAIL UNITS (USE CLASS A1) WITH ASSOCIATED PARKING AND INFRASTRUCTURE - 2 SHERWOOD ROAD, BROMSGROVE B60 3DU - CHASE COMMERCIAL LTD. C/O MR SIMON HAWLEY**

This item was deferred by Officers in order to receive final comments from Worcestershire County Council in respect of the revised Transport Plan which had only been received on the day of the meeting.

19/12 **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, SEAFIELD LANE, PORTWAY, BIRMINGHAM B48 7HN - A E BECKETT AND SONS LTD**

Prior to consideration of this item, Councillor P.J. Whittaker (Vice-Chairman in the Chair) withdrew from the meeting owing to a declared personal and prejudicial interest. Upon being nominated and it being taken to the vote, Councillor J.A. Ruck assumed the Chair for consideration of this item only.

The Head of Planning and Regeneration provided additional information relating to the previous application for the site and the Committee's reasons for refusal at that time. Comments from Beoley Parish Council were also reported.

At the invitation of the Chairman, Mr. P. Horridge, Agent for the Applicant, addressed the Committee. Mr. B Sullivan representing Beoley Residents Association and Mrs. J. Luck, representing Beoley Parish Council, addressed the Committee as objectors to the Application. Councillor R Hollingsworth also spoke in his capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that permission be refused for the reasons set out on page 50 of the report.

20/12 **12/034-DK - REPLACEMENT OF AN EXISTING DWELLING WITH 22 NO. 5 BEDROOMED DETACHED HOUSES - 7A PLYMOUTH ROAD, BARNT GREEN, BIRMINGHAM B45 8JE - MR J SMART**

The Head of Planning and Regeneration Services reported on a survey provided by the Applicant in relation to houses with projecting garages in the vicinity of the application site. Comments from the Conservation Officer and Worcestershire Highways were also reported. Members further noted an additional letter of objection had been received.

At the invitation of the Chairman, Mr D Jones, Agent for the Applicant, addressed the Committee.

RESOLVED that permission be refused for the reason stated on page 55 of the report.

21/12 **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**

The Head of Planning and Regeneration Services reported on three further letters of objection that had been received. Concerns relating to proposals for the inclusion of Velux lighting were also discussed.

At the invitation of the Chairman, Mrs. Y. Bennett, a nearby resident, addressed the Committee and spoke in objection to the application and Mr. B. Walford, addressed the Committee on behalf of the Applicant. Councillor Mrs. C. Spencer also spoke in her capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to grant permission, subject to

- 1) The receipt of a satisfactory amended plan detailing the removal of the rooflights from the southern elevation and resiting to the northern elevation
- 2) The imposing of an additional Condition in relation to external lighting to serve the dwelling
- 2) The Conditions and Notes set out or referred to on pages 62 and 63 of the report;

22/12 **12/0411- HR - DEMOLITION OF SINGLE STOREY WING AND FULL REFURBISHMENT AND EXTENSION - THE RIDGEWAY, ALCESTER ROAD, FINSTALL, BROMSGROVE B60 1EW - MR AND MRS JAVID**

The Head of Planning and Regeneration reported that the Applicants were, in fact, Mr and Mrs Javid, and not Mrs. Javid, as indicated in the report.

At the invitation of the Chairman, Mr. R. Dudley, representing the Agent for the Applicant, addressed the Committee.

RESOLVED that permission be granted, subject to the Conditions and Notes set out or referred to on page 69 of the report.

The meeting closed at 7.20 p.m.

Chairman

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Agenda Item 5

Aeolus Power (Wind Energy) Ltd	Install wind turbine (as augmented by GB information received 27/04/12 and 08/06/12).	12/0156 25.05.12
“B”	Land At Thriftwood Farm, Holyoakes Lane, Tardebigge	

At the request of the Head of Planning and Regeneration, this application has been referred to Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: that permission is **GRANTED**

Consultations

WH Response received 24.04.12:

Recommend deferral:

“The applicant should provide additional information relating to the means of access to the site for delivery vehicles, this should include details of the size of the vehicles accessing the site, the number of trips to install the turbine and tracking details of the vehicles at sensitive road junctions and bends. Experience of other applications indicated that abnormal load vehicles are required to deposit the turbine shaft and blades and this has not been able to access the site suitably.

The applicant should provide an access statement covering the above to demonstrate that the site can be accessed without detrimental impact on the highway network.”

Verbal advice received 03.07.12:

The proposal is acceptable subject to the approval of a suitable route to the site for delivery and construction vehicles. A condition to this effect should be imposed on any planning permission granted.

Bentley
Pouncefoot PC Response received 16.05.12:

“1. Renewable Energy Policy.

Bentley Pouncefoot Parish Council fully supports efforts to reduce carbon footprint and energy efficiency within the parish.

However, Council is aware that it has not formulated a policy on this matter and that it will address this over the next twelve months.

2. Support & Objection.

The Parish Council has received a number of views on the application for the turbine at Thriftwood Farm several of which are specifically opposed to the development as well as a number in support.

The objections raise concerns on visual impact, possible noise nuisance, potential threat to wildlife and concerns about the health of those in the direct vicinity.

Concern has also been voiced among the respondents that, if granted, this could lead to applications for further turbines either close to the one in question or elsewhere within the parish.

3. Conclusion.

Bentley Pauncefoot Parish Council feels that, at this stage, it has insufficient knowledge on the merits or otherwise of wind turbine technology to either actively support or oppose this specific application.

However, in the event of this application or any future application making this a multi unit site the PC would strongly oppose any such proposal.”

Response received 15.05.12: No adverse comments

WRS
(Community
Protection)

Response received 13.04.12:

Climate Change
Manager

“The UK has a challenging EU target to meet in relation to the percentage of all power needed in the country to be sourced from renewable energy by 2015. The existing energy infrastructure is ageing and energy security is an increasing concern. Demand for electricity is also predicted to increase significantly in the future; making it even more challenging to supply clean power. Allowing the development of and investment in renewable technology is one way of countering these issues.

Consequently, it is my view that the Council should support this application, in order to increase the amount of renewable energy generated locally. Not everywhere has the required wind speed to make a turbine viable (for example, there is nowhere in Redditch, but several areas of

Bromsgrove do¹), therefore where conditions are suitable, we should encourage this form of development. As well as supplying the grid, this will reduce the demand for grid-sourced power on site which will help us meet our targets for reducing greenhouse gas emissions arising from Bromsgrove as a whole, which consequently supports the delivery of our climate change strategy.

I have spoken to the applicant about this application a few times, and what appears to be exceptional in this case, is the high level of local support for this development (I understand you have an email with around 50 signatures in support from local residents). General awareness amongst the public about the energy issues I have mentioned, as well as the knock on direct impact on themselves as consumers in terms of ever increasing household bills; combined with concerns locally about doing what we can to reduce carbon emissions, appear to be manifesting itself in a positive attitude towards this wind turbine. The massive increase in solar panels installations over the past year in Bromsgrove will also have helped increase visibility of renewables and raise awareness locally, which is only a good thing.

A 50kW turbine, compared to some being installed inland as we speak, is relatively small and therefore has limited impact on the environment by comparison to the clear benefits of proceeding.

Although I acknowledge that the site is in the green belt, I suggest that the environmental benefits, as well as the social acceptance among neighbours, is supportive of considering this application to be 'sustainable development.'

Response received 12.06.12:

WWT

No objection subject to a condition being attached to any planning permission granted covering the recommendations made in the ecological report

Response received 12.06.12:

WCC Ecologist

If the Council is minded to grant planning permission it is recommended that the key points at section 7 of the Phase 1 Ecological Assessment are considered for condition. If these conditions are implemented the proposal is supported.

Response received 15.05.12:

WCC
Conservation
and Landscape

"In general, I would support this application, subject to the comments below.

- Officer
- *This turbine will be sited on agricultural, arable land, well screened by mature hedges and trees and some distance from residential properties and roads. Generally, only the tips of the blades will be seen from local properties and the visual impact will therefore be low.*
 - *The turbine will, however, be clearly visible from a short section of an adjacent Public Right of Way. However, it will be viewed as part of the farming 'clutter' that would normally be seen on a large arable farm. The adverse visual impact from this footpath is therefore not considered significant.*
 - *The farm is located to the south-west of Hewell Grange, a Grade II* historic park and garden registered by English Heritage as being of national importance. Due to the relatively small size of the turbine and the intervening trees and topography, it is unlikely that there will be any visual impact on this park and garden. It is possible that there would be a view from the top of the Grade II water tower, but it is not considered significant.*
 - *I am told by the landowner (who I met on my site visit) that access will be via existing farm tracks, with a short additional section through the crop. I consider this acceptable.*

Recommendation

I recommend that planning permission is granted.

Conservation Officer
Response received 31.05.12:
No objection

English Heritage
Response received 30.05.12:
"We do not consider that the development will have any adverse impact on any principal heritage assets in the surrounding area."

Hereford and Worcester Gardens Trust
Consulted 11.04.12 - no comments received to date.

Drainage Engineer
Comments received 23.05.12: No objection

PROW
Consulted 11.04.12 - no comments received to date

Ramblers
Response received 26.05.12:

“The location of the site of the wind turbine is within a fine stretch of open unspoilt countryside. To the north the land rises gently to a lane where a number of isolated dwellings are located and to the B4184 from both of which the site is visible. To the south and west the land falls away gradually and good panoramic views are obtained across the Severn Vale to the hills of west Worcestershire including the Malverns, Suckleys and Abberley. It is evident to us that the site will be visible over extensive distances and in our view will detract from the visual value of the countryside to an extent that we consider its benefits for the environment will be outweighed.

There are four public footpaths in the fields around the site including a section of the Monarchs Way. The latter is a popular long distance path of over 600 miles in length. It commemorating the route of Charles II from the Battle of Worcester as he escaped to France. This path passes to the east of the site on a north to south orientation and the wind turbine will be visible over a considerable length of the path. Views of the turbine are also to be had from the other footpaths in the locality. We consider that this development will be harmful to the enjoyment of quiet recreation in the countryside and this is especially important as this attractive countryside lies immediately to the south of one of the major conurbations in the country, the West Midlands.

We also note that the site lies within the West Midland Green Belt where development is strongly restrained to protect the openness of the countryside and to prevent urban sprawl. Because this site is so open and the proposal will be seen over considerable distances, its impact on openness is out of proportion to its actual size. It is therefore considered to be an unsuitable structure in this part of the Green Belt.

For the above reasons we object to this application and hope that the District Council will refuse permission.”

NATS (Civil
Aviation
Authority)

Comments received 03.05.12: No objection

The Joint Radio
Company Ltd

Response received 08.05.12:

“In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.”

Transco (National Grid)	Consulted 11.04.12 - no comments received to date.
Forestry Commission	Response received 12.04.12: No woodland is affected and consequently no adverse comments are made.
CPRE	Comments received 16.05.12: "We object to this application. The site is at a height of about 140m O.D. The ridge along which A448 runs is only 145m O.D. high at Tack Farm near the Foxlydiat junction, rising to 160m near Hewell Grange and further to the northwest. A 31.5m tower will thus rise to about 170m, with the blades rising to c.180m. The turbine will thus project significantly above the skyline of the ridge. This means that the turbine will have a major impact on the landscape for many miles around. We would support the Highways comments about access to the site for construction traffic down which will inevitably be some narrow lanes for the last mile of the journey. We are also concerned about the turbine being a distraction to drivers on the fast A448."
Friends of the Earth	Comments received 15.06.12: <i>"Human induced Climate Change is happening and is something that we as a society will not only have to adapt to BUT something we will have to mitigate against. We in the UK, as one of the largest and oldest economies on the planet, will have to show leadership in those actions. Obviously we will have to become far more efficient in the electricity that we use, designing and marketing much more energy efficient products than we do at present. We will still need to generate electricity, and as such we must generate it much closer to where it is consumed and in as environmentally benign manner as possible. The generation of electricity from wind is one of those technologies. We must also balance the need for lower carbon electricity with aspects of noise, visual intrusion, wildlife and national security. These are immediate and practical concerns which may be overtaken by technology. However these issues are</i>

secondary to the future of the human species and our ability to survive on this Planet.....

....Wind is not perfect BUT it is one of the solutions that we have and it is deployable NOW and is proven to deliver....

....While we support the generation of electricity from wind resources we believe that it would be appropriate to allay the concerns of local residents. It is also essential that local residents are as informed as much as possible as to the realities of living close to wind turbines, indeed in other instance developers have organised visits to other turbines to meet people who are living with wind technology in their locality.

It is essential that the local community is involved with these projects to ensure that they are appropriate for the local area, of the correct scale, under appropriate ownership and control.

If this planning application were to be refused Redditch Friends of the Earth would also like Bromsgrove District Council and local objectors to this proposal to indicate where, within the district, they think would be suitable for a Wind technology and at what scale??

If, for some reason, no such site exists what measures will the district put in place for Bromsgrove District to become far more efficient and reduce its energy demands and in turn reduce its climate change emissions and show leadership in how we can move forward with respect to our climate responsibilities?"

Publicity

2 neighbour notification letters sent 23.04.12 (for the information of Members the neighbour notification procedure in this instance was based on all properties within a 400 metre radius of the application site and the adjoining occupiers to the site access).

Site notice posted 20.04.12

Press notice published 20.04.12

Eleven objections received in response to the Council's own statutory publicity procedure. Concerns raised over harm to the Green Belt, ecological impacts, noise impacts, landscape harm, the visual impact from residential properties and health issues. Concerns are also raised over the proposal setting a precedent for further turbines at the site and in the wider area. Furthermore views are

expressed over the proposal representing an inefficient technology.

An additional 13 representations have been also been received via Bentley Paucefoot Parish Council.

8 objections were received for the reasons set out above. It should however be noted that 7 of these are duplicates of those directly received by the District Council.

5 representations were received supporting the proposal or giving no objection. Given reasons for support include the view that the turbine represents forward thinking and it will soon become an accepted part of the landscape which, like electricity pylons, we are all used to seeing

Members should also note that the applicant has carried out a pre-application community consultation exercise. This has gained 54 signatures of support for the proposed turbine from local residents. Reasons for support include the 'green' benefits of the proposal, the lack of any neighbours within 500 metres of the site thus no noise issues, and the benefits to the farm.

The site and its surroundings

The application site relates to an agricultural field located between Holyoakes Lane and Sheltwood Lane in Tardebigge. The field forms part of Thriftwood Farm; an established mixed arable and livestock farm. The site is void of any development and is currently used for arable farming purposes. There is a small copse of trees located approximately 80 metres to the east/south east of the site and two small ponds located 80 and 160 metres away from the site respectively. The main farm complex including the farmhouse is located some 500 metres to the east of the site. An informal track exists to the east of the site which provides access from the farm complex for farm vehicles. The site is set some distance away from residential development with the nearest properties (Churchwood Cottage, Sheltwood Lane) being approximately 500 metres to the south-west. There is a dispersed pattern of residential development in the wider area with a number of small clusters of dwellings (typically 1-6 units) located along the surrounding roads. Otherwise the area is predominately rural and agricultural in character.

The site is located in the West Midlands Green Belt as defined within the Bromsgrove District Local Plan 2004 (BDLP). The site is located approximately 850 metres to the south west of Hewell Grange walled garden; a Grade II* Registered Park and Garden and the same distance away from the Hewell Grange Conservation Area. There is a public right of way located approximately 80 metres to the north of the site and one located approximately 160 metres to the east of the site.

The proposed development

The application seeks planning permission for 1 no. Endurance E-3120 wind turbine. The turbine would be 24.6 metres to hub height. It will have three blades with each blade being 9.6 metres in length. This would amount to an overall height of 34.2 metres above ground level. It is understood that the turbine is required as part of the farm's business plan which incorporates a commitment to the sustainable use of resources. A key part of this is the reduction of the carbon footprint of the business. Surplus energy from the turbine will feed into the National Grid. On average the manufacturer specifies that the turbine will produce between 100,000 and 250,000 kilowatt hours (kWh) per year in appropriate winds. This is broadly equivalent to the annual consumption of 45-50 houses. The average wind speed at the site is 6 metres per second (m/s) at a height of 25 metres above ground level (Source: Department of Energy and Climate Change Wind Speed Database). The Worcestershire Renewable Energy Study (Worcestershire County Council, 2008) indicates that an annual average wind speed of 6 m/s at 45 metres above ground level is required for a project to be regarded as economically viable. The application site would achieve this wind speed at a lower height above ground level thus it can be considered as a viable site for harnessing wind energy. The application also proposes a number of ancillary works including the construction of a 200m long access track connecting the turbine with the existing track at the farm, and trenching for underground power lines connecting the turbine with the farm and the national grid (the point of connection is within the main farm complex).

Relevant Policies

WMSS	QE1, EN1
WCSP	SD.2, CTC.1, CTC.2, CTC.19, CTC.20, D.38, D.39, EN.2, T.1
BDLP	DS2, DS13, C4, S35A, S48, ES14A
Draft CS2	CP3, CP22, CP16, CP17, CP19
Others	NPPF, Planning for Renewable Energy: A Companion Guide to PPS22

Relevant Planning History

P11/0023 – Pre application advice request – general policy advice provided; identified issues for consideration include the Green Belt, the landscape, ecology and noise – response sent 23/03/11

Policy matters

Members will be aware that the Development Plan for the Bromsgrove District consists of the saved policies within the BDLP and the WCSP. Members will also be aware that the NPPF is now a significant material consideration in planning decisions. Due weight will be given to the relevant Development Plan 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).

The BDLP does not contain any specific policies on wind turbines. Broad policy on sustainable development is set out at Policy DS13 which essentially provides that development proposals should seek to conserve energy resources in the interest of sustainable development.

The WCSP provides specific policy on wind turbines at Policy EN.2. This states that proposals for the development of individual wind turbines or small clusters will be allowed, provided that they:

- (i) do not cause unacceptable harm to the surrounding environment, in particular sensitive landscapes;
- (ii) do not cause unacceptable harm to nature conservation interests;
- (iii) do not result in excessive noise pollution; and
- (iv) are acceptable in relation to other policies in the Structure Plan.

National policy provisions for meeting the challenge of climate change are provided at Part 10 of the NPPF. Paragraph 97 of the NPPF states that:

“To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”

Paragraph 98 specifically relates to new development stating that:

“When determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable.”*

The site’s location in the Green Belt requires consideration as to whether the proposed turbine would represent an appropriate form of development in the Green Belt having regard to Policy DS2 of the Bromsgrove District Local Plan (BDLP) 2004 and the Green Belt provisions within the National Planning Policy Framework 2012 (NPPF). If the proposal is considered to represent an inappropriate form of development in the Green Belt, then it is first necessary

to consider the harm caused to the Green Belt, and then consider if the case presents any very special circumstances that would outweigh the identified harm.

It is also necessary to consider the visual effect of the proposal and its impact on the character of the landscape. Policy CTC.1 of the Worcestershire County Structure Plan 2001 (WCSP) and Policy C4 of the BDLP set out policy considerations for assessing the landscape impact of development proposals. It should however be noted that the site does not fall within any recognised landscape designation and it is not located within a BDLP defined Landscape Protection Area. National policy advice in relation to the landscape and the natural environment at Part 11 of the NPPF will also be considered.

Further environmental considerations include the proposal's ecological impact having regard to Part 11 of the NPPF, the proposal's relationship with heritage assets in the vicinity having regard to policies CTC.19 and CTC.20 of the WCSP, policies S35A and S48 of the BDLP and the advice at Part 12 of the NPPF, and the noise impact of the proposal on residential amenity having regard to Policy ES14A of the BDLP and Part 11 of the NPPF.

It is considered that the Development Plan policies set out above are consistent with the NPPF and I am therefore minded to afford them their full weight in the assessment of this development proposal.

Having regard to the relevant planning policy framework the issues of this case are as follows:

1. The principle of the development in this Green Belt location;
2. Landscape Impact
3. Ecology
4. Heritage issues
5. Noise and residential amenity impacts

Each issue will be discussed under a separate heading below. I am also mindful of the views of consultees and other interested third parties. These broadly fall within the set of issues set out above however where new material considerations exist separate consideration will be provided in this report.

Appraisal

1. *The principle of the development in this Green Belt location*

Policy DS2 of the BDLP provides that permission for development in the Green Belt will not be given for new buildings subject to certain exceptions. In strict terms a wind turbine does not constitute a building but, nonetheless, renewable energy development does not fall within the list of exceptions set out at Policy DS2 thus, having regard to the BDLP, the proposal is considered to represent an inappropriate form of development in the Green Belt.

Specific advice on renewable energy projects is provided at paragraph 91 of the NPPF which states that:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

In this instance it is considered that development of a wind turbine may constitute an engineering operation. The NPPF advises 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 it. In this instance the proposed wind turbine would be a substantive structure albeit that its mast would have a slim profile and a small footprint. Nonetheless it is inevitable that the proposal would reduce the openness of the Green Belt. It is also considered that the proposal may conflict with the purposes of including land within the Green Belt, namely to assist in safeguarding the countryside from encroachment. Thus, on this basis and having regard to the NPPF it can be concluded that the proposal would represent an inappropriate form of development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

When considering harm to the openness of the Green Belt it should be noted that the mast of the turbine would have very slim profile with a diameter of 1.5 metres at its base reducing to just 70 centimetres where it meets the hub. Furthermore each of its three blades would only be around a metre wide. On this basis it is not considered that the proposal would significantly detract from any sense of space within the landscape and it is considered that the proposal would only be of relatively limited harm to the openness of the Green Belt. Furthermore Members should note the comparable height of the turbine to existing landscape features such as telegraph poles, large trees and areas of woodland. It is not considered that the proposal would have a significant effect on openness when viewed within this context.

With regard to the impact of the proposal on the rural character of the Green Belt, it should be noted that wind turbines are clearly suited to rural locations (due to the need to harness wind energy away from buildings and other obstructions) and they are not typically a feature of the urban landscape. In fact traditional windmills were for a long time a feature of this country’s rural landscape and it could be argued that wind turbines represent the next generation of windmills. Indeed in some rural areas of this country and in vast

areas of other European countries wind turbines have become a common feature of the rural scene. Members will note the views of the Conservation and Landscape Officer in relation to the visual impact of the proposal. On the above basis it is not considered that the proposal would be incongruous with the visual amenity and rural character of the Green Belt.

Members should also note that the proposed turbine is relatively small in comparison to commercial wind farm turbines which average a height of 120 metres. This proposal should therefore be viewed as a small scale development when attributing weight to any harm to the Green Belt.

Considering the benefits of the proposal regard should be paid to the fact that the proposal will produce between 100,000 and 250,000 kilowatt hours (kWh) per year. This is broadly equivalent to the annual consumption of 45-50 houses. It is understood that this would cater for the majority of Thriftwood Farm's energy needs in addition to supplying the National Grid. It is estimated that the proposal would result in a saving of approximately 40 tonnes of CO₂ per year.

Members should be aware that the UK has signed up to an EU target of achieving 20% of its total energy use from renewable means by 2020. An intermediate UK target of 15.4% has been set for 2015/16 at an estimated increase of 1% a year from 2010. To achieve this target the UK will need an exponential increase in renewable electricity generation (Worcestershire Renewable Energy Study, WCC 2008).

Members will note the support given to this proposal by the Climate Change Manager (CCM) for Bromsgrove District Council. The CCM encourages Members to support the application in order to increase the amount of renewable energy generated locally thus contributing to the achievement of the EU target. Moreover Members should be mindful of the requirement within the NPPF for local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The identified CO₂ savings attributed to the proposal would clearly help to counter climate change, a matter to which the NPPF gives particular priority acknowledging that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Taking the above matters into consideration it is clear that there are significant benefits of the proposal and clear policy support for renewable energy developments. The NPPF identifies the wider environmental benefits associated with increased production of energy from renewable sources as being capable of representing a very special circumstance, and numerous appeal decisions in relation to small scale wind turbines show that this argument is commonly accepted by Inspectors as such.

In particular Members are referred to a recent appeal decision (April 2012) whereby a 30 metre wind turbine was allowed in the West Yorkshire Green

Belt (PINS ref: APP/A4710/A/11/2166509). Here the Council refused planning permission as it was considered that the proposal would harm the visual amenity and openness of the Green Belt. However the Inspector considered that the loss of openness would be very limited and the structure would be dwarfed by electricity pylons and other clutter. Moreover the inspector saw the opportunity to generate 181,000 kilowatt-hours of green electricity a year as a significant benefit, while savings in carbon emissions would help counter climate change. Since the NPPF prioritises these issues, he concluded that the benefits outweighed Green Belt harm.

Other decisions of relevance include an appeal against South Staffordshire Council's refusal of planning permission for two 80 metre high wind turbines in the West Midlands Green Belt (PINS ref: APP/C3430/A/10/2132289). Here the Planning Committee refused planning permission contrary to their officer's recommendation for approval as they considered the proposal to harm the openness and visual amenity of the Green Belt, and they did not accept the proposal's contribution towards meeting national and regional renewable energy generation targets as representing a very special circumstance. However the Inspector found that the proposal's contribution to meeting targets for renewable energy generation, and the consequential effect in tackling the challenge of climate change, represents a compelling argument in favour of the proposed wind turbines. The benefits of the scheme were considered to clearly outweigh the harm by virtue of inappropriate development, the limited harm to openness and any other harm so as to justify the proposed scheme on the basis of very special circumstances.

On a more local level Members attention is drawn to Wychavon Council's approval in 2008 of two 33 metre high wind turbines at a farm in Wychbold (Wychavon Council ref. W/08/02650/PN). Here Members of the Planning Committee accepted the 'green' benefits of the proposal as representing a very special circumstance outweighing the proposal's harm to the Green Belt.

Further matters for consideration include the fact that all of the rural areas within the Bromsgrove District are designated Green Belt. All local areas have a responsibility to contribute to energy generation from renewable or low carbon sources and it has been identified that wind energy is a viable technology in many parts of Bromsgrove (Worcestershire Renewable Energy Study, WCC 2008). Thus, if opportunities for wind energy are to be explored in the Bromsgrove District, the location of proposals in the Green Belt is unavoidable. The only alternative to Green Belt developments would be to resist wind energy proposals all together. Given the clear sustainability benefits of the proposal and the limited demonstrable harm to the Green Belt it is argued that this is not an option.

Taking the above matters into consideration, and having regard to the relevant policies of the Development Plan and the NPPF, the proposed turbine is found to present significant benefits that would outweigh any harm by reason of inappropriateness and any harm to the openness and rural character of the Green Belt.

Members will also note that an access track is proposed as part of this proposed development. This would represent an inappropriate form of development in the Green Belt that could have an urbanising effect on the Green Belt. Members should however note that the proposal represents a relatively short extension to the existing track at the site and it is considered that resulting harm would be little over and above the existing situation. In any event it is noted that the track is essential for the construction of the turbine and for its ongoing maintenance. It is considered that the essential auxiliary nature of the track would outweigh its relatively limited harm to the Green Belt. Moreover it is considered that informal tracks are to some extent a typical feature of a farm and it is not considered that the proposal would have any significant effect on rural character. It is noted that no definitive information is provided on the construction and surfacing of the track but such details can be adequately secured by condition. The LPA should ensure that materials of a more natural appearance are used to avoid any unnecessary harm to the Green Belt.

2. Landscape impact

Policy CTC.1 of the WCSP provides that in considering development proposals, the Local Planning Authority shall take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed.

Policy C4 of the BDLP provides that development will not be permitted where it would have a materially detrimental effect on the landscape, in particular within Landscape Protection Areas

To establish the landscape character of the area Worcestershire County Council's Landscape Character Assessment database has been consulted. This indicates that the application site is within a Landscape Character Area (LCA) defined as Principal Timbered Farmlands. The Landscape Type Description for this LCA is:

“A small to medium scale wooded, agricultural landscape characterised by filtered views through densely scattered hedgerow trees. This is a complex, in places intimate, landscape of irregularly shaped woodlands, winding lanes and frequent wayside dwellings and farmsteads. It is a landscape of great interest and exception, yet also one of balance.”

It is considered that this description provides an accurate reflection of the landscape of the area in which the site is located. In particular it is noted that views into the site area from the surrounding network of narrow lanes are intermittent and in most cases only available through limited gaps in roadside hedges. It is also noted that the area is of a wooded character with significant individual trees and small areas of woodland being a defining feature of the area's landscape. Other features of the landscape noted from your officer's visit include its undulating topography and various man made additions including electricity pylons and buildings.

A visual assessment of the site carried out by your officer from the surrounding road network (Holyoakes Lane, High House Lane, Sheltwood Lane, Copyholt Lane) indicates that, due to the effect of topography and hedges/trees/woodland, public views of the turbine from the road will be largely limited to hedgerow gaps located within a certain orientation of the site. In particular it is evident that views of the turbine could be gained from field entrances along Holyoakes Lane to the east/north east and from High House Lane/Sheltwood Lane to the west/north west/south west. The most prominent of views of the turbine from the surrounding roads would perhaps be from the higher ground occupied by High House Lane to the north west of the site. The photomontage images submitted with the application provide a view from this vantage point (Photograph 4).

It is considered from this image that the turbine would have a relatively discreet, distant presence. Moreover, given the presence of woodland and pylons in the background and large trees in the foreground it is not considered that the turbine would be in any way obtrusive. In any event Members should be aware that this image represents a forced view from a field entrance. Such views would not be incidental across the wider area. Furthermore Members should note that this view is gained from higher ground and across a relatively open expanse of land. Views of the site from other orientations are even further distracted by pylons, intervening trees or wooded backdrops.

I note the applicant's view that the type of landscape in which the site is located; well wooded with tree and hedges, is robust enough to accommodate some small scale development. I also note the views of the County Council's Conservation and Landscape Officer (CLO) that the turbine would be well screened by mature hedges and trees and that the visual impact of the turbine would be low.

Reference is made by the CLO to the fact that the turbine would be clearly visible from a nearby Public Right of Way however in her view it would be viewed as part of the farming 'clutter' that would normally be seen on a large arable farm and its visual impact is not therefore significant. Concerns in relation to the visual impact of the proposal and the nearby Public Rights of Way are however expressed by the Ramblers Association who are of the view that the proposal will detract from the visual value of the countryside. It is argued by the Ramblers Association that the turbine would be visible across considerable distances and reference is made to views of the Malverns and other hills in west Worcestershire. Similar concerns are expressed by the Campaign to Preserve Rural England (CPRE) who are concerned that the turbine would have a major impact on the landscape for many miles around.

With regard to these comments it is noted by your officer that views of the Malverns can be gained from the public footpaths adjacent to the site, but the

turbine would only obstruct views momentarily given its slim profile. Moreover, it should be noted that such views are already heavily obstructed by the tall masts located at Wychbold and various other disruptions to the landscape such as electricity pylons. The effect of a single small scale wind turbine would be negligible. It is also disputed by your officer that the proposal would be seen over considerable distances. It is accepted that the turbine would be visible to a certain extent from vantage points located up to around 1000m away, but from such distances its visual effect would be faint and not in any way obtrusive. Again Members are referred to the photomontages submitted with the application which show the turbine in situ from public vantage points located between 500-600. These demonstrate the limited visual effect of the proposal from relatively short distances away. In any event, as noted earlier the proposed turbine is considered by your officer to represent an appropriate addition to the rural landscape and the fact that it is perceivable from certain public vantage points does not present me with any concerns.

On the above basis it is considered that the proposal would be well integrated with the landscape and the application would have no conflict with policies CTC.1 and EN.2 of the WCSP and Policy C4 of the BDLP.

3. Ecology

Part 11 of the NNPF advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The proposed turbine may potentially affect a number of protected species including bats and birds. The turbine has however been located having regard to Natural England advice in relation to bats and wind turbines within TIN051 which advises that a 50 m buffer should be maintained around any habitat feature (trees, hedges) into which no part of the turbine intrudes (the application proposal provides a 55 metre buffer). Furthermore, a Phase 1 Ecological Assessment has been submitted with the application which concludes that the proposal would not directly affect any roost or foraging or commuting link of bats and the impact would therefore be negligible. In relation to birds the survey concludes that the risk of collision impacts to bird populations as a result of the proposal would be low. There may be potential for a low number of ground or tree/shrub nesting birds to be adversely affected during the removal of arable crops and vegetation associated with the turbine installation, but this can easily be avoided by carrying out the works outside of the bird nesting season. This is a recommendation of the survey and it is recommended by your officer that this is imposed on the applicant by a condition attached to any planning permission granted.

Advice has been gained on the ecological implications of the proposal from Worcestershire Wildlife Trust and Worcestershire County Council's Ecologist and no objections are raised. Thus, on the above basis, the proposal is considered to conserve biodiversity and avoid any harm to protected species in accordance with Policy EN.2 of the WCSP and the advice within the NPPF.

4. Heritage issues

Although the site is located some distance away from the Hewell Grange Conservation Area and walled garden, due to its height it is necessary to consider the effect of the turbine on the significance of these heritage assets.

Policy S35A of the BDLP requires new development in or adjacent to Conservation Areas to be sympathetic to the character of buildings. Policy S48 provides that planning permission will not be granted for development which would have an adverse effect on the character and setting of historic parks and gardens. National policy advice at paragraph 132 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

It is the effect of the proposal on the setting of the identified heritage assets that requires consideration.

To assist in establishing the turbine’s effect on setting regard has been paid to English Heritage Guidance within ‘Wind Energy and the Historic Environment’ (October 2005). This advises that matters relating to visual dominance, scale, intervisibility, vistas and sight lines, movement, sound or light effects and unaltered settings are of relevance when considering the effect of a wind turbine.

An assessment of the proposal has been made by the Council’s Conservation Officer (CO) having regard to the above document. It is noted by the CO that the application site, when viewed from the historic garden, would appear to be well screened by trees and hedges. It is also noted that a number of small electricity pylons are visible from the Garden, so the landscape to the south west cannot be described as completely unspoilt or unaltered. It is therefore not considered by the CO that the proposed wind turbine will have a negative impact on the setting of the Walled Garden and the Hewell Grange Conservation area.

English Heritage have been notified of the application having regard to Circular 01/01 (Arrangements for handling heritage applications - notification and directions by the Secretary of State) as it involves the erection of a structure of more than 20 metres in height and it may potentially affect the character and appearance of the Conservation Area. It is their view however that the development will not have any impact on any principal heritage assets.

Taking the above matters into consideration it is considered that the proposal would have no conflict with the relevant heritage related policies.

5. Noise and residential amenity impacts

The proposed wind turbine will inevitably create a certain level of noise from the rotation of the blades.

Policy ES14A of the BDLP provides that proposals for potentially noisy developments must be located in areas where noise will not be such an important consideration.

Advice on noise and other pollutants at paragraph 123 of the NPPF states that:

“Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”*

To assist in establishing the noise impact of the proposal on the amenity of residential properties regard has been paid to ‘ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms’ (produced by ETSU for the Department of Trade and Industry in 1996). This is the most widely accepted document for wind farm noise assessment and the industry standard used in noise surveys.

For locations with low background noise levels ETSU-R-97 recommends that noise levels at the nearest noise sensitive receptor (i.e. a dwelling) should be limited to the range of 35dB(A) to 40dB(A) during the daytime and 43dB(A) during the night time.

The manufacturer’s noise data submitted with the application indicates that, based on a wind speed of 5 m/s (average wind speed at the site is 6 m/s),

noise from the turbine won't be heard at a distance of 144 metres away. At a higher wind speed of 10 m/s the distance at which the turbine is inaudible is reduced to 135 metres away. This is due to the fact that the background wind noise level increases at higher wind speeds.

In this instance the nearest residential property is 500 metres away. Thus, having regard to this data it is considered that no noise from the turbine would be experienced at the nearest residential property. Members will also note that no adverse comments are made on the application by Worcestershire Regulatory Services.

Further to noise issues, wind turbines can also have an effect on residential amenity through shadow flicker. This is where, at certain times of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. The companion guide to PPS22 (Planning for Renewable Energy: A Companion Guide to PPS22) states that:

“Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 80m diameter blades, the potential shadow flicker effect could be felt up to 800m from a turbine.”

In this instance the diameter of the rotor blades is 19.2 metres thus at 192 metres away from the turbine no shadow flicker effects will be experienced.

On the above basis it is considered that the proposed turbine will have no adverse impacts on the health, quality of life or residential amenity of any of the surrounding properties. The proposal is therefore considered to be in accordance with Policy EN.2 of the WCSP, policies ES14 and ES14A of the BDLP and the relevant advice within the NPPF.

6. Other considerations

Consideration is required in relation to the logistics associated with transporting the turbine to the site. Members will note the initial views of the Highways Authority and the request for further information in relation to the size of the vehicles accessing the site, the number of trips to install the turbine and tracking details of the vehicles at sensitive junctions and bends.

It is understood from the applicant that the turbine would be delivered via 3 no. 40' articulated lorries. The crane used to construct the turbine would also be delivered on a 40' articulated lorry. The turbine would be erected over the course of two days. No information has been provided in relation to tracking details.

Further verbal advice has been received from the Highways Authority. It is understood that a suitable route to the site for construction vehicles can be identified. It is important to ensure that the identified route is followed so to avoid any unacceptable conflicts with other road users. It is recommended that a condition is placed on any planning permission granted requiring the pre-commencement approval of the LPA of detailed information relating to the route of construction vehicles. Subject to compliance with such a condition the Highways Authority raise no objection to the matter. Members will be updated with the full written views of the Highways Authority prior to their meeting.

Other highways matters of relevance include the concern raised by CPRE that the turbine would cause a distraction to drivers using the busy A448. It is however considered that that the turbine would be relatively inconspicuous from this visa and these concerns are not shared by your officer or the Highways Authority. Moreover, drivers are faced with a number of varied and competing distractions during any normal journey. It is not considered that wind turbines are any different from other distractions a driver must face and should not be considered particularly hazardous.

Members will note that the application has received both objection and support from local residents. Objections are raised due to concerns over the Green Belt, ecological impacts, noise impacts, landscape harm, the visual impact from residential properties and health issues. Concerns are also raised over the proposal setting a precedent for further turbines at the site and in the wider area. Furthermore views are expressed over the proposal representing an inefficient technology. The representations supporting the proposal do not provide any specific reasons.

Members should also note that the applicant has carried out a pre-application community consultation exercise. This has gained 54 signatures of support for the proposed turbine from local residents. Reasons for support include the 'green' benefits of the proposal, the lack of any neighbours within 500 metres of the site thus no noise issues, and the benefits to the farm. Although these representations have not been made as a result of the Council's own statutory publicity procedure, I am mindful of the encouragement given at paragraph 189 of the NPPF towards pre-application community engagement. These representations should therefore be given weight in the determination of the application.

With regard to the objections raised, it is considered that issues relating to the Green Belt, ecology, the landscape, noise, residential amenity and the viability of the proposal are sufficiently addressed above. I note the concerns in relation to this proposal setting a precedent for further turbines however Members are reminded that each case should be determined on its own merits. Granting planning permission for this proposal will not compromise the Council's ability to refuse any future applications for wind turbines at the

site or in the wider area which they consider to be unacceptable in planning terms.

I also note the concerns made in relation to the visual impact of the turbine from residential properties. Members are however referred to the assessment of the proposal's landscape impact set out earlier in this report. The nearest residential properties are located along the surrounding roads. It is demonstrated in this report that the turbine would not be obtrusively visible from the surrounding roads and it is not considered to have an adverse effect on the character of the landscape. The visual impact on the nearby residential properties is therefore considered to be negligible.

With regard to the proposal causing health issues, the application demonstrates that noise from the turbine will not be experienced at any of the nearest residential properties thus I would not have any concerns in relation to this matter.

Conclusion

The proposal is found to represent an inappropriate form of development in the Green Belt that would harm the openness of the Green Belt. The level of harm is not however considered to be significant due to the small surface area and slim profile of the structure. It is considered that the clean energy that would be generated by the proposal and the resultant reduction in carbon dioxide emissions would represent significant benefits that would outweigh the identified harm to the Green Belt.

The visual impact of the proposal is considered to be relatively low and it is considered that the turbine would be well integrated within the landscape of the area.

The proposal is found to have no adverse heritage impacts, no adverse ecological impacts and no adverse effect on the amenity of surrounding residential occupiers.

The proposal is found to be in accordance with the relevant policies of the adopted Development Plan and the relevant provisions of the NPPF. There are no other material considerations that would warrant the refusal of planning permission. The proposed development is considered to represent a sustainable form of development and it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001 (three year time limit for commencement of works).

2. C001A (development must be carried out in accordance with the approved plans. The turbine to be installed at the site shall be an Endurance E-3120 50kW model unless otherwise agreed in writing by the Local Planning Authority).
3. All electricity lines connecting to the turbine shall be laid under ground. A scaled plan indicating the route of trenching required for connecting the turbine to Thriftwood Farm and the National Grid shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
4. The materials to be used for the approved access track shall be submitted to, any approved in writing by, the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of the development hereby approved a Traffic Management Plan shall be submitted to, any approved in writing by, the Local Planning Authority. The plan shall include details of the route to be used to access the site by delivery and construction vehicles. The delivery and construction of the turbine shall be carried out in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
6. The development shall be carried out in accordance with the recommendations set out at Part 7 of the approved Phase 1 Ecological Assessment conducted by Landscape Science Consultancy Ltd and received by the Council on 08/06/12.
7. In the event of the permanent cessation of the use of the turbine, or it failing to produce electricity for a period of 12 months or more, the turbine (including its tower) and the associated access track approved by this permission shall be permanently removed and the site restored to its former condition not later than 6 months from the date of cessation in accordance with a scheme previously submitted to, and approved in writing by, the Local Planning Authority.

Notes:

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

WMSS: QE1, EN1
 WCSP: SD.2, CTC.1, CTC.2, CTC.19, CTC.20, D.38, D.39, EN.2, T.1
 BDLP: DS2, DS13, C4, S35A, S48, ES14A
 Draft CS2: CP3, CP22, CP16, CP17, CP19
 Others: NPPF, Planning for Renewable Energy: A Companion Guide to PPS22

It is the Council's view that the proposed development complies with the provisions of the Development Plan and the National Planning Policy

Framework 2012 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	Employ ment	12/0300 DK 17.07.2012

RECOMMENDATION: 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

MINDED to APPROVE FULL PLANNING PERMISSION

Consultations

WH Consulted 24.04.2012. Response received 27.06.2012.
 No objection subject to conditions:
 HC8 - Vehicle Access Construction
 HC13 – Access Closure – use of site – vehicular
 HC25 – Access Turning and Parking
 HC35 (Modified) Cycle Parking
 HC35 (Modified) Motorcycle Parking
 HC51 Parking for Site Operatives
 HC53 Travel Plan Condition

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 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: 08.06.2012.

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. Further information was received from the applicant.

Additional comments received from the EA 05.07.2011.
No objection subject to conditions.

EDO

Consulted 24.04.2012. No response received.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
LP	<p>Consulted 24.04.2012. Response received 11.05.2012.</p> <p>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 (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.</p> <p>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.</p> <p>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.</p> <p>The views of the Highways Engineer and Drainage Engineer will be of relevance in relation to the highways, water management and sustainability issues.</p>		
Retail Consultant	<p>Consulted 24.04.2012. Response received: 16.05.2012.</p> <p>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</p>		

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

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	<p>efficiently than the main retail area. This has the effect of diluting the effect of the new space from a retail perspective.</p> <p>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.</p> <p>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.</p>		
WRS (Contaminated Land)	Consulted 24.04.2012. Response received: 12.06.2012. No objection subject to conditions.		
WRS (Lighting)	Consulted 24.04.2012. Response received: 21.06.2012. No adverse comments.		
WWT	Consulted 24.04.2012. No response received.		
Tree Officer	<p>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.</p> <p>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.</p>		

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 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	TC8, TC13.
Centre AAP	
NPPF	Paragraphs 23 - 27

Notes

Members should note that this item was deferred for consideration at the meeting of the Planning Committee held on 25th June to await the comments of Worcestershire Highways on the revised Transport Assessment. These comments have been received and are outlined above.

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
- (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 a 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 noted and there is no objection subject to conditions. A completed and signed S106 Agreement is awaited from the applicant and a draft has been approved by WCC. C

(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. Additional information has been provided by the applicant to resolve the flood risk issues. There is now no objection from the EA subject to conditions.

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 noted in respect of the lighting and it is not considered that the lighting proposed would have any detrimental impact on the residential amenity of the properties on Stoke Road. noted in respect of the lighting and it is not considered that the lighting proposed would have any detrimental impact on the residential amenity of the properties on Stoke Road. In terms of the general amenity of the surrounding roads, I note the detailed landscaping plan provided for the site.

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: 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.

MINDED to APPROVE FULL PLANNING PERMISSION

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
GALLAGHER ESTATES LIMITED “B”	Outline application for open space relating to GB mixed use development for up to 200 dwellings, Class B1 office floorspace with associated access arrangements	GB	12/0401 03.08.12

Land at Weights Lane, Redditch

RECOMMENDATION:

That subject to the satisfactory views of Worcestershire Highways:

(a) MINDED to APPROVE OUTLINE PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if deemed appropriate

Consultations

WH Drainage Engineer	<p>Consulted 16.05.12: views awaited</p> <p>Consulted – views received 06.06.12:</p> <ul style="list-style-type: none"> • No objection • The proposed surface water balancing feature will need to be included in any negotiations regarding Section 106 contributions for the future maintenance of this facility
Planning Policy Planning Policy Open Space	<p>Consulted 16.05.12: views awaited</p> <p>Consulted 16.05.12: views awaited</p>
Head of Leisure Services	<p>Consulted – views received 14.06.12:</p> <ul style="list-style-type: none"> • No adoption by RDC of management responsibilities for open space, boundaries with public highway, open space and informal natural play within housing development, open space within office development, boundary with railway line. Drainage authority to adopt and maintain flood attenuation pond and structures. • 10 year Management Plan for attenuation scheme and landscape to be agreed. • Detail of landscape design and species to be planted within Housing development and attenuation scheme to be agreed. • Inconsistency between plan showing boundary of application and plans for proposed development in northwest corner. What

is proposal for stock pens, track and strip of land between this and river?

- Proposed highway shows a straightened Weights Lane compared to current line – confirm the extent of hedge loss along Weights Lane
- Additional footpath on west of Birmingham Road plus relocation of bus stop and creation of shelter likely to result in further hedge loss along Birmingham Road.
- Weights Lane is busy with heavy goods vehicles, including skips. Redditch Skip Hire is located in the industrial site. The road will deter access to the proposed informal open space to the north of Weights Lane and therefore limits the value of this POS provision for the housing development. The proposed provision of two small areas of play/green space around protected trees is considered inadequate as an alternative.
- The development is part of a larger area of potential housing development so the design principles for this scheme need to take account of future developments.
- Proposed play area adjacent to emergency route in north site with entrance to open space opposite is too risky – there is a blind corner not suitable for children to be playing/crossing.
- Preferred option is for larger, formal play equipment to be provided at Abbey Stadium for wider community to benefit and for informal natural landscaped play to be catered for within the new development by the provision of larger, more open green space/s central to the development with improved surveillance and green linkages through the site.

SE	Consulted – views received 28.05.12: No objection
WWT	Consulted 16.05.12: views awaited
Tree Officer	Consulted – views received 01.06.12: <ul style="list-style-type: none"> • No objection
WCC(CA)	Consulted – views received 12.06.12: <ul style="list-style-type: none"> • No objection subject to Condition relating to: • Programme of archaeological work, including a Written Scheme of Investigation
West Mercia Constabulary	Consulted 16.05.12: views awaited
Community Safety	Consulted 16.05.12: views awaited
Climate Change Officer	Consulted 16.05.12: views awaited
Network Rail	Consulted – views received 06.06.12: <ul style="list-style-type: none"> • Objection • Network Rail is formally consulting on proposals to carry out significant works to improve the capacity of its Redditch-Barnt Green railway, which runs to the west of the application site. • Network Rail's project is a Nationally Significant Infrastructure

Project (NSIP) and it will be the subject of an application to the National Infrastructure Directorate within the Planning Inspectorate for a Development Consent Order. Formal consultation has already started with residents, Council members and other stakeholders.

- Network Rail intends that its submission to PINs will be made in August 2012. If consent is granted Network Rail aim for an anticipated start on site autumn/ winter 2013, and completion of the scheme in summer 2014.
- Part of the mixed use site including Weights Lane and land to the north of Weights Lane will be required by Network Rail temporarily in connection with the construction of the Redditch Branch Enhancement Project. Since our previous letter we can confirm that a construction compound will be directly adjoining Weights Lane.
- Proposed works are likely to involve the following (although the exact scheme will not be finalised until we have completed all public and stakeholder consultation required by PINS):
 - A new 3km second section of railway
 - Mainly on existing railway land, albeit some areas of land are to be acquired permanently, whilst other land is required temporarily during the construction period.
 - The scheme starts just north of Alvechurch Station ends at Weights Lane.
 - Weights Lane is likely to be the main route for construction materials and equipment for the project off the M42 and A441
 - Strengthening of existing embankments
 - Introduction of new signalling
 - Four possible work compounds required (the main site office compound will be within this application site)
 - New platform and footbridge at Alvechurch
- All of the NSIP will be in the administrative area of Bromsgrove District Council.
- It is also essential that access to the railway on the east side of the Weights Lane underbridge is available for the constructing the works and their subsequent maintenance. Temporary haul roads will also be required either side of the railway where the track is to be doubled, for the duration of the works and potentially for subsequent maintenance access.
- Network Rail is not against the principle of the proposed development now before the Council. It is essential however that Network Rail's ability to construct its NSIP is not prejudiced.
- As a result Network Rail requests that planning permission is not granted until the developer and landowner have provided to Network Rail and the local planning authority a scheme to safeguard the land required for access to construct the Redditch Branch Enhancement Scheme.

National Grid

Consulted – views received 14.06.12:

- No objection

- HSE Consulted – views received 15.06.12:
- No objection
- CPRE Views received 18.06.12:
- Concerns regarding the leat from the River Arrow traversing the site that could be of medieval origin
 - An archaeological investigation should take place to the land surface of the pond bay and any associated mill, together with the linear earthwork of the leat
 - Both these aspects should be controlled through the imposition of a suitable Condition
- Additional views from Redditch Group CPRE received 04.07.12:
- Objection
 - Not enough consideration has been given to the open space, ground water ponds and River Arrow facilities
 - CPRE consider more thought could be given to remove the overall cramped layout of the proposals
- Redditch BC
Tutnall and
Cobley PC
Publicity
- Consulted 15.06.12: views awaited
- Consulted – views received 18.06.12:
- Members felt they were unable to comment until they knew how much social housing was being proposed and what the employment opportunities were.
- 1 site notice posted 18.06.12 (expires 13.07.12)
1 press notice published 25.05.12 (expires 15.06.12)
No neighbour notification required
- 1 representation received 18.06.12 raising the following issues:
- Access issues
 - The Transport Impact Assessment should take into consideration the operational capacity of the Sainsbury's roundabout and the signals at Dagnell End Road

Members are encouraged to review all submitted documentation, including the third party letter summarised above. All submitted information is available to view in full online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site is located to the north-west of the Redditch urban area. The entire development site measures approximately 12.4 hectares and sits between the railway line serving Redditch, which bounds the site to the west and Birmingham Road (A441) which bounds the site to the east. Weights Lane runs in an east-west direction and bisects the site.

The site is split in terms of administrative control. The land to the south of Weights Lane is located in Redditch Borough lies outside the Green Belt and is currently allocated as part of the Brockhill Area of Development Restraint (ADR). The land to the north of Weights Lane is located in Bromsgrove District and is designated Green Belt.

The site is currently laid to grass. The site is undulating and gently rises in an east-west direction towards the railway line which is set above the site on an embankment. The River Arrow is located directly adjacent to the north-east boundary of the site. Access to the site is currently via Weights Lane, a unadopted single carriageway cul-de-sac that also serves Weights Lane Industrial Estate Butlers Hill Farm and two semi-detached dwellings (Primrose Cottages - which fall outside the application site) fronting Weights Lane.

Adjoining the site to the south is residential development which fronts onto Birmingham Road. North of the site lies undeveloped, greenfield land designated as Green Belt. Directly adjacent to the railway line (to the west) and separated from the site by the railway embankment is Weights Lane Industrial Estate which comprises approximately 10 large warehouse/ manufacturing units (subdivided). Beyond the railway line to the west is relatively steep rising greenfield land which also forms part of the Brockhill ADR. On the opposite side of the A441 to the east of the site is Abbey Stadium sports complex which consists of a sports centre, running track and associated playing pitches.

The Proposals

The application relates to an outline application with all matters reserved for future consideration with the exception of access.

For the reference of Members, the whole application site extends north of Weights Lane into Bromsgrove District. All of the planned mixed use development is proposed to be built south of Weights Lane within Redditch Borough and is intended to meet housing/employment needs arising within Redditch Borough. The only forms of development proposed within Bromsgrove District (on land currently allocated as Green Belt) are the associated surface water drainage, open space and highway works.

As such, an identical application has been submitted to each Authority, and each Authority has to determine the elements of proposed development falling within its own boundaries. In this respect, Members are tasked with determining the proposals for informal open space, associated surface water drainage works and a small aspect of highway works.

For clarity, the application site within Redditch Borough forms part of a wider emerging allocation in Redditch Borough known as the Brockhill East Strategic Site (BESS) in Redditch Borough Council's Core Strategy Plan Document (Revised Preferred Draft Core Strategy). Within the BESS, land is proposed to be developed for a mix of uses including housing and employment over the plan period to 2026. All of the planned mixed use development is proposed to be built south of Weights Lane within Redditch Borough and is intended to meet housing/employment needs arising within Redditch Borough.

The whole outline application proposes the development of up to 200 dwellings (including up to 80 'affordable' units), 5,000sqm (gross) Class B1 office floorspace and associated access arrangements, flood attenuation and open space at the site. It is proposed to develop land to the south of Weights Lane for housing and employment. All of the proposed residential and employment floorspace development falls within Redditch Borough.

To the north of Weights Lane it is proposed to develop open space incorporating a flood attenuation pond as part of the drainage strategy for the residential/ employment development. A new roundabout serving the site from the A441 (Birmingham Road) is proposed to be developed as a primary means of access for the residential development. A secondary access onto Birmingham Road is proposed to serve the employment development.

The proposed access arrangements have been formulated to allow for the delivery of the Bordesley Bypass relief road should the construction of this road become necessary in the future (the subject proposals do not require the provision of the relief road). The proposed roundabout essentially constitutes the southern roundabout permitted under the Bordesley relief road proposals. The proposed access arrangements have been designed to ensure satisfactory vehicular access to existing users of Weights Lane is maintained, as well as being able to safely accommodate the traffic generated by the development and future traffic flows associated with the relief road, should that road be required in the future.

The illustrative masterplan details the following elements:

- The development of up to 200 dwellings, comprising up to 120 private market dwellings and up to 80 affordable dwellings with associated space for parking;
- The development of up to 5,000sqm (gross) Class B1 office floorspace and parking (circa 167 car park spaces and 17 cycle spaces);
- A new roundabout access serving the proposed housing and open space from the A441 to the east;
- A secondary access onto Birmingham Road serving the employment development;
- Provision of open space comprising, 4ha of informal open space and 0.33ha of formal play space
- Appropriate flood attenuation measures to the north of the site; and
- Associated landscape improvements including the retention of existing mature trees (TPO) and the introduction of landscaping at the site's boundaries.

A number of documents have accompanied the application. Relevant documents to this application relate to the Planning Statement, Design and Access Statement, Concept Masterplan, Arboricultural Survey, Archaeological Desk Based Assessment, Ecological Appraisal, Flood Risk Assessment and Outline Drainage Strategy, Landscape and Visual Impact Assessment and Transport Assessment. These are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, PA1, QE1, QE2, QE4, QE6, QE7, QE8, QE9, T1
WCSP	SD.2, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.43, T.1
BDLP	DS2, DS11, DS13, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, ES1, ES2, ES4
Draft CS 2	CP3, CP17, CP19, CP20, CP21, CP22, CP23

Others Circular 06/98
 Circular 06/05
 Ministerial Paper: Planning for Growth
 National Planning Policy Framework (NPPF)

Relevant Planning History

11/0872 Residential development of up to 220 dwellings with associated open space and access arrangements:
 Pending (withdrawal imminent)

In 1995 Redditch Council was consulted by Hereford and Worcester County Council (now Worcestershire County Council) on an application for the bypass which was subsequently granted permission, however this permission was not implemented. A subsequent application based on the alignment of the previously approved scheme was resubmitted in 2006.

These proposals included the construction of:

- Approx 1.7m of dual carriageway;
- A new roundabout and access road at the junction of Weights Lane;
- Realignment of the existing A441 between Bordesley Bridge and Weights Lane junction;
- A single span bridge over the River Arrow; and
- Two balancing ponds with associated drainage infrastructure.

That application was also granted. The permitted bypass route bisected the application site in a north south direction from Weights Lane. However, the permission was not implemented and has since lapsed.

Notes

The aspect of the proposals falling into Bromsgrove District is located in designated Green Belt. In this respect, this aspect of the scheme must be considered in light of national and local Green Belt policy, with a focus on whether the public open space use and engineering works are appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused.

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt. This is reflective of the stance in the NPPF. Paragraph 90 of the NPPF stipulates that engineering and other operations are not inappropriate in the Green Belt provided they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

The proposed works within the Green Belt relate to:

- The change of use to informal public open space
- The construction of a surface water attenuation pond
- The construction of a small proportion of the access roundabout to serve the development

The proposed attenuation pond would be below ground level. It would therefore not materially affect the openness of the Green Belt. Rather than conflict with any of the five purposes for including land within the Green Belt (NPPF, paragraph 80), the proposed flood attenuation works, forming part of an area proposed to be designated as public open space, will make a positive contribution to the three purposes that are identified as relevant for the Bromsgrove Green Belt, these being:

- Checking the unrestricted sprawl of large built up areas;
- Preventing neighbourhood town from merging into one another; and
- Assisting in safeguarding the countryside from encroachment.

The vast majority of the access works will be completed within the land designated ADR in the Redditch Borough Local Plan. Only a very small proportion of the works fall within the Green Belt, located on land adjacent to the existing A441. Those engineering works will therefore have no material effect on the openness of the Green Belt at this location, nor any harmful effect on the three purposes referred to above.

Given these circumstances I raise no objection to the scheme on Green Belt policy grounds.

The adequacy of the informal open space provision has been assessed in the context of Redditch Borough Council's policies. The proposed provision meets the relevant Redditch Borough Council policy requirements. The provision and subsequent maintenance of the informal open space is to be secured through a cross boundary planning obligation.

Flood Risk and Drainage

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) and Drainage Strategy has accompanied the application.

The NPPF sets out a sequential approach to steer new development to areas with the lowest probability of flooding. This gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

The FRA indicates that the development predominantly falls within Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable. However, there are some small areas adjacent to the River Arrow in Flood Zone 2 and 3 (with particular regard to the proposed outfall to the River Arrow from the surface water balancing pond).

The proposed Sustainable Urban Drainage Scheme (SuD) will primarily consist of a flood attenuation pond located to the north of the site which will also form the focal point for the open space. The detailed design of the pond is reserved for future determination.

The Drainage Engineer has raised no objection to the scheme. I am also mindful that the scheme contains no built form and relates to open space only.

Trees and Ecology

It is not proposed to remove any trees of significance which are considered of amenity value within the application site.

There is one statutory designated site located approximately 1.5km east of the site and eight non-statutory sites designated for nature conservation within 2km of the site. The nearest is the River Arrow Special Wildlife Corridor, which is located adjacent to the site to the north-east. The submitted ecological survey has revealed low ecological activity/potential at the site. Given the sensitivity of the River Arrow Wildlife Corridor to the north-east, potential ecological impacts have been minimised by locating the attenuation pond outfall to avoid mature trees along the river corridor. While no bats have been observed at the site the river corridor has potential to support roosting, foraging and commuting bats and so the pond outfall has been located away from trees to avoid disturbance. By locating appropriate tree and scrub planting in the vicinity of the pond this may further enhance this area in terms of habitat structure, composition and potential to support species, this providing a beneficial impact.

I am thus of the view that the outline application should meet with the requirements of the NPPF and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity, subject to the imposition of suitable Conditions relating to the implementation of mitigation measures.

Archaeological Issues

The views of the County Archaeologist are noted. I also note the views of CPRE on this issue. The WCC(CA) has raised no objection to the scheme, subject to Conditions.

Other Issues

Network Rail Comments

Members will note the views of Network Rail in relation to this application. Whilst I note these comments, the planning system is unable to maintain preference for one scheme over another. Effectively the issues raised by Network Rail are landownership matters and not material planning considerations. I therefore give little weight to the objections raised.

Notwithstanding this, the applicant is fully aware of these comments and is in discussions with Network Rail in order to find a mutually agreeable solution. This may provide some comfort to Members.

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable,

which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Circular 05/05 has now been cancelled following the publication of the NPPF. Paragraphs 203 to 206 are all that remains of Circular 05/2005. Three of the five key policy tests remain: (Section 106 obligations must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development) but the 2008 CIL Regulations are now key.

A cross boundary planning obligation will envelop the respective schemes in Bromsgrove District and Redditch Borough. The relevant aspects for Bromsgrove District include:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if appropriate

It is considered that the proposed measures meet the three key policy tests set out in the NPPF. The Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.

Conclusions

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

The scheme is compliant with Green Belt policy. The scheme will comfortably serve the development located in Redditch Borough and provide well-planned open space opportunities.

Given the applicant is in the process of submitting a cross boundary legal agreement to deal with the open space provision and the transfer of the SuDs facilities relevant to this application, I am thus seeking delegated powers from Members to deal with this matter upon completion.

Members will also note the views of Worcestershire Highways remain outstanding and I will update Members at your Committee on this issue.

RECOMMENDATION:

That subject to the satisfactory views of Worcestershire Highways:

- (a) **MINDED to APPROVE OUTLINE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if deemed appropriate

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

- Time limit
- Submission of landscaping Reserved Matters details

- Broad compliance with Concept Masterplan

- External lighting

- Soft and hard landscaping
- Landscape Management Plan
- Boundary treatments
- Tree and Landscape Protection Plan

- Habitat Management Plan
- Details of bat and bird boxes

- Surface water drainage scheme
- Full specification of the balancing pond

- Highway matters (as deemed necessary)

- Programme of archaeological work (to include a Written Scheme of Investigation)

- Construction Environmental Management Plan (CEMP)
- Construction Traffic Management Plan (CTMP)

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Michael Farrington	Retrospective conservatory at 33 Lynbrook Close, Hollywood, Worcestershire, B47 5PU	RESI	12/0460 23.07.12

Councillor Les Turner has requested that this application is considered by planning committee rather than being considered under delegated powers. (Email request on: 18.06.12)

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Wythall Parish
Council

Consulted: 07.06.12 Amended Response received: 28.06.12

Wythall Parish Council have concerns about the 45 degree sight line from the lounge window of the adjacent property

Publicity

Neighbour notification:

2 letters sent 07.06.12, expired 28.06.12.

Site Notice posted 15.06.12 expired 06.07.12:

2 letters of objection received from Mr Rogers at No. 31 Lynbrook Close (12/06/12, 15/06/12) raising the following concerns:

- The conservatory forms an “L” shape and extends 8 metres in length from the rear wall of the garage with the existing extension
- It breaches the 45 degree code
- The volume of the extension (34%) exceeds the Council limit
- From the rear bedroom window you can look directly into the conservatory
- The building is visually overbearing and dominates the skyline from the patio and lounge area
- Results in a loss of privacy
- The rear of the house now has the appearance of a semi-detached house, effecting the value of the house
- No access from the neighbours garden to service, clean and repair without entering my property
- The foundations are too close to the drainage system on my property, causing structural problems
- Prejudiced plans to build a conservatory on my own property

Additional comments were received by Mr Rogers on 06.07.12, relating to specific SPG1 paragraphs, 4.2b, 4.2c, 4.2d, 6.3, 6.5, and 8.7.

All of the above matters have been noted in previous correspondence dated 12.06.12, apart from paragraph 8.7 of SPG1, which states that:

Windows should not overlook blank walls. It is considered that the side wall is 9ft high, mainly brick and is 5 inches from the boundary fence of my property.

The site and its surroundings

This application relates to a modern, detached dwelling, sited within a modern housing development to the North of Hollywood. The street scene of Lynbrook Close is uniform in its appearance and has a staggered building line moving north. Furthermore there is a difference between the land levels of No 31 and No. 33, of approximately 0.3 metres.

The dwelling has a modest front garden with a private driveway and garage. To the rear there is a generous curtilage of approximately some twenty metres in length and a considerable boundary treatment that encloses the garden.

The site is designated as residential.

Proposal

This retrospective application is for a single storey conservatory. It is located to the rear of the existing garage and a previous, small infill extension. The conservatory comprises a brickwork structure with white UPVC windows and doors. As such the materials match the host dwelling.

The conservatory is; 4 metres deep, 4.5 metres wide and 3.2 metres high with a dual pitched roof

Due to the nature of the development it features a vast quantity of UPVC glazing; however the Southern (side) elevation, adjacent to the boundary of No 31 Lynbrook Close is largely brickwork, with one obscurely glazed window towards the front elevation.

Relevant Policies

WMSS: QE3
WCSP: CTC.1
BDLP: S10
DCS2: CP3,
Others: SPG1, NPPF

Relevant Planning History

- PDENQ12/032 - New Conservatory. 26.04.2012

Assessment

This application is sought as the conservatory does not meet the Permitted Development criteria. This is due to it being built off a rear wall that is not original; as advised by Bromsgrove District Council enforcement department in spring 2012.

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

- (i) Impact of the proposal on the character of the street scene
- (ii) Impact of the proposal on residential Amenity

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). Within both of these documents, achieving a good level of design is of fundamental importance

(i) Street Scene

The conservatory is single storey and is positioned to the rear of the garage and the small infill extension. Consequently it is out of view from the principal elevation and of no detriment to the character of the street scene.

(ii) Residential Amenity

Members should note the detailed objections raised by the resident at NO.31, the initial objection was received on 12.06.12 and these will be addressed in turn. Members are advised to read these comments for the full details.

45 Degree Code/Loss of light

When measuring from the nearest window at No. 31 Lynbrook Close, the conservatory does breach the 45 degree code by 3.5 metres. I note comments in terms of this breach and a loss of light that will be caused, however there are several factors that are to be given due consideration;

The conservatory is a single storey structure and sited to the rear of the property

The advice contained within SPG1, paragraph 6.5, states the application of the 45 degree code should be *“Interpreted carefully and flexibly”*

There is already a two metre high fence in existence, which runs along the common boundary of No. 31 and 33. The fence is of a height that already breaches the 45 degree code as outlined in SPG1; though it does not require formal planning consent as it meets the requirements of the Town and Country Planning (General Permitted Development) (England) Order 1995, Schedule 2, Part 2, Class A.

Taking the existing fence into consideration, it is important to determine the greater harm caused by the additional 1.2 metres that extends above the 2 metre high fence.

Members should note that due to the orientation of the dwelling and the rear garden projecting in a South West position, the sun will remain at the rear of the dwelling for the

latter half of the day. Thus in my view no undue loss of light or over shadowing will be caused by the proposal, which effects the property at No 31. Therefore, whilst the comments received from the residents at No.31 are noted, it is not considered that there would be any significant loss of light to justify the refusal of planning permission.

Privacy

In the first instance, it is important to note that, the application site is approximately 0.3 metres higher than the dwelling and curtilage of No 31, therefore any proposal to the rear of No 33 will result in a slightly higher proposal, unless it is compensated for within the development itself.

I note comments arising from the publicity period regarding a loss of privacy and the outlook from the bedroom window at No. 31. The proposal has been designed to incorporate a solid brick wall on the Southern elevation, with only a small glazed window towards the front. Therefore I consider the opportunity to overlook the private amenity space of No. 31 would be minimal. Furthermore the 2 metre high fence is adjacent to this elevation, affording further privacy and it conceals this elevation of the conservatory.

Although I note the roof of the conservatory is glazed and is visible from the bedroom window of No. 31, I consider it would be unreasonable to refuse planning permission on this basis. Prior to the erection of the conservatory, it was possible to overlook the private amenity space of No. 33 from this bedroom window, Members are requested to consider the greater harm that would arise from the conservatory.

A further objection was made by Mr Rogers on 06.07.12, each matter has detailed below;

- The building is visually overbearing and dominates the skyline from the patio and lounge area
- Windows should not overlook blank walls paragraph 8.7 of SPG1
- The volume of the extension (34%) exceeds the Council limit
- The rear of the house now has the appearance of a semi-detached house, effecting the value of the house
- No access from the neighbours garden to service, clean and repair without entering my property
- The foundations are too close to the drainage system on my property, causing structural problems
- Prejudiced plans to build a conservatory on my own property

I have duly considered the above matters and in response; the volume of the extension, and windows not overlooking blank walls, are issues which are not relevant to this application. Furthermore the remaining issues; property values, no access to private drainage to enable maintenance, are not material planning considerations, and are to be resolved as civil matters.

Conclusion

After duly considering all of the above matters, I am content that the proposal would not adversely affect the amenity of adjoining occupiers, arising from a loss of light, privacy or any other aspect of residential amenity. Furthermore it is viewed that the conservatory

results in well designed scheme, which is consistent with the NPPF design principles. Therefore it is recommended that permission be granted.

Recommendation: that permission be Granted

Conditions:

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

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

2. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

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

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

Location Plan at 1:1250 Received 28.05.12

Block Plan at 1:500 Received 28.05.12

Ground Floor Plan Received 28.05.12

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

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:

Policies:

WMSS: QE3

WCSP: CTC.1

BDLP: S10

DCS2: CP3,

Others: SPG1, NPPF

It is the Council's view that the proposed development complies with the provisions of the development plan and National Planning Policy Framework and that, on balance; there are no justifiable reasons to refuse Planning Permission.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

23rd July 2012

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Wards Affected:	
Non-Key Decision	

1. **SUMMARY OF PROPOSALS**

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

2 **RECOMMENDATION**

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

3. **KEY ISSUES**

Financial Implications

- 3.1 There are no financial implications arising from this report.

Legal Implications

- 3.2 There are no legal implications arising from this report.

Service / Operational Implications

- 3.3 The appeal decisions are as follows:

Name of Appellant	Plan Ref. / Proposal / Decision
3.3.1 Mr R. Daniels	11/0333 – Proposed two bedroomed bungalow. Land to rear of 51 & 53 Twatling Rd., Barnt Green, B45 8HS - See APPENDIX 1
	Refused: 23rd June 2011 Appeal decision: Dismissed – 15th May 2012

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

23rd July 2012

- 3.3.2 Mrs J. White 11/0353 – Proposed access drive and two dwellings
Land at 41 Sandhills Rd, Barnt Green B45 8NP
- See **APPENDIX 2**
- Refused: 23rd June 2011
Appeal decision: **Dismissed** – 15th May 2012
- 3.3.3 Miss S. Hedges 11/0539 – Proposed Toilet and Store
Whitford Bridge Stables, Whitford Bridge Rd.
Stoke Prior, Bromsgrove B60 4HE
- See **APPENDIX 3**
- Refused: 12th August 2011
Appeal decision: **Allowed** – 14th May 2012
- 3.3.4 11/0650 – Revision to conditions on trees and hours.
64 Sherwood Road, Aston Fields, Bromsgrove
- See **APPENDIX 4**
- Refused:
Appeal decision: **Part Allowed Part Dismissed**
- 3.3.5 11/0790 – First floor extension and apex roof
19 The Spinney, Wythall
- See **APPENDIX 5**
- Appeal decision: **Allowed**
- 3.3.6 Mr S Guest 11/0945 – Erection of new garage
40 Bournheath Road, Fairfield, Bromsgrove
- See **APPENDIX 6**
- Appeal decision: **Refused**
- 3.3.7 11/0960 – Erection of porch and conservatory
Highfield House, Dark Lane, Romsley
- See **APPENDIX 7**
- Appeal decision: **Allowed**
- 3.3.8 11/0987 – proposed 1.5 storey rear extension
and alterations
9 Lower Hill Farm, Pound Lane, Frankley,
Bham B32 4BD

- See **APPENDIX 8**

Refused: 6th February 2012

Appeal decision: **Allowed** – 12th June 2012

3.3.9 Mrs M Buckley 11/0990 – Proposed two storey domestic extension
43 Avoncroft Rd, Stoke Heath, Bromsgrove B60 4NG
- See **APPENDIX 9**

Refused: 6th February 2012

Appeal decision: **Allowed** – 11th June 2012

3.3.10 Mrs F. Stone 11/1015 – Proposed first floor extension
7 South Road, Hagley, West Midlands DY9 0JT
- See **APPENDIX 10**

Refused: 27th January 2012

Appeal decision: **Allowed** – 14th May 2012

3.3.11 Mr M. Belshah 12/0021 – Proposed two storey side extension to
provide an additional bedroom and a re-positioned
bathroom and a single storey rear extension to
provide an open plan kitchen / diner, cloakroom
and utility room.
7 Sandhills Rd, Barnt Green, Birmingham B45 8NP
- See **APPENDIX 11**

Refused: 7th March 2012

Appeal decision: **Dismissed** – 28th May 2012

Customer / Equalities and Diversity Implications

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

4. **RISK MANAGEMENT INCLUDING HEALTH AND SAFETY
CONSIDERATIONS**

N/a.

PLANNING COMMITTEE

23rd July 2012

5. APPENDICES

Appeal summary reports as listed above as Appendices 1 to 11.

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate.

AUTHOR OF REPORT

Name: Jan Smyth

email: jan.smyth@bromsgroveandredditch.gov.uk

Tel.: 01527 64252 Extn. 3266

Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/11/2167400/NWF

Planning Application: 11/0333

Proposal: Proposed two bedroom bungalow.

Location: Land to rear of 51+ 53 Twatling Road, Barnt Green, Worcestershire
B45 8HS

Decision: The appeal was dismissed.

The author of this report is David Kelly who can be contacted on 01527 881345 (email: d.kelly@bromsgrove.gov.uk).

Discussion

The proposal was for a single detached dwelling directly to the rear of No. 51 Twatling Road.

The main issues in this case were:

- (i) the effect of the proposal on the character and appearance of the surrounding area; and
- (ii) whether the proposal would have a harmful effect on the living conditions of the occupiers of No 49 Twatling Road in relation to whether there would be any visual intrusion.

The proposal would introduce a further dwelling to the rear of No 51. It would be situated in close proximity to those behind Nos. 49a and 53 and the resulting group would have a closer relationship to one another than the others described in the representations and seen at the site visit. The resulting tighter urban form would be uncharacteristic of the immediate area around the site. This tighter form would be accentuated by the vehicle manoeuvring area between the existing house behind No 51, the house behind No 53 and the proposed bungalow. Whilst the principle of residential development in this area is accepted by the Council, the spacing of the dwellings in and around the appeal site would not be in keeping with the local character in conflict with the Council's SPGN12. The proposed density would therefore be inappropriate for the area, in conflict with LP Saved Policy S7.

It was also concluded that the proposal would have a harmful effect on the living conditions of the occupiers of No 49 Twatling Road in relation to visual intrusion. I further conclude that it would thus conflict with Local Plan Saved Policies S7 and DS13 together with the Council's SPGN1.

Costs Application

No application for costs was made.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/11/2165983/NWF

Planning Application: 11/0353

Proposal: Access drive and two dwellings (As amended by plans received: 03.06.2011, 08.06.2011).

Location: 41 Sandhills Road, Barnt Green, Birmingham, Worcestershire, B45 8NP

Decision: The appeal was dismissed.

The author of this report is David Kelly who can be contacted on 01527 881345 (email: d.kelly@bromsgrove.gov.uk).

Discussion

The proposal was to develop two detached dwellings in the rear garden of the appeal site, served by a driveway to the east side of the plot, following the demolition of the existing garage.

The proposed development of the appeal site would run contrary to the existing building pattern and the characteristic low building density of the area. The proposed dwellings would appear cramped on the site in comparison with their surroundings. There were no other examples of similar residential development in the rear gardens of neighbouring dwellings in Sandhills Road. The subdivision of the existing plot and the development of dwellings to the rear of the existing house would be significantly different to the prevailing traditional street frontage-based layout of the surrounding area. Therefore important elements of the existing character and appearance of the neighbourhood would be lost and the proposed dwellings would be incongruous with their surroundings.

The Inspector considered that the proposal would significantly affect the living conditions of the adjoining residents of No. 43 and it would therefore be contrary to the objectives of Local Plan Policies S7 and DS13 and the advice in the Council's SPG Note 1. Together these seek to safeguard the quality of life and the amenity of adjoining occupiers. The objectives of the policies and guidance in the Local Plan and SPG, insofar as they relate to living conditions were considered to be consistent with those of the new National Planning Policy Framework.

Costs Application

No application for costs was made.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

Report for Information

Appeal made against the refusal of planning permission

Appeal reference APP/P1805/A/11/2164586
Planning application 11/0539

Proposal A proposed is a toilet and store

Location Whitford Bridge Stables, Whitford Bridge Road, Stoke Prior, Bromsgrove, Worcestershire, B60 4HE

Ward Stoke Prior

Decision Allowed

The author of this report is Stacey Green who can be contacted on extension 1770(e-mail: S.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a proposed is a toilet and store

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

1.

The proposed toilet and store building does not constitute an essential facility for outdoor sport and outdoor recreation in the Green Belt. Therefore the proposal represents an inappropriate form of development in the Green Belt which would be harmful to the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policies D38 and D39 of the Worcestershire County Structure Plan, policies DS2 and RAT2 of the Bromsgrove District Local Plan, Supplementary Planning Guidance Note 5: Agricultural Buildings Design Guide, and the advice of PPG2.

The appeal site is within the Green Belt and so the Inspector found the main issues to be:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy.
- The effect of the proposal on the openness of the Green Belt.

Discussion

The appeal site is an established riding stables and school located in the countryside near to a small group of dwellings and a canal.

Policy DS2 of the Bromsgrove District Council Local Plan (2004) indicates that permission for development in the Green Belt will not be given unless it is for one of a number of specified instances. This includes essential facilities for outdoor sport and recreation. Policy RAT2 states that any such new building must be genuinely required for essential facilities solely related to the use.

The NPPF Framework also indicates that the construction of a new building would be inappropriate in the Green Belt unless it is for a listed exception. The exceptions include appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The most relevant purpose in this case relates to the safeguarding of the countryside from encroachment.

From the information provided by the appellant it would appear that, until recently, people visiting the site were able to use the toilet facilities at 'The Bungalow' which is located next to the entrance to the site. However, for personal reasons this option is no longer available. The proposal is, therefore, intended to provide alternative arrangements within the site.

People visiting the site are likely to stay for significant periods of time. In this context the provision of toilet facilities, along with a small related store, is both appropriate and essential for the operation of the use.

The proposed building would measure only around 3.81 x 2.24 metres in area and around 2.7 metres in height. Consequently, the size of the building would not be excessive in relation to its function. A building of any size would be likely to have at least some effect on openness. However, given the small dimensions, I am satisfied that the effect would be limited and that the proposal would preserve the openness of the Green Belt. Consequently, the proposed building would not materially encroach into the countryside or conflict with any of the other Green Belt purposes.

Conclusion

The inspector concludes that the proposal would not represent inappropriate development in the Green Belt and there would be no conflict with the Framework or the development plan policies cited above.

Appeal outcome

The appeal was **Allowed** subject to the following conditions;

1. The development hereby permitted shall begin not later than three years

from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: drawing number one (June 2011).
3. The development hereby permitted shall not be brought into use until works for the disposal of surface, storm and foul water have been provided on the site to serve the toilet and store, in accordance with details to be submitted to and approved in writing by the local planning authority.

Costs application

No application for costs was made.

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/11/2164983/NWF

Planning Application: 11/0650

Proposal: The development permitted is replacement mixed use A3/A5 building and parking and removal of existing structure (as amended by plans received 05.10.2011). *This appeal solely relates to the conditions applied namely:*

(6) The existing oak tree on the boundary of the application site shall be retained and shall not be felled, lopped, or topped without the express written consent of the Local Planning Authority.

(7) The premises hereby approved shall not be open for customers outside the following hours:

1000 -1800 Monday to Fridays

1000 -1700 Saturdays and not on Sundays or Bank Holidays

(9) Prior to the commencement of the development hereby approved, a Method Statement, with full details of the proposed treatment of the Root Protection Area (RPA) of the oak tree shall be provided to and approved in writing by the Local Planning Authority. This shall be in accordance with the recommendations of BS5837 'Trees in relation to construction'

Location: 64 Sherwood Road, Aston Fields, Bromsgrove, B60 3DR

Decision: The appeal was dismissed insofar as it relates to condition 6. It is allowed and varied insofar as it relates to conditions 7 and 9.

Discussion

In relation to conditions 6 and 9, the main issue is whether the disputed conditions are reasonable in order to protect the oak tree and to safeguard the character and appearance of the area.

In relation to condition 7, the main issue is whether the restriction of the facility's opening hours is reasonable and necessary in order to protect the vitality of the town centre, to safeguard living conditions and to minimise traffic conflicts.

In relation to condition 6 this was considered to be necessary, relevant, enforceable, precise and reasonable, in accordance with all the tests in Circular 11/95.

However, condition 9 was considered imprecise and was amended. Both the retained condition 6 and the revised condition 9 are required to safeguard the future

health and development of the oak tree and would meet the objectives of Policy DS13 and C17 of the Bromsgrove District Local Plan (2004) and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan, which together seek to protect trees and environmental assets.

The appellant advised, and it is not disputed, that the existing facility operates between 0600 – 1900 hours. It was considered that condition 7 was unduly restrictive but that there needs to be some restriction to safeguard the vitality of the town centre. Therefore, the condition is amended as follows:

The premises hereby approved shall not be open for customers outside the following hours on any day of the week: 0600 – 1900.

The author of this report is David Kelly who can be contacted on 01527 881345 (email: d.kelly@bromsgrove.gov.uk).

Costs Application

No application for costs was made.

Appeal Outcome

The appeal was **PART ALLOWED PART DISMISSED**.

Recommendation

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

Report for Information

Appeal made against the refusal of planning permission

Appeal reference APP/P1805/D/12/2170319
Planning application 11/0790

Proposal A first floor, one storey extension to bedroom with apex roof on existing porch.

Location 19 The Spinney, Wythall, Birmingham B47 6HB
Ward Wythall
Decision Allowed

The author of this report is Stacey Green who can be contacted on extension 1770(e-mail: S.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a is a first floor, one storey extension to bedroom with apex roof on existing porch.

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

1.

By virtue of its siting and scale, the proposed development would have a detrimental impact on the character and appearance of the street scene, which is contrary to Policy CTC.1 of the Worcestershire County Structure Plan 2001, Policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide.

The Inspector found the main issues to be:

The effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Discussion

The appeal site comprises a two storey detached house located on a corner of The Spinney within a modern estate of similar two storey detached and semidetached houses. The proposed first floor addition would be sited above the existing flat roofed front porch and would have a pitched roof which would form an extension to the existing roof plane. Core Policy 3 of the Council's Draft Core Strategy 2 includes, amongst the development principles for all new

proposals, the need to consider the impact of the development on visual amenity, whilst Policy CTC.1 of the Worcestershire County Structure Plan requires that proposals for development should be informed by and be sympathetic to the character of the area. Policy S10 of the Bromsgrove District Local Plan and advice in the Council's Supplementary Planning Guidance 1: *Residential Design Guidance* provide more detailed guidelines for extensions.

Although the proposed extension would be sited to the front of the appeal site in a prominent corner position it would only be of a modest size and would not increase the footprint, width or height of the existing house nor materially reduce the size of the gaps between the existing and adjoining buildings. The scale of the proposed extension would be such that the proposal would be clearly subservient to the present dwelling. The proposal would respect the proportions and style of the property and the roof would follow the design and angle of pitch of the existing structure. Matching materials would be necessary but these can be controlled by an appropriate condition. The proposal would be in scale with and well related to the original building.

The absence of any similar extensions in The Spinney is not necessarily a significant ground for objection in itself and although the additions at 234 and 240 Station Road are different in scale and design I saw that the first floor elements they contained were generally not out of keeping with the character of the area. The Council has the necessary powers to resist any unacceptable proposals in the future.

Conclusion

The Inspector concludes that the proposed development would not have a significant adverse effect on the character and appearance of the appeal site and its surroundings in accord with relevant development plan policies.

Appeal outcome

The appeal was **Allowed** subject to the following conditions;

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the submitted site plan (1:1250), elevations drawing (1:50) and floor plan drawing (1:50) dated as received by the Council on the 3 October 2011.

Costs application

No application for costs was made

Name of Appellant	Plan Ref/Proposal/Decision
Mr Steve Guest	11/0945 – HR – Proposed New Garage. Appeal Decision: Dismissed – 24.04.12

Report for information

Appeal made against the refusal of planning permission

Appeal Reference	APP/P1805/D/12/2172929
Planning application	11/0945
Proposal	Proposed New Garage.

Location	40 Bournheath Road Fairfield Bromsgrove B61 9HN
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Ward	Woodvale Ward
Refused	10/01/12

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399.

Discussion

The appeal site comprises a detached two storey cottage set at right angles to Bournheath Road with its principal elevation facing an area of lawned garden lying to one side. The garden is separated from the highway by a substantial Holly hedge which varies in height along its length and two off-street parking spaces are situated between the dwelling and the carriageway. The site is located within a dispersed village in the Green Belt whose open rural character in this locality is created by a scatter of residential properties of different ages and designs fronting the highway. The proposed garage would be almost 4m in height and would be sited to the front of the garden, close to the hedge.

The main issues in this case are:

- (a) whether the proposed development constitutes inappropriate development in the Green Belt;
- (b) the effect of the proposal on the openness and appearance of the Green Belt, and
- (c) whether any harm arising by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The application was refused on the following grounds:

- The proposal would constitute inappropriate development in the Green Belt in relation to Policies D38 and D39 of the Worcestershire County Structure Plan, Policies DS2 and DS13 of the Bromsgrove District Local Plan and the NPPF.
- The Council's Supplementary Planning Guidance 7: *Extensions to Dwellings in the Green Belt* advises that new curtilage buildings located more than 5m from the dwelling will normally be treated as inappropriate development. The proposed garage would be more than this distance from the nearest point of the cottage. I conclude on this issue that the proposal would constitute inappropriate development which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and would be in conflict with relevant development plan policy.
- The proposed development would have an adverse effect on the open character of the locality and the reduction in openness would conflict with this most important attributes of Green Belts. The proposed development would involve the siting of a substantial curtilage building in an open gap fronting the highway. The garage would be positioned with its long side parallel to the carriageway and the end gable clearly visible through the gap in the existing fence and planting that would be created by the new driveway. The hedge and any gate erected would screen the lower part of the structure but due to its height and proximity to the front boundary the proposal would be readily visible from Bournheath Road and would increase the sense of enclosure within the street scene and harm the visual amenities of the area.
- No very special circumstances exist to justify the inappropriate development. The appellant argues that he could erect the garage further back within the garden using permitted development rights and that this fall back position would have a greater effect on the Green Belt than the appeal proposal. However, the laying of a longer drive would not have a significant effect on the openness of the Green Belt and as the trees on site are not protected it would be open to the appellant to remove them at any time. The Inspector noted the comments of the appellant regarding the varied positions of nearby houses in relation to the highway and specifically that the arrangements at 24 Bournheath Road are similar to those proposed. Nevertheless, this does not justify further development that would cause harm to the Green Belt. The Inspector balanced the substantial harm already identified against the other considerations put forward by the appellant as weighing in favour of the development. The benefits of the scheme did not clearly outweigh the harm arising and the very special circumstances necessary to justify the proposals do not exist.

Therefore, having regard to all matters raised, I conclude that the appeal should be dismissed.

Costs of application

No application for costs was made.

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Report for Information

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2171783
Planning application Proposal	11/0960 A porch and a rear conservatory
Location	Highfield House, Dark Lane, Headley Heath, Birmingham, B38 0BS
Ward	Wythall
Decision	Allowed

The author of this report is Lisa Allison who can be contacted on extension 1658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a porch extension and a rear conservatory

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

1.

It is considered that the extension to the dwelling is inappropriate development in the Green Belt because the cumulative impact of the proposals would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to Policy S11 of the Bromsgrove District Local Plan and Policy D.39 of the Worcestershire County Structure Plan and the guidance contained in SPG7 and PPG2. No arguments have been put forward to support the development that amount to very special circumstances that outweigh the harm that would be caused to the Green Belt.

The Inspector found the main issue of the appeal to be;

- ii) The effect of the proposed development on the openness of the Green Belt,
- iii) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Discussion

Development in the Green Belt

The appeal site is in an area characterised by dispersed, small groups of well spaced dwellings in an otherwise open landscape within the Green Belt.

In 2000, planning permission was granted for the demolition of an existing bungalow and outbuildings on the appeal site and the erection of a two storey dwelling and detached garage building - Highfield House

Highfield House and the garage building have more than double the floor area of the original bungalow. Although the Council acknowledge that such an increase was not in conformity with Green Belt policies, very special circumstances were considered to exist and permission for the new dwelling was granted subject to a condition removing permitted development rights.

The Framework confirms that an extension to a building in the Green Belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The Framework also defines the 'original building' as *a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally*. On the basis of the evidence before me, I am not aware of an alternative definition in the development plan. Nor have I been made aware of any extensions or additions to Highfield House since it was built, and I have no evidence that it was built other than in accordance with the original planning permission. Therefore, the appeal property, Highfield House, must be considered as the 'original building'.

Policy S11 of the Bromsgrove District Local Plan 2004 (the Local Plan) permits limited extension of an existing dwelling subject to, amongst other things, the extension not being disproportionate to the size of the original dwelling. This Policy is amplified in Supplementary Planning Guidance 7 – *Extensions to Dwellings in the Green Belt* (SPG7) which confirms that either an extension of up to 40% of the original dwelling, or one which creates a total habitable floor space of 140 sq. m. may be considered proportionate.

According to the Council, the replacement property has a total approximate floor area of 365 sq.m. The conservatory and porch would add about a further 15 sq.m. and would be well within the 40% limit advocated by SPG7. This Relatively small development would be proportionate to the original dwelling.

Openness is an essential characteristic of Green Belts to which the Government attaches great importance. In this case, the small scale of the porch and the conservatory would ensure that the reduction of openness would be minimal. National and local planning policies envisage some built development in GreenBelts and, in that context; the harm to the Green Belt arising from the proposal would be limited.

The Inspector noted the appellant's claims in the Grounds of Appeal Statement that a chalet/bungalow within the curtilage of Highfield House, which was said to have

had the benefit of a Lawful Development Certificate, has recently been removed from the site, thereby enhancing openness. However, it is not clear whether this information formed part of the application, as it is not referred to or substantiated in the Council's report. Therefore, little weight is attached to this argument.

Conclusion

The inspector concludes that the proposal would not be inappropriate development in the Green Belt and that the impact upon the openness would be minimal. The proposal would accord with the objectives of Policy S11 of the Local Plan and the provisions of SPG7.

Therefore the Inspector allowed the appeal

Appeal outcome

The appeal was **Allowed** subject to the following conditions;

1. The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the extensions hereby permitted, other than the roof specified for the conservatory, shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans labelled: Polycarbonate Roof Construction at 1:50; Proposed Porch to Side (Elevations) at 1:50; Proposed Conservatory (Elevations) at 1:50, Rear and Side Elevations (drawing No. 05) at 1:100, all received by the Council on 11 December 2011; and Ground Floor Plan (Drawing No. 02) at 1:100 received by the Council on 14 November 2011.

Costs application

No application for costs was made.

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Report for Information

Appeal made against the refusal of planning permission

Appeal reference APP/P1805/D/12/2175201

Planning application 11/0987

Proposal 1.5 storey rear extension and alterations

Location 9 Lower Hill Farm, Pound Lane, Frankley

Ward Uffdown

Decision Allowed

The author of this report is Ruth Lambert who can be contacted on extension 1373(e-mail: r.lambert@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a 1.5 storey rear extension and alterations

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

1. The siting, form and design of the proposed extension would detrimentally erode the simple form and utilitarian character and appearance of the original building contrary to Policy C27C of the Bromsgrove District Local Plan 2004 and Supplementary Planning Guidance Note 4.

2. The proposed extension to this re-used rural building would be harmful to the openness of the Green Belt contrary to Policy C27 of the Bromsgrove District Local Plan 2004. The proposed extension would therefore constitute inappropriate development in the Green Belt contrary to policies D38 and D39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained in PPG2: Green Belts. No very special circumstances exist or have been put forward by the applicant that would outweigh the proposal's harm to the Green Belt.

The Inspector found the main issues to be:

whether the proposal is inappropriate development for the purposes of Section 9 of the National Planning Policy Framework (Framework); its effect on the openness of the Green Belt and the purposes of including land in the Green Belt; its effect on the character and appearance of the original building and the surrounding area; and, if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Discussion

Whether Inappropriate

The appellant has accepted that the appeal building lies within the designated Green Belt. Paragraph 89 of the Framework indicates that one of the exceptions to the construction of new buildings being regarded as inappropriate development in the Green Belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Bromsgrove District Local Plan 2004 (BDLP) Policy DS2 includes limited extensions to existing dwellings as one of the new developments in the Green Belt that would not be inappropriate. However, the Council has not referred to any guidance on what constitutes a limited extension. I am satisfied that the appellant's stated 24% increase in the floor area, which the Council has not contested, would be a limited extension and would not result in disproportionate additions over and above the size of the original building. As such, the proposal would not represent inappropriate development for the purposes of Section 9 of the Framework.

Effect on Openness and the purposes of including land in the Green Belt

The proposed extension would increase the scale of built development within the Green Belt, which would have an impact on its openness. However, it would infill a corner of the existing building and its scale would be limited in comparison with that of the dwelling and the whole extent of built development in that area. Therefore, I conclude on this issue that the proposal would not have a significant harmful effect on the openness of the Green Belt and the purposes of including land in the Green Belt.

Character and Appearance

The appeal building consists of part of an extensive residential complex that has resulted from the conversion of former agricultural buildings to 9 dwellings and associated garages. It is set on high ground, surrounded by planting within a rural area. The complex, which forms a continual structure that wraps around an inner courtyard area, has retained many of the original features of its former use, including the openings and roofline.

The proposed extension would have a similar height pitched roof to that of the existing building to which it would be attached. It would infill between this garage building and a lower wing to the dwelling. As such, it would be unobtrusive and appear as a natural extension to the original barns. Its roofline would reflect the variation in roof heights throughout the barn conversions.

The large ground floor opening would replace an existing large opening in the single storey wing and, as it would face onto the garden, would not be a prominent feature, being screened by the boundary planting. The size of the openings at first floor level would be similar to those in the other barn conversions and, at my site visit, I observed that the opening in the garage structure would use an existing opening that appeared to me to be bricked up.

Based on the above, and with the use of appropriate and matching materials as detailed, I am satisfied that the proposal would not harm the character and appearance of the original building and the surrounding area. Furthermore, it would comply with the Council's Supplementary Planning Guidance Note 4: *Conversion of Rural Buildings*, which recommends in paragraph 3.3 that the reuse of agricultural buildings should keep additional windows and doors to a minimum and reflect existing patterns, with new windows and door openings preferably located on the inside elevations away from public view.

Very Special Circumstances

As I have found that the proposal would not constitute inappropriate development in the Green Belt, there is no need for me to consider whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Conclusion

For the reasons given above, the inspector found that the proposal is not inappropriate development and does not have a significant adverse effect on the openness of the Green Belt, the purposes of including land in the Green Belt and the character and appearance of the original building and the surrounding area. As such, it accords with the Framework, Worcestershire County Structure Plan Policies D.38 and D.39 and BDLP Policies C27C, C27 and DS2. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

Appeal outcome

The appeal was **Allowed** subject to the following conditions;

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos GD1062/01, GD1062/02C, GD1062/03 and GD1062/04B.
- 3) No development shall take place until details of the form, colour and finish of the materials to be used in the construction of the external surfaces of the extension and alterations hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Costs application

No application for costs was made

Name of Appellant	Plan Ref/Proposal/Decision
Mrs Margaret Buckley	11/0990 – HR – Two storey domestic extension. Appeal Decision: Allowed – 11.06.12

Report for information

Appeal made against the refusal of planning permission

Appeal Reference	APP/P1805/D/12/2175182
Planning application	11/0990
Proposal	Proposed First Floor Extension

Location	43 Avoncroft Road Bromsgrove Worcestershire B60 4NG
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Ward	Furlongs Ward
Refused	06.02.2012

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399.

Discussion

The main issue is the effect of the proposed extension on the character and appearance of the surrounding area.

The appeal building consists of a detached house that is located within a row of 4 detached houses with similar designs on the north side of Avoncroft Road. It is within a predominantly residential area that is characterised by relatively new detached houses, mainly with attached garages, that have a variety of designs and some have been altered and extended. This results in the space between adjacent buildings being varied and, as such, this feature does not make an important contribution to the character and appearance of the area.

The proposed first floor extension would be set back some 6m from the front building line behind the pitched roof to the attached garage at the side of the house and the front of the adjacent house at No 45. Its pitched roof would be lower than the existing pitched roof of the house. As such, the main building would remain as the dominant feature and the extension would not be prominent in the street scene. It would therefore comply with the Council's Supplementary Planning Guidance Note 1: *Residential Design Guide* as it would be set back from the front of the house and would have a roof ridgeline set lower than the existing, making it subordinate to the original house.

Although the extension would fill part of the gap between dwellings at first floor level, its lower roof, set back behind the pitched roof to the garage and its modest size would ensure that it would not harm the character and appearance of the area. Also, the remaining gap would not be significantly different from that between the detached houses on the opposite side of the road, which have a first floor over their garages, and the end house in the row at No 47 has already been extended over its garage.

For the reasons given above, the Inspector found that the proposal would not have an adverse effect on the character and appearance of the surrounding area. As such, it would accord with Worcestershire County Structure Plan Policy CTC.1 and Bromsgrove District Local Plan 2004 Policies DS13 and S10. The Inspector considered the policies in the National Planning Policy Framework but, in the light of the facts in this case, they did not alter the Inspector's conclusions.

Therefore, having regard to all matters raised, the Inspector concluded that the appeal should succeed.

Costs of application

No application for costs was made.

Name of Appellant	Plan Ref/Proposal/Decision
Mrs Franchesca Stone	11/1015– HR – Proposed First Floor Extension Appeal Decision: Allowed – 14.05.12

Report for information

Appeal made against the refusal of planning permission

Appeal Reference	APP/P1805/D/12/2172929
Planning application	11/1015
Proposal	Proposed First Floor Extension

Location	7 South Road Hagley Stourbridge DY9 0JT
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Ward	Furlongs Ward
Refused	27/01/12

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399.

Discussion

The **main issue** in this appeal is the effect of the proposed extension on the character and appearance of the South Road street scene. The Council officers' report acknowledges that the first floor side extension, proposed above an existing single storey element, would satisfy various criteria in Policy S10 of the Council's Local Plan and in the further guidance set out in its adopted SPG. The sole matter at issue is whether it would create a harmful terracing effect, because the gap from the side wall to the common boundary with no. 9 would be only some 0.7m, rather than the 1.0m minimum recommended in the SPG.

However, as reflected in the SPG, individual circumstances will also be relevant. In this case, although nos. 1-3 and 5-7 are semi-detached dwellings which appear to have originally been of the same design, the majority of other buildings in the street are detached houses of varying sizes, shapes and detailing. Thus there are significant differences between no. 9 and nos. 5-7. No. 9 is a detached red brick house with a gable roof, set at a slightly higher level than nos. 5-7 and roughly 2m off the side boundary. In contrast, nos. 5-7 are a white-rendered pair of semis with a lower and shallower hipped roof. The proposed first floor extension at no. 7 would be set back from its main front wall and set down below its main roof ridge. This combination of factors would more than adequately minimise any impression of terracing.

In these particular site-specific circumstances, therefore, I find that the proposed extension would not have any appreciable adverse impact on the street scene's character and appearance, despite a small shortfall in the recommended gap to the side boundary. There would therefore be no material conflict with relevant development plan policy, most notably LP Policy S10.

I have had regard to all other matters raised, but have found nothing sufficient to alter my conclusion that the appeal should succeed. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A requirement for matching materials is necessary in the interests of visual amenity. However, whilst the appellant may choose to fit the front bathroom window with obscure glazing, there is no need to require this by condition as the window would be further away from the dwelling opposite than the existing first floor windows.

Therefore, having regard to all matters raised, I conclude that the appeal should be allowed.

Costs of application

No application for costs was made.

Report for Information

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2173759
Planning application	12/0021
Proposal	Two storey side and single storey rear extension
Location	7 Sandhills Road, Barnt green, Birmingham
Ward	Hillside
Decision	Dismissed

The author of this report is Ruth Lambert who can be contacted on extension 1373 (e-mail: r.lambert@bromsgrove.gov.uk) for more information.

Discussion

The proposal relates to a two storey side extension to provide additional bedroom and re positioned bathroom. Single storey rear extension to provide open plan kitchen/diner, cloakroom and utility room

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

1. The proposed extension would not be considered acceptable in terms of it being contrary to policy SPG1 Residential Design Guide in terms of it creating a cramped affect within the plot due to its design and overdevelopment in terms of the visual amenity of the street scene which would be contrary to policies S10 and DS13 of the BDLP, policy SD.2 of the WCSP and the general provisions of PPS1 Delivering Sustainable Development.

The Inspector found the main issue of the appeal to be;

The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area. The appeal house is situated in a residential road which contains a variety of individual house types and styles. These include some terraced houses, but these are not situated in close proximity to the appeal property.

Discussion

The appeal dwelling comprises a semi-detached house which dates from 1901.

The property includes a driveway alongside the house which provides a gap in development between the appeal house and the house at the adjacent property, No 5 Sandhills Road, which dates from the 1950s. The gap is visible

for some length along Sandhills Road to the west, mainly due to the gap in the roofs of the two houses.

The proposed extension would fill the majority of the gap between the two houses. This would create a cramped and terracing effect in conflict with the Council's SPG1, which seeks to ensure that a gap of 1m remains between extensions and the side boundaries of residential plots. This effect would occur notwithstanding that a gap would remain to the house at No 5.

The terracing effect would result in a significant change to the basic character of the original building in conflict with Local Plan (LP) Saved Policy S10. Furthermore, it would have a detrimental impact on local distinctiveness and would not protect the character of the settlement in conflict with Structure Plan Saved Policy SD.2 and LP Saved Policy DS13 respectively.

There are differences in style and character between the appeal house and that at No 5. Their overall form and height are however similar when seen along Sandhills Road, and these differences would not prevent the terracing effect already identified. The extension would be set back from the front elevation of the appeal house, but would be generally in line with that of the house at No 5.

This stagger in the front building line, and indeed a nearby boundary hedge, would not however prevent the terracing effect. Other examples of similar, and indeed narrower, gaps between dwellings exist in the surrounding area. These would however have no bearing on the specific impact of the proposal, and therefore do not add weight in support of the proposal.

I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. I further conclude that it would thus conflict with Local Plan Saved Policies S10 and DS13 and Structure Plan Saved Policy SD.2.

The proposal would also restrict outside access to the rear of the appeal property. This would have a negative impact on the living conditions of occupiers, and this adds weight to the harm already identified. The appellant has suggested that a narrower first floor element of the extension, as suggested by the Council, would result in the additional accommodation within the appeal house being of little use. The advantages of the width of the proposed accommodation would not however outweigh the harm identified. Furthermore, the fact that no local objection has been made to the proposal would not overcome the harm identified.

The policies in the Framework have been considered but, in the light of the facts of this case, they do not alter the conclusion. Having also taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be dismissed.

Conclusion

The policies in the Framework have been considered but, in the light of the facts of this case, they do not alter the conclusion. Having also taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be dismissed.

Therefore the Inspector dismissed the appeal

Appeal outcome

The appeal was **dismissed**

Costs application

No application for costs was made.

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