



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 20TH AUGUST 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, J. A. Ruck and C. J. Tidmarsh

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 23rd July 2012 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 12/0040 - DK - Construction of single detached dwelling house and garage. Entrance drive and parking, drainage and garden - The Kennels, Ash Lane, Hopwood, Birmingham - Mrs A Rhodes c/o Mr B Harding (Pages 5 - 14)
6. 12/0361 - RL - Demolition of existing single storey buildings and construction of new two storey side and rear extension - The Cottage, Adams Hill, Clent - Mr J Walkley (Pages 15 - 18)
7. 12/0435 - DK - Outline approval for business park with associated service roads, landscaping and parking (extension of time of application 09/0136) - Wythall Green Business Park, Middle Lane , Wythall - Phoenix Life Ltd and Pearl Group Management Services (Pages 19 - 30)
8. 12/0543 - MT - Proposed new dropped kerb and access to provide separate access and car parking to The Lodge - Heanor, Beacon Hill, Rubery - Mrs Gillett (Pages 31 - 36)
9. 12/0558 - MT - Removal of existing single storey garage and kitchen and erection of new two storey extension to existing property. Erection of single storey garden room and associated landscaping works - 3 Plymouth Road, Barnt Green - Mr A Pearson (Pages 37 - 46)
10. 12/0571 - LA - Proposed refurbishment and replacement of defective existing windows and minor structural repair works - Bowling Green Farm, Worcester Road, Bromsgrove - Mr P Thomas (Pages 47 - 50)
11. 12/0586 - DMB - Submission of Reserved Matters to 11/0343 (internal access, appearance, layout, scale and landscaping) for the erection of 80 residential units (resubmission of 12/0066) - Land at Church Road, Catshill - Cala Homes (Pages 51 - 92)
12. Appeal Decisions (Pages 93 - 114)
13. 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
14. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

| <u>Item No.</u> | <u>Paragraph(s)</u> | |
|-----------------|---------------------|---|
| 15 | 2 and 7 | " |

15. Enforcement of Planning Control (Ref: 20120123) (Pages 115 - 120)

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

9th August 2012

K. DICKS
Chief Executive

INFORMATION FOR THE PUBLIC

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- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
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- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

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Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 23RD JULY 2012 AT 6.00 P.M.

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

Officers: Mr. D. M. Birch, Mr. D. Kelly, Mr. S. Hawley, Mr. A. Hussain, Ms. C. John, Mr. M. Tyas and Ms. J. Smyth

23/12 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors J..S. Brogan and P. Lammas.

In response to concerns raised in relation to the Planning Committee's membership, Officers advised that the matter was being addressed in accordance with the Council's protocols and would be reported to Members as appropriate following due processes.

24/12 DECLARATIONS OF INTEREST

There were no declarations of interest.

25/12 MINUTES

The minutes of the meeting of the Planning Committee held on 25th June 2012 were submitted.

RESOLVED that the minutes be approved as a correct record, subject to the following declaration of Interest, omitted from the minutes in error, being formally recorded:

Councillor Mrs. S. J. Baxter
Planning Application 12/0326-DK (Rose Cottage, Seafeld Lane, Portway)
Personal – acquainted with the Applicant.

26/12 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

The Head of Planning and Regeneration Services reported additional information provided by the Applicant in relation to current energy

consumption and use of fossil fuels. The Committee was also advised on NPPF guidance in respect of renewable energy proposals in the Green Belt.

Members considered that, the proposal for a single, relatively small turbine in the proposed location would not detract from the surrounding landscape or cause harm to the Green Belt and therefore supported the very special circumstances provided by the Applicants in support of the application.

At the invitation of the Chairman, Mr. T. Hill, a local resident, addressed the Committee and spoke in objection to the Application. Mr. D. Holmes, Agent for the Applicant, also addressed the Committee.

RESOLVED that permission be granted, subject to the Conditions and Notes set out or referred to on pages 28 to 30 of the report.

27/12 **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 - CHASE COMMERCIAL LIMITED C/O MR SIMON HAWLEY**

The Head of Planning and Regeneration Services reported that the site already benefited from a Planning Permission for a similar retail scheme that could still be implemented and that the new proposal only required a marginally larger footprint.

Members noted that the required legal agreement relating to improvement measures to the public transport infrastructure had still to be completed. It was further noted that, the application would have to be referred to the Secretary of State's Planning Casework Unit for consideration, owing to it being a departure from the development plan.

The County Council's Highways Officer provided clarification on a number of points relating to the Transport Assessment and flood risk.

Officers confirmed that any approved permission would be subject to relevant Conditions and Informatives as required.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the full planning application following:

- 1) receipt of a suitable and satisfactory legal mechanism in relation to improvement measures to public transport infrastructure; and
- 2) 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.

28/12 **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**

The Head of Planning and Regeneration Services reported on the outcomes of Redditch Borough Council's decision, at its meeting held on 18th July 2012, in relation to the Outline Planning Application submitted in respect of the section of the application site located within the Borough's boundary.

The comments of Worcestershire Highways, received subsequent to publication of the Agenda, were also reported.

An additional FAQ information sheet, submitted by the Applicant's Agent, was also reported.

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

- 1) 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) 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; and
- 2) the Conditions, as set out or referred to on pages 54 and 55 of the report.

Informative

An informative was also imposed requesting the Applicant to investigate the possibility of an alternative location for the proposed surface water drainage outfall that would go under Birmingham Road and into the River Arrow to the east of the Application site.

29/12 **12/0460 - LA - RETROSPECTIVE CONSERVATORY - 33 LYNBROOK CLOSE, HOLLYWOOD - MR M FARRINGTON**

The Head of Planning and Regeneration Services reported on additional objections received.

At the invitation of the Chairman, Mr. A. Rogers, of 31 Lynbrook Close, neighbour, addressed the Committee as an objector to the Application; Mr. M. Farrington, Agent for the Applicant, addressed the Committee; and Mr. S. Peters, representing Wythall Parish Council, also addressed the Committee.

RESOLVED that retrospective planning permission be granted, subject to the Conditions set out or referred to on Page 61 of the report.

30/12 **APPEAL DECISIONS**

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

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

The meeting closed at 7.15 p.m.

Chairman

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Date |
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|---|---|-------------------|--|
| <p>Mrs Amanda Rhodes, c/o Mr Barry Harding</p> <p>'A'</p> | <p>Construction of single detached dwelling house and garage. Entrance drive and parking, drainage and garden.</p> <p>THE KENNELS ASH LANE HOPWOOD BIRMINGHAM B48 7BD</p> | <p>Green Belt</p> | <p>12/0040 DK 12.04.2012</p> |
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Councilor R. Hollingworth has requested that this application be considered by the Planning Committee, rather than being determined under delegated powers. (Verbal request 10.04.2012).

RECOMMENDATION: that Permission be **REFUSED**.

Consultations

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| WH | Consulted 24.02.2012. Response received: 01.03.2012. No objection. |
| Alvechurch PC | Consulted 24.02.2012. Response received 06.03.2012. Objection; this application is contrary to PPG2 Green Belt section 3.4 on new buildings, DS5 inappropriate development in village envelope DS2, we have considered need and found insufficient proven need. |
| ENG | Consulted 24.02.2012. Response received: 07.03.2012. No objection subject to conditions. |
| WCC PROW | Consulted 24.02.2012. Response received: 27.02.2012. The proposal should have no detrimental impact on the public right of way so no objection. |
| RA | Consulted 24.02.2012. Response received 12.03.2012. The proposed dwelling is to be located in open countryside within the West Midlands Green Belt. Access is from Ash Lane a narrow country lane from which access to a number of public footpaths can be gained in close proximity to the application site. If there are no special agricultural or other circumstances being made to justify the grant of permission for the proposed dwelling then we <i>object</i> to the proposal. Additional comments received: 13.03.2012. Having examined the website and considered the special circumstances put forward, the original comments stand. |
| WEMERC | Consulted 24.02.2012. No comments received. |

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| Tree Officer | <p>Consulted 24.02.2012. Response received 01.03.2012. I have no objection to the proposed development, subject to conditions.</p> | | |
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| Kernon Countryside Consultants | <p>Consulted 24.02.2012. Response received: 19.03.2012. There is insufficient information at present to determine whether a functional and financial need for the proposed dwelling exists.</p> | | |
|--------------------------------------|---|--|--|

Further response received: 10.04.2012.

With regards an essential / functional need to live on site, security of livestock on welfare grounds was not judged to be sufficient to justify a dwelling on its own in Annex A of PPS7. There is, however, no mention of security / protection from theft in relation to rural dwellings in the NPPF, just that there needs to be an “essential need for a rural worker to live permanently at or near their place of work in the countryside”.

Ms Rhodes touches upon the “disturbance and distress” created by the various developments around the kennels. Little information is provided so it is difficult to assess whether the dogs housed on site are affected or whether it relates to the operators.

In relation to the business’s anti-mine work, we are not able to comment on the security issues raised by the storage and handling of explosives and the various security methods already in place at the site.

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| SP | <p>Consulted 24.02.2012. Response received: 08.03.2012. Policy D39 of the Worcestershire County Structure Plan states that there is a general presumption against allowing inappropriate development in the Green Belt and Policy DS2 states that: “Permission for development in the Green Belt will not be given except in very special circumstances”.</p> | | |
|----|---|--|--|

The applicant has submitted a ‘Statement of Need’. This suggests that the proposed dwelling is required so that owner can be at the kennels 24 hours a day for security reasons. This implies that the proposal is for an occupational dwelling that should be assessed against Annex A of PPS7. However, there is currently insufficient information to meet the criteria set out in Annex A. It is also important to highlight that even if the applicant could justify that there was a need for permanent occupational dwelling the size of the proposed dwelling would need to be justified. It is questionable whether a large 4 bedroom detached dwelling would be commensurate with the established functional requirement.

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| Conservation Officer | <p>Consulted 24.02.2012. Response received: 27.03.2012.</p> | | |
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| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Date |
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| | <p>The proposed dwelling is unlikely to obscure views of the listed building when approaching from the south along Ash Lane, but approaching from the north the proposed dwelling is likely to stand out, although it would be seen before the farmhouse, which is hidden by farm buildings. The semi isolated nature of the farmhouse and the farm buildings is very much the setting of the listed building.</p> <p>In principle I would not object to this site being developed, but in order to preserve the setting of the listed building, the development should be of a high quality. I would therefore expect the windows and doors and other joinery to be in timber rather than upvc, and good quality bricks and clay tiles to be used. I would expect to see sash windows and not top hung casements. I would also suggest that the solar hot water panels were placed on the garage roof rather than in a very dominant position on the roof of the house.</p> | | |
| Publicity | <p>Site notice posted 14.03.2012. Expires 04.04.2012. Press Notice posted 02.03.2012. Expires 23.03.2012.</p> <p>1 response received from the Campaign to Protect Rural England 12.03.2012.</p> <p>Neither the statement of need nor the design and access statement makes any clear case as to why a new dwelling should be permitted. The applicants raise some issues as to security, but this is not a ground for departing from the normal prohibition on new dwellings in the Green Belt. We do not consider that the content of either document is sufficient to establish very special circumstances.</p> <p>A similar attempt was made to obtain a house in the Green Belt for the benefit of Wassell Grove Fisheries in Hagley last year on the grounds that a resident manager was needed. This was turned down by the planning committee and on appeal. This is analogous and constitutes a precedent for a similar refusal.</p> | | |

The site and its surroundings

The site is located in the Green Belt towards the end of Ash Lane and the site consists of an open field located to the SE of Karenswood Kennels. The site is slightly elevated above the laneway in a position opposite Lea End Farmhouse, which is grade 2 listed. There is a drainage ditch surrounding most of the site. The laneway leading to the kennels is located to the south side of the proposed site. The kennels complex consists of a range of mainly single storey buildings and compounds with a reception, offices and training rooms. The business was established in 1953 and focuses on specialist dog training.

Proposal

The proposal is a full application for detached dwelling.

Relevant policies

| | |
|-------|---|
| RSS | QE3 |
| WCSP | CTC.1, D.12, D.38, D.39, RST1. |
| BDLP | DS1, DS2, DS13, S9, C21, C22, C23, TR1. |
| Draft | CP22 |
| CS2 | |
| NPPF | Paragraphs 28, 55, 79 – 92. |

Relevant planning history

B/2003/1306 Classroom and lecture facilities. Granted 14.11.2003.

B2025 Erection of Loose box type stables and kennels, isolation block to existing group of kennels and stables. Granted 01.03.1976

BR284/73 Proposed Kennels and Training Ground (Jinglejoys Farm, Hopwood)
Granted 21.08.1973.

Notes

Members should note that the application was originally validated on 16.02.2012 and there have been ongoing discussions between the applicant and the planning department to realize an acceptable and appropriate development to meet the security needs of the site without compromising the openness and visual amenity of the Green Belt. Whilst these discussions have proved constructive, the applicant has now decided 06.06.2012 that the original scheme should be considered by the Planning Committee.

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 Annex 3 to the NPPF).

Planning applications for planning permission 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). Some weight may be given to emerging policies in some circumstances.

The weight attached to the Policies in the Development Plan (this includes the RSS, WCSP and the BDLP for the time being) depends on their degree of consistency with the framework set out in the NPPF. Officers therefore need to apply this “consistency” test in the appraisal of the schemes before them. I am looking for this to be done in all Delegated and Committee Reports and evidence of this appraisal provided within the body of the report (be it Delegated or Committee).

In terms of the above proposal for a dwelling in the Green Belt to serve an established enterprise, it is noted that Planning Policy Statement 7 (PPS7) is no longer in existence and has been replaced by the NPPF. In terms of this proposal, paragraph 55 (in relation to housing) states that LPAs should avoid new isolated dwellings in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. In this regard, I consider that policies DS2, S9, C21 and C22 of the BDLP remain broadly consistent with the NPPF and these policies carry weight.

The main issues in the determination of this application are as follows:

- (i) whether the proposal is inappropriate development in the Green Belt;
- (ii) whether very special circumstances exist in the form of a need for a new rural dwelling have been proven
- (iii) the impact of the proposal on residential amenity, wider public amenity and on the public footpath.
- (iv) the impact of the proposal on the setting of Lea End Farmhouse (Grade 2 listed)

(i) Green Belt

Policy DS2 of the Bromsgrove District Local Plan (BDLP) and policy D39 of the Worcestershire County Structure Plan state that inappropriate development in the Green Belt will only be allowed in exceptional circumstances. Policy S9 of the BDLP states that new dwellings will be allowed in the Green Belt if certain criteria are fulfilled. As the proposed dwelling is for an agricultural worker, I consider that the criterion (a) of Policy S9 is relevant and the proposal need not be inappropriate development if a functional and financial need for a new dwelling can be demonstrated. The proposal is for a substantial detached dwelling in a relatively open position on Ash Lane. The harm to openness and visual amenity at this location would be significant.

(ii) Functional Need

The dwelling proposed is not for agricultural need and the applicant has provided a statement of need, which has been augmented by additional information. This is summarized as follows:

- The premises is on red care alert with West Mercia police

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Date |
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| | <ul style="list-style-type: none"> • There has been an increasing no. of out of hours intruder alarm signals resulting in the deployment of staff and police • Karenswood (International Limited) is concerned about the out of hours welfare of dogs including fire risk, setting dogs loose or harm to the dogs • The dogs are very valuable and, In the formative development of litters, ongoing monitoring is necessary • A member of staff being present on site will allow the dogs to be checked, pacified and resettled • The immediate area is no longer rural with sports facilities, housing and motorway services. These have all resulted in additional intrusion and disturbance of the site • The proposed dwelling has been sited to monitor vehicular access to Karenswood (International) Ltd. • Despite the Green Belt status, Bromsgrove Rural District Council granted a 'change of use' for the site in 1973. | | |

The site also operates as a boarding kennels.

It is evident that the application relates largely to the security needs of the property although care for the valuable dogs has also been referred to by the applicant. It has been established that security rarely amounts to a functional need on its own and it is noted the site is protected by an elaborate security system which functions effectively given the sensitive nature of the site. The comments of the agricultural consultant are noted and there is no explicit reference to security and new dwellings in the NPPF. At this point, I have to provide Members with the most up to date information in terms of functional need in the absence of the clarity of PPS7.

Since 1969 policy governing new dwellings had, at a minimum, required a functional assessment and a financial assessment¹. The NPPF simplifies the approach and states that the essential need for a rural worker to live permanently at or near their place of work can amount to special circumstances to justify a new isolated dwelling. Policy C20 of the BDLP refers to proposals for new dwellings for persons employed in agricultural activities while the NPPF refers to 'rural workers'. In summary, it is still necessary for the applicant to demonstrate an essential functional need.

The case put forward by the applicant has been examined in detail, both the written supporting documents and through a site visit. The functional need almost entirely relates to security and I am not convinced of the arguments put forward. The facility already uses an elaborate security system and the construction of a dwelling will not replace, change or necessarily enhance the existing security provisions. It may be more convenient to respond in the case of an alarm, but this is far from an '*essential functional need*'. The business has operated since 1953 and it is unclear why there is now a need for dwelling. The increased incidences of thefts and harm to the dogs are put forward and the existence of the motorway services and rugby grounds cited. However, these have been in existence since the 1970's and do not explain the sudden change in recent times. The applicant has referred to pre and post natal care of litters but no figures of the numbers of litters are put forward or independent evidence that round the clock monitoring is necessary.

¹ DCPN 1969, Annex to Circular 24/73 and Annex E of PPG7 (1992)

Members should note that Karenswood International has a good reputation and the trained specialist dogs are involved in civil and military operations nationally and internationally. However, the fundamentals of this application are about the need for a substantial new dwelling in the countryside and I do not consider that a good reputation amounts to an essential functional need.

Financial Need

It is no longer explicit policy (within the NPPF) to require an applicant to prove their business intentions and financial performance through a temporary period prior to obtaining consent for a permanent dwelling. Similarly, in terms of established enterprises there is no indication explicit in the policy at paragraph 55 to require one. However, if there is business growth and expansion involved, paragraph 28 requires that to be “sustainable” growth. Sustainability includes economic as well as social and environmental roles, (paragraph 7) Hence, it is good practice to demonstrate financial sustainability. There has been no financial information presented with the application to demonstrate that the enterprise is sustainable. There is no explicit requirement for the applicant to demonstrate that there are no other dwellings which could meet the functional need in the NPPF. However, no information in this regard has been provided by the applicant.

(iii) Siting and Amenity Issues

It is evident from the plans that the dwelling would be sited in a prominent position on the corner of Ash Lane and the laneway to Karenswood Kennels. It would be some 180m to the SE of the Kennels complex. I do not consider that the position of the dwelling would assist in security at the site nor would it relate well to any functional need (which has not been proven) in terms of animal husbandry. The dwelling would be oriented towards the laneway to the kennels and I do not consider that the privacy of Lea End Hall would be directly affected.

There is a public footpath running to the south of Ash Lane and Members should note the objection raised by the Ramblers Association. The proposal would not directly affect a footpath, but Ash Lane is used as an access to a number of local footpaths. There is no objection from WCC PROW and the harm to the setting of the footpath is largely obscured by existing trees and vegetation.

(iv) Listed Building Setting

Lea End Farmhouse is located to the east of the proposed dwelling and is positioned on approximately the same level. The proposal would be highly visible from the listed building and its curtilage and visible when travelling north on Ash Lane. I am of the view that the proposal would detract from the setting of the listed building by introducing another dwelling of similar scale into the setting. It is noted that the setting of the building has been affected by the development of the RFC grounds and I consider that this proposal would further erode the isolated rural setting of the listed building and that this is not acceptable in planning terms.

(v) Other Issues

Members should note that there are no objections raised from the Tree Officer of WH. Alvechurch Parish Council and Strategic Planning (SP) commented on the application prior to the publication of the NPPF and cited PPG2 and PPS7. The principles of these documents are largely reflected in the NPPF and therefore the objections are valid. I note that SP have referred to the size of the dwelling and whilst this issue is not dealt with in the NPPF, a new rural dwelling should be the minimum size necessary to meet the functional needs of the holding and I would concur with the view that a dwelling of 314sqm (including garage) is excessive in size for a new rural dwelling to meet a functional need. The Campaign for the Protection of Rural England (CPRE) have objected and referred to the appeal decision on Wassall Grove Fishery (B/2012/0742) in which the Inspector (whilst dismissing the appeal for other reasons) accepted that there was a functional need because of the critical importance to the fishery of maintaining oxygen levels at all times. This situation does not apply to the current proposal. The applicant has sent in an additional letter in respect of the proposal (Received 08.06.2012). This states that defensive structures are usually placed at the front of the premises rather than the rear in the case of historic buildings and the same principles should be applied to industrial commercial and domestic premises. The proposed site is served by electricity and water services. These points are noted but in no way overcome the issue of inappropriate development. The applicant has failed to consider more acceptable alternatives such as locating the building close to the existing complex to meet the security requirements and minimize the impact on the Green Belt.

Conclusions

In the absence of a sufficient case for a new dwelling, the proposal amounts to inappropriate development in the Green Belt without very special circumstances. The proposal would have a significantly detrimental effect on the openness and visual amenity of the Green Belt at this location contrary to the advice of paragraph 88 of the NPPF. The proposal would also have a negative impact on the setting of a listed building.

RECOMMENDATION that Planning Permission be **REFUSED** for the following reasons:

1. There is no clear and essential functional need for a dwelling to serve the enterprise. The scale and position of the dwelling result in significant Green Belt harm. Therefore the proposal represents inappropriate development, which is detrimental to the openness and visual amenity of the Green Belt. No very special circumstances have been put forward which would clearly outweigh the harm caused. Therefore, the proposal is contrary to Policy DS2 of the Bromsgrove District Local Plan (2004), Policy D39 of the Worcestershire

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Date |
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| | County Structure Plan (2001), and contrary to the principles of the National Planning Policy Framework (NPPF) in relation to Green Belts. | | |
| | 2. The proposed development, by virtue of its scale and positioning would have a detrimental impact on the setting of a listed building. Thereby, the proposal is contrary to policy CTC19 of the Worcestershire County Structure Plan, policies S38 and S39 of the Bromsgrove District Local Plan and the principles of the National Planning Policy Framework (NPPF) in relation to the historic environment. | | |

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Agenda Item 6

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|--|--------------------|--------------------------|
| Mr J Walkley 'A' | Demolition of existing single storey buildings and construction of new 2 storey side and rear extension at 'The Cottage', Adams Hill, Clent. DY9 9PS | GB, CA, VE | 12/0361 22/6/12 |

Councillor Margaret Sherrey has requested that this application is considered by Planning Committee rather than being considered under delegated powers.

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

Consultations

Conservation Officer Consulted: No objection received subject to the submission of materials and joinery details at a scale of 1:5 15/6/12

WH Consulted: No objection received 28/5/12

Clent PC Consulted: No objection received 23/5/12

Publicity Three neighbour notification letters sent 11/5/12 (expired 1/6/12)

Site notice posted 24/5/12 (expired 14/6/12): No comments received to date

The site and its surroundings

This application relates to a detached cottage on the south side of Adams Hill, Clent which is located within designated Green Belt, Conservation Area and Village Envelope. Adams Hill climbs steeply from the bottom to top where it meets the foot of the Clent Hills. The immediate vicinity of the application site is characterised by individually designed properties of mainly cottage style. The application property is vaguely cottage style and believed to have been constructed in the late 1950's. It is located in a prominent position within the designated Conservation Area.

Proposal

The scheme proposes to demolish the single storey part of the building at the rear of the property and replace it with a new two-storey extension at the rear and side of the property to create an extended kitchen and utility at the rear and lounge and dining room extension to the side with an additional two bedrooms, bathroom and en-suite above.

Relevant Policies

WMSS QE3, QE1, QE5
WCSP CTC1, D38, D39, CTC19.
BDLP DS2, DS13, S11, S35A, S36, S37
DCS2 SPG1, SPG7, NPPF
Others CP3

Relevant Planning History

12/0362 Conservation Area consent relating to the demolition of existing single storey buildings: Granted 22/6/12
B/2007/1319 Rear dormer roof extension to facilitate bathroom and study: Approved 4/2/08 (not implemented)
B6930 Alterations and extensions to cottage: Approved 17/12/79 (not implemented)

Notes

As the site is located within the Conservation Area, designated Green Belt and the Village Envelope policies DS2, DS13, S11, S36 and S37 of the BDLP and guidance within the NPPF and SPG7 are of particular relevance.

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate within the Green Belt and if not whether there are any very special circumstances which would override the resultant harm to the openness of the Green Belt. This is reflective of the stance within the NPPF section 9. SPG7 seeks to control development within the Green Belt and prevent harm to the openness in line with BDLP policies and the NPPF. In terms of considering whether the development would detrimentally affect the character or appearance of the Conservation Area, policies S36 and S37 are of particular relevance which is mirrored within section 12 of the NPPF.

Green Belt

In conjunction with the applicant, it has been agreed that the original floor area of the dwelling equates to 81.36sqm. The single storey rear extension to be demolished within the scheme has been granted Conservation Area Consent for removal under ref 12/0362. The proposed extension would add a total of 114.8sqm which equates to an overall increase of 141.1% above the original.

In terms of guidance within SPG7, a maximum increase of 40% above the original or a maximum total floor area of up to 140sqm would be considered appropriate development within the Green Belt unless there are justifiable VSC's which would outweigh the harm caused to the openness of the Green Belt.

It is noted that the dwelling is located within the Village Envelope (VE). However, given the scale of the development and the additions proposed to increase the width of the dwelling, I consider this to be excessive despite the position of the dwelling in the VE. I therefore do not accept that this can be accepted as a VSC to justify the development in

this case. No other VSC exist or have been put forward. I therefore consider the proposals to be unacceptable in Green Belt terms.

Conservation Area issues

The Conservation Officer does not object to the proposal and confirms that there would not be any detrimental affect on the character or appearance of the Conservation Area subject to the submission of materials and joinery details. The applicants have submitted an application for Conservation Area consent for the demolition of the single storey rear extension which has been granted (12/0362) but this does not relate to decision on this application which relates to the extension of the dwelling.

Residential Amenity issues

Given the space surrounding the properties in this location and the distance between the nearest neighbouring property in this case, there would not be any detrimental affect on any neighbouring property with regard to loss of light, outlook or privacy.

Conclusion

The proposed extension is considered to be excessive for a property located within the Green Belt, despite being located within the designated Village Envelope. The development would therefore be considered inappropriate development within the Green Belt and would result in harm being caused to the openness of the Green Belt in this location.

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

The proposed extension would result in a disproportionate addition to the property resulting in harm being caused to the openness of the Green Belt. No very special circumstances exist or have been put forward to outweigh the harm caused. The proposal is thus contrary to policies DS2, DS13 and S11 of the BDLP, guidance within Supplementary Planning Guidance 7 Extension to Dwellings in the Green Belt and guidance within the National Planning Policy Framework (NPPF) 2012.

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Agenda Item 7

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|---|--|--------------------|------------------------------------|
| Phoenix Life Ltd And Pearl Group Management Services | Outline approval for business park with associated service roads, landscaping and parking (Extension of time of application 09/0136) | EMP | B/2012/0435 21.08.12 |

‘A’

RECOMMENDATION: That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to the provision of a cycle access improvement measures.

MINDED TO APPROVE

Consultations

| | |
|---------------------------------------|---|
| WH Wythall PC | Consulted 28.05.2012. Response received: 11.06.2012. No objection. |
| SP | Consulted 28.05.2012. Response received: 12.07.2012. No objection. |
| WRS Contaminated Land | Consulted 28.05.2012. No response received. |
| Tree Officer | Consulted 28.05.2012. Response received: 18.06.2012. No objection subject to conditions. |
| EDO | Consulted: 28.05.2012. No response received. |
| WWT | Consulted: 28.05.2012. No response received. |
| WCC PROW | Consulted: 28.05.2012. No response received. |
| Ramblers Association | Consulted: 28.05.2012. Response received: 12.06.2012. No objection. |
| National Planning Casework Unit | Consulted: 28.05.2012. No response received. |
| Publicity | Consulted 08.08.2012. No response received. |
| | Neighbour notification: 5 letters sent 13.07.2012, Expired 03.08.2012. Site notice posted 20.06.2012, Expired 11.07.2012. Press notice published 15.06.2012; Expired 06.07.2012. |

No responses received.

The site and its surroundings

The application site covers a total area of 11.8 hectares and forms part of the Wythall Green Business Park (formerly known as Brittanic Business Park), off Middle Lane, Wythall. A proportion of the site has been developed and is occupied, with well planned and high quality existing landscaping and a man made stream. The landscaping acts a buffer between the headquarters building and cricket pitch and the remaining plots to the south of the site. The central space (existing cricket pitch) also serves to soften the appearance of the headquarters building from the footpath running along the western boundary. The land is bounded by Middle Lane to the east, by the Birmingham Museum of Transport, St Mary's Caravan Park, and the Caravan Club site to the south, and open farm land to the north and west. The site is located in a recognised employment zone.

Proposal

Members should note that this is an Extension of Time application for planning permission B/2009/0136 which was an outline application for the development of a business park, service roads, landscaping and parking. B/2009/0156 is a renewal of outline consent B/2006/0146 approved in April 2006. This was in turn a renewal of B/2003/0229, which also renewed the original approved outline consent B/1998/0897.

The proposal considered under B/2009/0136 was an *outline* application with all matters reserved apart from access. Therefore the plans accompanying this application the application are indicative only.

The application proposes the development of 22,495 square metres of business floorspace, with a total of 729 associated car-parking spaces. The proposed floorspace will be arranged across 8 new buildings as follows:

Buildings 1-6

To be situated to the south of existing Pearl headquarters on the opposite side of the recreation ground in a circular arrangement. Buildings 1-6 will each be 4 storeys in height with a gross external floor area of 3,163 square metres. Buildings 1-6 will have a total of 528 associated car parking spaces. This group is arranged in two groups of three forming a semi circle echoing the line of the headquarters building. The eastern part of the group steps back to align with the curved façade of the headquarters building. The height of these six buildings is 18.8 metres ensuring that the headquarters building remains dominant at a height of 20.86 metres.

Building 7

To be situated adjacent to the main site entrance off Wythall Green way, Building 7 will be 3 storeys in height with a gross external floor area of 3,617 square metres and will have 184 associated car parking spaces.

Building 8

To be situated adjacent to the north of the existing pavilion, Building 8 will be 3 storeys in height with a gross external floor area of 1,900 square metres and will have 17 associated car parking spaces.

The entire has already been landscaped and provides a very attractive working environment with water features and a recreation ground.

Relevant Policies

| | |
|-------|--|
| WMSS | QE1, QE2, QE3, QE6, PA1, PA14, UR4, T2, T3 |
| WCSP | SD.2, SD.3, SD.4, SD.6, SD.7, CTC.1, D19, D20, D23, D.25, D.26 |
| BDLP | DS4, DS12, DS13, E4, E9, TR1, TR11, ES3, ES4, ES7, WYT4 |
| Draft | CP11, CP12 |
| CS2 | |
| NPPF | Paragraphs 18 – 22, 29, 30. |

Relevant Planning History

There is a long history of planning applications on this site, many of which relate to the former use of the site as a car transporter depot for Autocar and then for Lada/Proton cars.

Wythall Green Business Park (formerly Brittanica Business Park) was granted outline planning permission in November 1991 under application B19091, for the redevelopment of the entire 17 hectare site (comprising 65,031 square metres of B1 business space). Reserved Matters relating to road layout and landscaping were approved in April 1998 under application B/1993/0089. Reserved Matters approval for the development of 23,495 square metres of the permitted 65,031 square metres of Class B1 floorspace was granted in November 1993 under application B/1993/0649 and the landscaping, surface water drainage and engineering works were granted in May 1993 under application B/1993/0292. B/1993/0649 was implemented and comprises the existing business park.

There have also been two permissions related to the sports facilities on this site – B/1995/0224 was granted in May 1995 for the erection of a sports pavilion, creche and computer suite, and B/1996/0510 was granted in August 1996 for a tennis court and service track. There have also been approvals for various signs and camera towers for security purposes.

As indicated above, to date the following outline applications have been approved for the development of 22,600 square metres of Class B1 accommodation within the residual land on the site pursuant to the 1991 outline permission:

B/1998/0987: Outline approval for business park including roads, parking and landscaping
Approved 16 May 2003

B/2003/0229 Renewal of outline consent B/1998/0987
Approved 11 December 2003

B/2006/0146 Renewal of outline consent B/2003/0229
Approved 5 April 2006

B/2009/0136 Renewal of outline consent B/2006/0146 Approved 22.05.2009.

Assessment

The Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009 was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such application so I will refer to the Department for Communities and Local Government publication (DCLG) publication: Greater Flexibility for Planning Permissions: Guidance. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. I note that paragraph 13 makes it clear that additional information other than that on the application form is usually not required except for applications where an EIA was required and may need updating.

The requirements for the eligibility of a planning permission under the above provisions is that the permission cannot have been implemented and would have been extant on 01st October 2009 when the provisions came into force. The application is eligible.

Policy Changes – National Planning Policy Framework

Members should note that the principle of employment-related development has been established through the granting of outline application B/1998/0987. Members should note that this report will not seek to reappraise the entire scheme but will focus on the policy changes which have occurred since the application for renewal of planning permission was considered under B/2009/0136. The most significant of these is the National Planning Policy Framework (NPPF) which came into force on the 27 March 2012, the policies of which apply immediately. 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 consideration of the previous planning application (B/2009/0136), policy E9 of the Bromsgrove District Local Plan (BDLP) was cited in addition to policies TR11 of the BDLP and T1 of the Worcestershire County Structure Plan (WCSP) were referred to and the proposal accorded with these policies. The site is allocated for the purposes of employment development on the BDLP proposals map (Referred to as WYT4). The development plan policies originally cited are still extant and are consistent with the NPPF and therefore the proposal is judged to be acceptable when considered against them at this time.

Members should note that there is no objection from WH in respect of the proposal and the application being extended (B/2009/0136) was accompanied by a S106 Agreement for the provision of a footway/cycleway between the site and the Alcester Road Traffic Island including the provision of a controlled pedestrian crossing and cyclist crossing point on the A435 at a location to be agreed with the County Council prior to construction. Whilst there was a time limit for the spending of monies linked to the agreement on the original outline approval attached to B/1998/0987, the applicant (Phoenix Life Limited) the County and District Councils have agreed a Deed of Variation under the last renewal (B/2009/0136) to the effect that the County Council shall continue to have the ability to spend the contribution for the intended purpose consistently with the terms of any renewed planning permission.

Members should note the comments of Worcestershire County Council Public Rights of Way and whilst the Wythall footpath (No 586) and part of the North Worcestershire Path are close to the site, these rights of way will remain and their setting will be altered but the principle of development on the site has been accepted in previous applications.

In terms of ecology, no additional information has been provided for the extension of time application as the DCLG Guidance referred to above states that additional information is not required other than for applications which were accompanied by an Environmental Impact Assessment. Since the development has not been implemented, I am satisfied that ecological mitigation measures can be achieved through a conditions requiring an integrated wildlife management plan and monitoring programme.

Conclusion

The securing of economic growth is a key part of the NPPF and is outlined in paragraphs 18 -22 and the objective of the Government is to ensure that the planning system does everything it can to support sustainable growth and furthermore that policies should be flexible enough to take account of changing economic circumstances. In this context, it is recommended that the period for implementation of the planning permission is extended. The records indicate that no application to discharge conditions has been received or have any conditions been approved for discharge. Therefore the conditions attached to

B/2009/0136 will be applied. There are no other significant policy changes which would necessitate additional conditions.

RECOMMENDATION: That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to the provision of a cycle access improvement measures.

MINDED TO APPROVE

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
2. Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of the site.
3. The application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. Details of the form, colour and finish of the materials to be used externally on the walls and roofs, including doors and windows, door frames and window frames shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.
5. A landscaping and planting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed and full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate. The approved planting plan shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
6. All trees including conifers over 90cm in height shall from the time of planting be properly secured to a suitable stake with one or more flexible tree ties. Deciduous trees to be planted as part of the landscaping scheme shall be planted as standard trees (as defined by British Standard BS.3936 part 1 1965).
7. The new trees and/or shrubs and/or hedges shall be protected to prevent them being damaged by grazing and by vermin.
8. The existing trees/hedges/shrubs shall be retained and shall not be felled, lopped or topped, or otherwise removed without the previous written consent of

the Local Planning Authority. Any trees/hedges/shrubs removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees/hedges/shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

9. Before any materials are brought on to the site or any development commenced the developer shall erect protective fencing as illustrated by BS 5837:2005 Fig. 2 on a line concurrent with Section 5 of BS 5837:2005 subject to the approval of the Local Planning Authority. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed. The level of the land within the fenced areas shall not be altered without the prior written permission of the Local Planning Authority.
10. The destruction by burning of any materials shall not take place within 10 metres of the furthest extent of the canopy of the trees to be retained on the site or on land adjoining.
11. No materials whatsoever shall be stored, or temporary buildings for use in connection with the construction of the development erected, beneath the canopy of any tree, which is to be retained.
12. No oil storage tank or concrete mixing plant shall be emptied or otherwise allowed to drain on to land beneath the canopy of any trees to be retained.
13. Where trees to be retained are subject to tree surgery, damage by machinery or damage which results in a part of the bark of the tree being cut away, then the resultant wound shall be treated with a fungicidal sealant.
14. Where it is necessary to carry out excavations beneath the canopy of any tree to be retained on the site or on adjoining land, none of the trees roots of a diameter of one inch or more shall be severed. The excavation shall be hand dug and backfilled with good quality topsoil. All works will be in accordance with NJUG 10 + BS5837:2005.
15. The implementation of the mitigation strategies and additional survey work set out in Section 7 and 8 of the Ecological Appraisal (February 2009) shall be undertaken without deviation, unless otherwise agreed in writing by the Local Planning Authority.
16. An integrated wildlife management plan with an appropriate monitoring programme shall be submitted to an approved in writing by the Local Planning Authority
17. The total height of any of the buildings, including any associated plant and machinery, shall not exceed 19 metres.
18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the larger tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

- hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
20. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority. The approved system shall be operational before building works commence.
 21. The disposal of foul sewage shall be by means submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until approved drainage and works have been undertaken.
 22. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
 23. A scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 24. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 25. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 26. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
 27. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
 28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved

remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
4. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
5. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
6. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
7. In order to secure the satisfactory appearance of the development in accordance with Policy DS13 of the Bromsgrove District Local Plan
8. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
9. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
10. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
11. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
12. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
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12. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan

- January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
13. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
 14. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001
 15. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with PPS9 and Circular 06/05.
 16. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with PPS9 and Circular 06/05.
 17. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with Policy PPS9 and Circular 06/05.
 18. In the interest of visual amenity in accordance with policy CTC.1 of the Worcestershire County Structure Plan and policy DS13 of the Bromsgrove District Local Plan.
 19. To ensure the development does not cause environmental/ground water pollution in accordance with policies ES3, ES4, ES7 and ES14 of the Bromsgrove District Local Plan
 20. To ensure the development does not cause environmental/ground water pollution in accordance with policies ES3, ES4, ES7 and ES14 of the Bromsgrove District Local Plan
 21. To ensure the provision of adequate storm water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
 22. To ensure the provision of adequate foul water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
 23. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ES7 of the Bromsgrove District Local Plan.
 24. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ES7 of the Bromsgrove District Local Plan.
 25. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ES7 of the Bromsgrove District Local Plan.
 26. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ES7 of the Bromsgrove District Local Plan.

27. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ES7 of the Bromsgrove District Local Plan.
28. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with Policy ES7 of the Bromsgrove District Local Plan.
29. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with Policy ES7 of the Bromsgrove District Local Plan.

Notes

All building work should be carried out outside the birdnesting season (1 March – 31 August inclusive)

The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

This consent does not absolve the applicant for complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of Circular 06/2005.

This consent does not permit the erection of any form of advertisement on the site.

The development should conform to Secured by Design Standards (Commercial). Details can be found at www.securedbydesign.com. The applicant is encouraged to contact PC Stan Baker, Crime Risk Manager, West Mercia Constabulary, 17 The Crescent, Bromsgrove, Worcestershire, B60 2DF to discuss this matter further.

Under the terms of the Water Resources Act 1991, an impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (eg. by dam, weir etc) and an Abstraction Licence may be required from the Agency for the abstractions of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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

WMSS QE1, QE2, QE3, QE6, PA1, PA14, UR4, T2, T3
WCSP SD.2, SD.3, SD.4, SD.6, SD.7, CTC.1, D19, D20, D23, D.25, D.26
BDLP DS4, DS12, DS13, E4, E9, TR1, TR11, ES3, ES4, ES7, WYT4
Draft CP11, CP12
CS2
NPPF Paragraphs 18 – 22, 29, 30.

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

Approved Plans/Documents:

Site Location Plan 1:2500 unreferenced
Site Plan as Proposed 1:100 A101 Rev A
Topographical Survey 1:500 1033-01-a A
View from the East as Proposed NTS A110
View from the South as Proposed NTS A111
Tree Survey Report Cresswell Associates February 2009-05-19
Tree Survey Sheet 1 of 3 1:500 V001 01
Tree Survey Sheet 2 of 3 1:500 V002 01
Tree Survey Sheet 3 of 3 1:500 V003 01
Supporting Planning Statement February 2009
Ecological Appraisal February 2009
Transport Statement February 2009
Flood Risk Assessment February 2009
Existing Drainage Layout Sheet 1 of 2 1:500 8168
Proposed Drainage Strategy Sheet 2 of 2 1:500 8168
Design and Access Statement

Agenda Item 8

Mrs Gillett Proposed New Dropped Kerb & Access GB 12/0543
To Provide Separate Access & Car
“B” Parking To The Lodge LPA 21.08.12
Heanor, Beacon Hill, Rednal, B45 9QL TPO

RECOMMENDATION: that permission is **GRANTED**

Consultations

WH Response received 26.07.12: No objection *sfc*

Ramblers Association Consulted 06.07.12 - No comments received.

PROW Consulted 06.07.12 - No comments received.

Tree Officer Response received 12.07.12:

No objection to the proposed development subject to acceptable plans being provided showing the profiles of the existing ground levels and the depth of excavation target levels and grading required under this proposal.

Further comments received 08.08.12 in response to an amended plan:

“I am happy with this proposed plan. They have extended the area to be protected by the ground support system from the first plan provided highlight an intention to use this material. The wider the use of ground support material will provide more protection for the trees and root plates therefore I have no objections on tree related grounds to this proposed plan”

Publicity No adjoining occupiers

Site Notice posted 25.07.12 expires 15.08.12

Press Notice published 13.07.12 expires 03.08.12

No representations received

The site and its surroundings

The application site relates to a detached dwelling located on Beacon Hill, Rednal, Bromsgrove which is situated within a Landscape Protection Area and within the Green Belt as defined in the Bromsgrove District Local Plan 2004. A residential dwelling is situated to the south of the site. There are a number of protected trees located along the eastern boundary of the site.

The proposed development

It is proposed to create a new vehicular access to the property via the lowering of a 4.6 metre wide section of kerb and the creation of a new stone chipping driveway. The existing rear access road to the Lodge will be permanently closed off. The proposed driveway would be located beneath the canopy of a number of protected trees.

Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995 states that

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

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

Relevant Policies

WMSS: QE3
WCSP: T.1, CTC.5, D38, D39.
BDLP: TR11, DS2, DS13, C1, C4, C17, C19
DCS2: CP22
Others: NPPF

Relevant Planning History

12/0310 - Proposed New Dropped Kerb & Access To Provide Separate Access & Car Parking To The Lodge - Withdrawn

Appraisal

The main considerations in this application are;

- 1) whether the proposal will maintain a safe means of access and egress to the site for the interests of highway safety.

- 2) whether the proposal would have a detrimental effect on the Landscape Protection Area
- 3) whether the proposal would have a detrimental effect on the Green Belt
- 4) whether the proposal would have a detrimental affect on protected trees

1) *Access and egress*

Policy TR11 of the BDLP requires that all development incorporates safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking. It is considered that Policy TR11 is consistent with the policy objectives of the NPPF. I note the absence of an objection from the Highways Authority in relation to this matter. It is therefore considered that the proposal would maintain a safe means of access and egress to the site in the interest of highways safety and would be in accordance with Policy TR11 and the NPPF.

2) *Landscape Protection Area*

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

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

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

In this instance the proposal relates to a dropped kerb and its effect on the landscape is considered to be *de minimis*. It is therefore considered that the proposal would not cause any conflict with Policy C4 of the BDLP.

3) *Green Belt*

The proposed dropped kerb represents an engineering operation. The NPPF defines engineering operations as not being inappropriate in the Green Belt

provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. In this instance the proposal is considered to have no impact on the openness of the Green Belt. The proposed access would involve the laying down of hardstanding which would have an urbanising effect on the Green Belt contrary to the purposes of the Green Belt to protect the countryside from encroachment. The area of hardstanding is however small and I am mindful of the permitted development rights that exist in respect on domestic hardstanding under Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Thus, although the proposal may represent an inappropriate form of development in the Green Belt, the level of harm caused is very minor and the permitted development fallback position would represent a very special circumstance outweighing this harm.

4) *Tree Issues*

The trees located adjacent to the proposed access are protected by TPO ref. 1463. Members will note that a previous application at this site (12/0310) was withdrawn as the application did not have due regard to the protected trees.

This application indicates that excavations beneath the canopies of the protected trees will be hand dug and a specialist 'Geocell' tree dimensional cellular system sub base layer will be laid down beneath the stone chipping surface. This construction method has been approved by the Council's Tree Officer and no objection is raised.

The application is therefore considered to be in accordance with policies C17 and C18 of the Bromsgrove District Local Plan which seek to retain existing trees and woodland.

Conclusion

It is considered the proposal will maintain a safe means of access and egress to the site in the interests of highway safety. The proposal would not cause any harm to the Landscape. The proposal is considered to be inappropriate development in the Green Belt due to its urbanising effect on the site, however it is considered that very special circumstances exist in the form of a permitted development fallback position. This would outweigh the identified harm. The proposal would have no adverse impact on the protected trees on the site.

Taking these matters into consideration the proposal is found to be in accordance with the relevant policies of the adopted Development Plan and the NPPF. Accordingly it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001 (time limit)
2. C001A (In accordance with approved plans)
3. HC8 (Vehicle access construction)
4. HC13 (Modified Access Closure - use of site - vehicular)

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: QE3
WCSP: T.1, CTC.5, D38, D39.
BDLP: TR11, DS2, DS13, C1, C4, C17, C19
DCS2: CP22
Others: NPPF

It is the Council's view that the proposed development does not comply with the provisions of the Development Plan and the National Planning Policy Framework 2012 however very special circumstances exist that justify the granting of planning permission.

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

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

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Agenda Item 9

Mr Andrew Pearson Removal of Existing Single Storey RES 12/0558
Garage and Kitchen and erection of
new 2 storey extension to existing CA 24.08.12
“A” property. Erection of single storey
garden room and associated
landscaping works.

3 Plymouth Road, Barnt Green

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

RECOMMENDATION: that permission is **GRANTED**

Consultations

WH Response received 26.07.12: No objection

Lickey & Consulted 05.07.12 – no response received to date
Blackwell PC

Conservation *Response received 02.08.12:*
Officer

“As you are no doubt aware this application was granted permission at the end of last year with a non material amendment granted earlier this year. However it has subsequently transpired that the original plans had wrongly indicated the position of the boundary to the left hand side of the property, indicating that it was almost 5 metres from the actual boundary. The building originally comprised a two storey house with a single storey garage attached to the house approximately a metre from the boundary. Barnt Green Conservation Area, as you are no doubt aware, comprises large detached house on generous plots. If the applicant is permitted to construct a two storey extension so close to the boundary we would not be in a position to object to his neighbour at some future date doing the same thing. This would result in a terracing effect, which would undermine the character and appearance of the conservation area. Paragraph 137 of the NPPF states that ‘Local Planning Authorities should look for opportunities for new developmentwithin the setting of heritage assets to enhance or better reveal their significance’. This application would potentially result in the opposite. I note that part of the application includes the construction of a single storey garden room on the west side of the house,

however although this is close to the western boundary, as it is single storey, the impact on the streetscape will be less, as it does not have the bulk of the two storey extension.

I note from my comments on the original scheme that I had asked whether this extension could be reduced in height to break up the dominance of the roof structure. Maybe this possibility could be revisited.

I would have to object to the application in its current form. If you are minded to accept the application in its current form we will need to condition all the materials and joinery details at a scale of 1:5 to be submitted for approved by the local planning authority prior to the commencement of the works.”

Publicity

4 neighbour notification letters sent 05.07.12 expire 26.07.12

Site notice posted 10.07.12 expires 31.07.12

Press notice published 13.07.12 expires 03.08.12

One objection received from the occupier of the adjoining property 3a Plymouth Road:

“The plans we were shown, and were confirmed to be correct by yourself and Ms Mary Worsfold, show the end of the extension to be 2.30m from the boundary fence. In reality it is only 1m away. No other property on Plymouth Road, or other roads in the area, have such a close proximity to their boundary fence. When we spoke to Mr Pearson he said the survey was incorrect and it was the fault of Bromsgrove District Council, not his.

The elevation of the extension, with regard to how the gardens on this side of the road slope away, leaves a large feature window directly overlooking our patio area and as we can see into it from our bedroom we must assume he will be able to look directly into our bedroom from such. This seems to be an unacceptable loss of privacy. Mr Pearson has since said that he will plant a mature tree to resolve this issue???

Furthermore, as a result of not following the submitted plans which detail the roof being sloped away from the ground floor upwards, the window to our smaller bedroom is now letting in less light. It would appear he has built an additional floor and then added the sloping roof to this. Mr Pearson's comment was that this would allow him more space in his ensuite bathroom.....

We have spent our life savings to move into the home of our dreams. A beautiful area, mature gardens and plenty of space away from the surrounding properties, which is now ruined by the sight of a brick wall, a lack of light and a total wash of our privacy in both our home and garden, all as a result of this imposing extension just 1m away from our boundary.”

The site and its surroundings

The application site relates to a detached dwelling located on the southern side of Plymouth Road. The site originally comprised a medium sized detached 4 bedroom dwelling with an integral garage building to its east elevation. The site is located in a Residential Area and within the Barnt Green Conservation Area as defined in the BDLP.

Members should note that construction works are well underway at the site in pursuance of the proposed extension. Members should note however that this application is not strictly retrospective. Planning permission was granted in December 2011 (11/0897) for an almost identical extension. Various non-material amendments were approved to that planning permission in May 2012 including a 300mm reduction to the overall width of the extension, the relocation of the windows in the east side elevation and a new door within the east side elevation. Following that approval it is understood that works commenced at the site. The Council's Enforcement department then received a complaint raising concerns that the development was not being constructed in accordance with the approved plans. Your officer's investigation of this complaint revealed that the side elevation of the extension is positioned 1.25 metres closer to the boundary than the extension shown on the approved plans (the approved plans indicate a 2.35 metre gap between the extension and the boundary whereas on site this is approximately 1.1 metres). It is understood from the applicant that during construction works it was established that the boundary shown on the approved plans is in the wrong position. The boundary on the approved plans was established from an ordnance survey plan however this is not compatible with the existing fence line on site which is believed to be the actual boundary between the two properties.

Further investigation in relation to this matter by the Council's legal department indicates that planning permission ref. 11/0897 is therefore invalid as it is based on incorrect information.

To address this matter and to regularise the development on site this application has been submitted to the Council for determination.

The proposed development

The application proposes a two storey extension to the east side of the dwelling and a single storey detached garden room to the west of the site.

As noted earlier the development proposed by this application is almost identical to that previously approved under 11/0897. There have been a number of revisions to the development including a 300mm reduction to the overall width of the extension, the omission of 2 no. first floor windows in the east side elevation and a number of minor fenestration changes at ground floor level. The key difference between the two applications is the location of the extension some 1.25 metres closer to the boundary with no. 3A Plymouth Road. Members should note however that the separation distance between the east side elevation of the proposed extension and the west side elevation of no 3a Plymouth Road is in fact greater than that indicated on the approved plans for 11/0897 as a result of the 300mm width reduction. Thus, although this application would bring the proposed extension closer to the boundary between the two properties, it would not bring the extension any closer to the adjacent dwelling or reduce in any way the gap between the two properties.

A full assessment of the proposed development including its design, its effect on the character and appearance of the Conservation Area and its impact on the amenity of the occupiers of the adjoining residential properties will be provided below.

Relevant Policies

WMSS: QE3
WCSP: CTC.1, CTC.20
BDLP: DS13, S10, S35A
Draft CS2: CP3
Others: NPPF, SPG1

Relevant Planning History

10/1027: Erection of 2-story side extension to existing property and remodeling of existing modern garage extension to remove garage doors and install new window – PPG 07.01.11

11/0897: Removal of existing single storey garage and kitchen and erection of new 2 storey extension to existing property. Erection of single storey garden room and associated landscaping works – PPG 23.12.11

11/0898: Conservation Area Consent in relation to 11/0897 - Granted

Appraisal

1. Design, street scene and Conservation Area matters

It is generally considered that the form, detailing and overall design of the proposed extension would respect the original dwelling. It is noted that the

roof ridge of the extension would not be set down from the main building and the proposal would not be subservient in appearance. The comments of the Conservation Officer are also noted in this respect. It is however considered in this instance that the street scene and indeed a large part of the Barnt Green Conservation Area is characterised by large detached properties which, in many cases, extend across the majority of their plot widths at the same roof height. The compound building resulting from this proposal would be in keeping with this predominant character.

The Conservation Officer also notes that the Barnt Green Conservation Area is characterised by large detached houses on generous plots. Concerns are raised by the Conservation Officer over the proximity of the extension to the boundary. It is considered that allowing this extension would weaken the Council's ability to resist an extension close to the boundary at the adjoining property which would result in a terracing effect undermining the character and appearance of the Conservation Area. I note the Conservation Officer's comments in relation to this matter but Members are reminded that each application should be considered on its own merits. In this instance the proposed development would still retain a 5.75 metre gap between the two buildings (as noted earlier this is greater than the previous approval) and the detached character of the Conservation Area would be preserved. In any event if Members are concerned about this proposal leading to a terracing effect between the two properties it is pointed out by your officer that the dwelling at no. 3a Plymouth Road does not provide a spacious gap between the existing building and the boundary adjoining the application site. Given this lack of meaningful space for an extension considering the design of the dwelling at that part of the site it is considered unlikely that a two storey extension would be possible. Taking the above matters into consideration it is your officer's view that the extension is of an acceptable design and it would have no adverse impact on the character of the Conservation Area.

2. Residential amenity

Considering the proposal in relation to the residential amenity guidelines set out in SPG1 the following comments are made.

The proposal would comply with the 45 degree code applied from the windows in the rear of no. 3a Plymouth Road.

The proposal would involve two obscurely glazed roof lights in the side elevation at first floor level. These would face the side elevation of no. 3a in which there is a secondary dining room window and a secondary bedroom window. The proposed windows would each serve a bathroom and it is therefore reasonable to require that they are obscurely glazed in perpetuity by a condition attached to any planning permission granted. This would overcome any overlooking issues.

There would be three ground floor windows in the side/rear elevations of the extension, one of which would serve a lounge and the other two a utility room. At your officer's site visit it was evident that the lounge window is particularly visible from the garden of 3a Plymouth Road. The effect of this on the privacy of this adjoining occupier has been considered on site. It is evident that views of the patio to number 3a could be gained from the window although these are largely obscured by the boundary fence and existing planting.

The two utility room windows would also be visible from the garden to no. 3a. However, having assessed views out of these windows it can be confirmed that the garden to no 3a would not be easily visible due to the angle between the two features and the effect of the building on the site.

It is generally not considered that the said windows would have any unacceptable impact on the privacy of the adjoining occupier due to any views being obscured by existing site features. It is however appreciated that the windows may cause a perceived loss of privacy to the occupier of number 3a due to their overt presence from the garden to this property. It is therefore recommended that a condition is placed on any planning permission granted requiring that the windows are fitted with obscure glazing. The windows in question are either secondary in nature (in the case of the lounge) or serve a non main habitable room (in the case of the utility room). Such a condition would therefore be reasonable. Furthermore it is noted that the application proposes new planting in this location. Further details of this could be requested by condition and it could be a requirement that the planting is of a height and species that will provide screening to the application site.

It is noted that the windows in the side of no. 3a would be faced with the side elevation of the extension at a distance of 5.75 meters away. SPG1 advocates a separation distance of 12.5 metres between blank walls of development and facing windows in adjacent properties so to avoid a visually intimidating, overbearing impact occurring. Although the proposal would not strictly comply with this guideline it is noted that the affected windows in the side of no. 3a comprise a secondary dining room window and a secondary bedroom window. The main windows to these rooms are located in the rear of the property and would remain unaffected by the development. It is not therefore considered that the proposal would have an overbearing impact on the adjoining property.

Taking the above matters into consideration, subject to compliance with appropriate conditions it is not considered that the development would have any adverse impact on the amenity of the adjoining occupier.

3. *Other matters*

Members will note that a Bat Survey Report has been submitted in support of the application. This provides the results of two surveys; one in October 2009 and one in December 2011. The surveys find the roosting potential of the building to be very low as most of the outside of the building was completely sealed up and there were no obvious crevices or cavities that were suitable for pipistrelles. The property was identified as a roost for two Brown Long Eared bats at the first survey. Droppings were also found at the second survey. In both instances this bat activity was concentrated in the roof void at the western end of the house. There was no sign of bat activity at the eastern side of the house. No bats were in residence at the time of the second survey and the house was evidently not a hibernation site. The survey advises that, given the presence of bats in the roof void in summer, the proposed development will be modified to avoid cutting into the roof and the works will be carried out during the winter months.

Members will note that the works at the site are well underway during the summer months. This recommendation within the survey cannot therefore be complied with. Your officer has been advised by the applicant that the works underway at the site do not, and will not, cut into the roof void and that part of the building will remain untouched. On this basis I am satisfied that this recommendation within the survey has been complied with.

Members will note the legal obligation placed on public authorities under the Conservation (Natural Habitats etc) Regulations 1994 to establish the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, before granting planning permission. In this instance the majority of the works have taken place during the summer months and the Council cannot exercise any retrospective control in relation to this matter with regard to bats. It is not considered necessary or reasonable to require that all works cease until the winter months as part of any planning permission granted as the majority of the building works are now complete. It is considered that if and insofar as any harm has been caused to bats it may have already taken place due to the advanced nature of building works. This would have been entirely at the applicant's own risk and at no fault of the Council. It is not considered that retrospectively granting planning permission for this development would have any due effect on protected species.

Members will note that under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 it is an offence to deliberately disturb bats, recklessly disturb roosting bats or obstruct access to their roosts.

The applicant has been made aware of these statutory provisions and that any ongoing works at the site should not disturb the areas of the building in which bats have been found in the past. If any bats are found in the building during further construction, works should cease until an assessment has been made by a qualified ecologist as to whether activities can proceed without

committing an offence. This information should be conveyed to the applicant as a note attached to any planning permission granted.

On the above basis it is considered that granting planning permission would be in accordance with the advice on biodiversity within the NPPF as any significant harm to protected species resulting from the development can and will be avoided by not disturbing the part of the building in which bat use has previously been identified.

Conclusion

The extension is considered to be of acceptable design and it would have no adverse impact on the character of the Conservation Area in accordance with Policy S35A of the BDLP and associated guidance within the NPPF. It is also considered that subject to compliance with appropriate conditions the development would not have any adverse impact on the amenity of the adjoining occupier in accordance with Policy S10 of the BDLP, the guidance within SPG1 and the Core Planning Principles of the NPPF. Furthermore it is considered that granting planning permission would be in accordance with the advice on biodiversity within the NPPF. Taking these matters into consideration the application is considered to be in accordance with the policies of the adopted Development Plan and advice within the NPPF and there are no other material considerations that would justify the refusal of planning permission. Accordingly it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001A (development must be carried out in accordance with the approved plans).
2. C003 (materials to be submitted - modified to replace 'pre-commencement' clause with a requirement to submit details within 1 month of permission – works shall be carried out in accordance with approved details)
3. Within one month starting from the date of this permission, joinery details for the external windows and doors within the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include samples of the materials to be used for external windows and doors and detailed drawings at a scale of 1:5. The development shall be carried out in accordance with the approved details
4. C010 (landscaping – modified to replace 'pre-commencement' clause with a requirement to submit details within 2 months of permission – works shall be carried out in accordance with approved details)
5. C005 (Obscure glazed windows to side elevation)

Notes:

1. The applicant shall note that under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 it is an offence to deliberately disturb bats, recklessly disturb roosting bats or obstruct access to their roosts.
2. If any bats are found in the building at any point during construction, works should cease until an assessment has been made by a qualified ecologist as to whether activities can proceed without committing an offence under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

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: QE3
WCSP: CTC.1, CTC.20
BDLP: DS13, S10, S35A
Draft CS2: CP3
Others: NPPF, SPG1

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.

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Agenda Item 10

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|--------------------------|
| Mr Phillip Thomas | Proposed refurbishment and replacement of defective existing windows and minor structural repair works at Bowling Green Farm, Worcester Road, Bromsgrove, B61 7HZ | GB / LB2 | 12/0571 29.08.2012 |

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Conservation Officer Consulted: 13.07.12 expired 03.08.12 – no objection
Conservation Officer 12.07.12 expired – no objection
Publicity Site Notice posted 19.07.12 expired 09.08.12 – no comments received
Press Notice 20.07.12 expired 10.08.12 – no comments received

The site and its surroundings

This application relates to Bowling Green Farm; a site that dates back to the early 18th Century and is Grade II Listed. The site occupies a rural location, in a Northerly position off Worcester Road. The site is located in designated Green Belt.

Proposal

Listed Building Consent is required for the replacement of windows and minor structural repairs of the windows, in the main house at Bowling Green Farm; due to their poor condition.

Relevant Policies

WMSS: QE3
WCSP: CTC.1, CTC.19
BDLP: DS2, S11, S39
DCS2: CP3, CP16, CP18, CP22
Others: NPPF

Relevant Planning History

- 12/0175 - Proposed replacement of modern defective windows to granny annex (as amended by plans received 20.04.12). Approved at Committee 28.05.2012
- B/2003/0060: Removal of existing lean to structure (garden room), to be replaced with new conservatory on footprint of existing building. Granted 12.03.2003
- B2003/0059: LBC: Removal of existing lean-to structure (Garden Room) and addition of new conservatory on footprint of existing lean-to - Listed Building Consent. Granted 12/03/2003
- B/1999/0904: Conversion of barn into office (Amended plans received 8.11.99 & 15.11 .99 and amended plans received 13.12.99). Granted 21.02.2000

- B1999/0898: Conversion of barn to office use - Listed Building Consent (Amended by plans received 8/11/99 & 15/11/99). Granted 21.02.2000

Assessment

This application needs Listed Building Consent for the replacement of windows and minor repairs due to the fact that it would not meet the Permitted Development criteria. The key consideration is the impact of the windows and repairs to the Listed Building.

Policy S39 of the Bromsgrove District Local Plan notes that *“Careful attention will be paid to any proposal affecting the character of a Listed Building or its setting. Any proposal for alteration to a Listed Building will be thoroughly assessed before consent is given. The advantage of keeping a building in active use will be weighed carefully against any impact on the special architectural or historic interest of the building”*

After Consulting the Conservation Officer on 13.07.12, no objections to the proposal have been raised. However a drawing of the joinery detailing at a scale of 1:2 for the existing windows and the proposed is to be submitted prior to the commencement of works; this matter can be dealt with via a planning condition.

Therefore it is considered that the replacement windows scheme should be allowed.

With respect to the National Planning Policy Framework (NPPF) recent adoption, it is imperative to note that Local Plan Policy S39 is consistent in its approach with section 12 of the NPPF.

A statement of significance was submitted as part of the Listed Building Consent application, and the significance of the heritage assets were adequately described.

Conclusion

The proposed replacement of windows and minor repairs are considered to be an acceptable alteration to the Listed Building, and as such accords with policies DS13, DS2, DS13, S11 and S39 of the Bromsgrove District Local Plan and the recently adopted NPPF.

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

Listed Building Statement of Significance & Design and Access Statment Received
04.07.12

Drawing Number SJD-033-001 at 1:100 Received 04.07.12

Drawing Number SJD-033-002 at 1:100 Received 04.07.12

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

3. Details of all materials and joinery, at a scale of 1:10, to be submitted for approval by the Local Planning Authority prior to the commencement of works on site.

Reason: To preserve the character and appearance of the Conservation Area in accordance with policy S35A of the Bromsgrove District Local Plan January 2004 and policies CTC.19 of the Worcestershire County Structure Plan 2001

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, CTC.19

BDLP: DS2, S11, S39

DCS2: CP3, CP16, CP18, CP22

Others: 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 Listed Building Consent.

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Agenda Item 11

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan. Ref Expiry Date |
|--|--|--------------------|--------------------------|
| CALA HOMES “A” | Submission of Reserved Matters to 11/0343 (internal access, appearance, layout, scale and landscaping) for the erection of 80 residential units (resubmission of 12/0066) Land at Church Road, Catshill | ADR TPO LBS | 12/0586 10.10.12 |

As amended by:

Plots 1, 3, 12, 14, 23, 25, 49, 51 as and 2, 4, 13, 24, 26, 50 (handed) elevations received 01.08.12

Plots 3 as and 2, 50 (handed) elevations received 01.08.12

House Type 3: Plot 21 As and Plot 22 handed elevations received 01.08.12

Plots 32-46 Ground and First Floor Plans received 01.08.12

Plots 32-46 Elevations received 01.08.12

Plots 32-46 Elevations received 01.08.12

Proposed Street Scenes – Sheet 1 received 02.08.12

Proposed Street Scenes – Sheet 2 received 02.08.12

Proposed Street Scenes – Sheet 3 received 02.08.12

Detailed Soft Layout Proposals for Plots received 01.08.12

Detailed Hard and Soft Layout Proposals for Play Area received 01.08.12

Proposed Site Layout received 02.08.12

Measured Works Schedule Softworks Only received 01.08.12

As augmented by:

Architect's Statement in Response to the Council's Urban Design Consultant's Further Report Dated 25 July 2012 received 08.08.12

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

Consultations

Members will note the views of consultees arising from the previous application 12/0066. These remain relevant and are set out in **Appendix A**.

The following consultee comments arising from the consultation process for this resubmitted application are relevant for Members:

Worcestershire Highways (views received 6 August 2012)

No objection subject to Conditions relating to:

- Cycle parking
- On site roads submission of detail
- All roadworks shall be completed within a period of two years or other period agreed in writing from the commencement of work on the site, or within six calendar months of the substantial completion of 75% of the building(s) (no of dwellings) hereby approved if this is sooner.
- Welcome pack

Urban Designer (views received 27 July 2012 and 3 August 2012)
Houses on the Eastern Boundary

- The cluster of houses on the eastern side of the site has now been redesigned in the resubmitted scheme, and has returned approximately to the arrangement in the Indicative Layout Plan contained in the approved outline application, on which I earlier reported favourably. This is now acceptable.

The Apartment Building

- There continues to be the issue of the suitability of its location, as a building accommodating elderly people (paragraph 3.3 of the Design and Access Statement describes the apartments as sheltered dwellings). In my earlier reports I doubted the acceptability of placing elderly people at the furthest point from the site entrance and from local facilities, and at the top of a hill. Paragraph 3.14 of the D&A Statement reiterates the applicant's argument that the building would not fit elsewhere on the site. In my last report I described this argument as unconvincing, and I continue in this view. However, the building is in the location where it was in the Indicative Layout Plan contained in the approved outline application, so that is probably that.
- In my previous report, I concluded that *the building now fits the topography in general terms*. This was because the building had now been given a stepped 2- and 3-storey section to accommodate the sloping site, instead of, as previously, the site being engineered in order to fit a building designed for a flat site.
- The architect however, in his response, describes the building as *closely related to the site contours* (paragraph 2.2). I do not consider that it can be so described when none of the external doors at upper and lower ground floor levels meets the ground level, their being above the ground by distances ranging from 0.5m to 1.7m, with the main entrance doors being 1.0m above the ground.
- Despite this, the architect in paragraph 2.5 claims that *the floor level on the western two-storey elevation fits the adjoining ground levels*. A glance at the drawing of the western elevation shows that this is not true. This is a result of a level floorplate being used for a building on a considerably sloping site. A closer fit to the site contours could have been achieved by having each half of the building (each of which is internally planned around one of two staircases) at a different level.
- In response to the observation in my previous report about the unacceptability of having seven steps up to the entrance doors of the building, which is to accommodate elderly people, a ramp has now been added to the front of the building. I do not consider that this is an adequate response. It is a technical solution which enables access to a building which does not have a close fit to the site to be gained without negotiating a staircase. But I consider that the ramp and railings will present an unsightly element at the point where the building needs to be welcoming.
- We are all familiar with examples of ramps which have been awkwardly added to the entrances of old buildings which were designed without level access in pre-DDA days. It should not be necessary in a new building.
- In summary, I consider that the planning and design of a building should be informed by its use. This is a building which is to be occupied by elderly people, sometimes frail and vulnerable. It needs to be designed in a way that produces maximum convenience, but also enables residents with limited mobility to enjoy as much as possible the benefits of living in this attractive location (the M5 motorway notwithstanding).
- This principle applies not only to the matter of the main entrances to the building, as discussed above, but also to the relationship between the dwelling and the landscape. From not one of the apartments will it be possible for a resident to walk even a few

steps into the landscape. The interior of the building is effectively divorced from its external spaces. The external balconies raised above the ground levels may, as the architect writes in paragraph 2.4, meet Lifetime Homes standards, but I consider them to be a poor response to the sensory and physical needs of elderly people.

Affordable Housing

- The distribution of the affordable properties, both in this cluster (the north-east boundary) and more generally, appears to be more equitable than previously.

Other matters

- The architectural language of the houses is an acceptably simple and restrained vocabulary based on vernacular precedents. It is not a particularly distinctive architecture, but if executed well it will make a reasonably good scheme.
- In my report of 25th July, I have indeed, as the architect points out, identified some matters which are not specifically mentioned in the Committee's reasons for refusal. They are all issues which I have referred to in previous reports, some going back to my initial report on the outline planning application in May 2011. I endeavour to advise the planning officer and the Committee of all opportunities where I consider that good quality in the proposed development can be achieved.
- I acknowledge that, within the limitations of the planning process, it may not be possible for them to address them all.

Community Safety (views received 03 August 2012)

- The revised design for the apartment block has resulted in a loss of defensible space between the dwellings and the surrounding public open space.
- This lack of defensible space will result in the apartments being easily accessible to people who have no right to be there, therefore an offender's presence in the area does not attract attention. There should be space around the apartments that defines the private space from the public realm to aid the effectiveness of natural surveillance allowing the public and residents know the difference between legitimate users and intruders.
- I recommend that defensible space be re-introduced to the design of these apartments to remove the anonymity of potential offenders and/or intruders.
- This could be achieved through 1 metre high hoop-topped railings and a planting scheme around the perimeter of the apartments to create a barrier of private space
- I have no other crime prevention design observations to make on other aspect of the reserved matters application.

Catshill and North Marlbrook Parish Council (views received 07 August 2012)

- Flooding remains a concern. The Church Road cottages near Minster Walk to the west end of Church Road experience flooding; when the latest flooding occurred in June the development site had been cleared of all vegetation. It is currently all open ground so unless any mitigation is installed to reduce the overflow of water from this site then after the site is developed the situation of these cottages will be made worse due to the reduction of land available to soak up rain water thereby increasing both the amount of water that will run off and the speed at which it will run.
- Also during the recent rains the site was flooded; we would therefore suggest that buildings should be sited on higher ground, away from flooding danger.
- The suggestion to include balancing pools should be backed up by proof of effectiveness as those installed on the 'Horse Course' estate (Cheltenham Avenue/Lingfield Walk) are ineffective (as evidenced during recent flooding in Green

Lane) and there are concerns that the same will be true on the Church Road development.

- With reference to balancing pools the following concerns apply: a) Partly filled pools will present a danger to young children; b) In periods of heavy rain, as recently, these pools will not be effective; 3) In periods of light rainfall the pools will become a quagmire.
- With reference to the proposed re-alignment of the stream there are concerns this will a) destroy the ecology of the stream bed; b) create downstream pollution whilst the new bed silts in, and c) bring danger of flooding to those homes which border the development.
- Concerns that the road level of Church Road may have to be altered to prevent flood water breaching Church Road.
- It is not clear as to how the flood risk will be effectively managed – it is suggested that full planning permission should not be granted until effective measures have been agreed.
- Rendering: The Parish Council appreciates Cala's efforts to conform to existing styles in that the design of the proposed houses reflects the endemic character of the area but members are not in favour of the application of rendering which if not well maintained can look scruffy; different styles of brickwork would be preferred. Maintenance is the main concern.
- Parking: The parking provision is inadequate, especially to the east of the site. There are fears that the demand for parking space will exceed provision, as evidenced in the neighbouring estate at Chadcote Way and there may also be an adverse affect on Church Road which is already difficult for drivers to negotiate when the Spiritualist Church is in use.
- Water pressure: There are concerns that the area's water pressure may be inadequate. A major problem was recently experienced by residents on the Horse Course estate (residents were unable to bathe/shower) where this has been an ongoing concern since first use (12 yrs).
- Sound bund: Would like to see the designs for this, to be provided with some idea of height and prospect.
- 3-storey buildings are not a favoured design feature and will be out of character on this site.
- There are 2 identical blocks (east of site), one being offered for rent the other for sale; the Parish Council suggests both should be considered as affordable housing to count towards the development's affordable housing tally.

Publicity

100+ letters sent 17.07.12 (expire 07.08.12)

7 identical site notices posted 13.07.12 (expire 03.08.12)

1 press notice published 20.07.12 (expires 10.08.12)

Representation received 03.08.12 from the Catshill Marshes Action Group on the following principal grounds:

Apartment Block

- Inappropriate design that is not aesthetically pleasing
- Obtrusive design

- Setting part of the Apartment Block into the west bank will do little to give it the appearance of fitting into the surroundings.

Eastern Side of the Development

- The amended design is more aesthetically pleasing than the former and the homes have now been integrated into the overall site, but it is still flawed in that on the eastern side of the development the homes are far too close to the existing homes.
- We appreciate there are design constraints due to the line of sewers, but they could still be moved forward with longer rear gardens and shorter frontages.
- The new homes set sideways onto Bourne Avenue are more acceptable, with the exception of Plot 21-22 which are far too close to the existing property in Bourne Avenue. This will prevent sunlight reaching their garden and is also far too intrusive.
- The rear of plots 7-27 intrude on the aspect of homes in Woodrow Close, Chadcote Way and Bourne Avenue in terms of loss of light and privacy

Landscaping

- Concerns regarding ongoing maintenance
- Trees are required to the western edge of the brook between the houses and the brook
- The bund is of major importance due to tree loss
- Retention of wildlife corridor with indigenous planting

Drainage

- Remain concerned over local flooding issues
- Doubt that SuDs are appropriate drainage methods
- Maintenance concerns for drainage proposals
- No off-site drainage and infrastructure improvements have been provided
- Share concerns of the Environment Agency

Light Pollution

- Low level lighting should be used site wide to avoid more light pollution that already exists

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

- Design and quality is unacceptable: the scheme is cheap and cheerful
- Concerns over installation of access onto Church Road
- Cars travel at great speeds coming off Stourbridge Road and the proposed access is just after a blind bend
- Exacerbate parking issues
- Traffic pollution
- Flooding issues will be exacerbated
- Destruction of woodland and wildlife habitat
- The site will become an emitter of carbon dioxide if the construction of a housing estate goes ahead. Previously it was an absorber of the gas until the ecosystem occupying the site was destroyed in January 2012.
- Loss of tree cover

- Overlooking and loss of privacy due to proximity of new dwellings to existing properties
- Level of affordable housing is unacceptable, nor is the plan to now mix them in all over the site. This will lower the perceived interest in all the properties and lower the tone of the whole project
- Light pollution
- Security concerns

Members are encouraged to review all submitted documentation, including the views of the Catshill Marshes Action Group and third party letters summarised above. These are available to view online via the Council’s Public Access system or within the planning application file.

Members are requested to refer to **Appendix A** in relation to the site description and relevant planning policy references.

Proposals

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

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

The proposed layout comprises:

- Construction of 80 no. dwellings, comprising 65 no. 2, 3 and 4 bedroom houses and 15 no. 1 and 2 bedroom apartments;
- Provision of a total of 163 no. car spaces comprising 24 no. garages, 21 no. carports and 118 no. open spaces.
- Provision of public open space including children’s play area and pedestrian links to Stourbridge Road;
- Construction of new spine road with access from Church Road and two cul-de-sacs;

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

| Property Type | No. of bedrooms | No. of units | Proportion of mix |
|----------------------|------------------------|---------------------|--------------------------|
| House | 4 bed | 24 | 30% |
| | 3 bed | 18 | 22% |

| | | | |
|--------------|-------|-----------|-------------|
| | 2 bed | 23 | 29% |
| Apartment | 1 bed | 4 | 5% |
| | 2 bed | 11 | 14% |
| Total | | 80 | 100% |

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

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

This mix of affordable homes is as follows:

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

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

For clarity, the Reserved Matters scheme determined by Planning Committee on 28 May 2012 under planning reference 12/0066 was refused for the following reason:

The cumulative visual impact of the layout and character of Plots 7-27 (inclusive) to the eastern boundary and the apartment block to the northern boundary fail to meet the design standards to produce a high quality development, contrary to the requiring good design principles of the NPPF, Policy S7 and DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan.

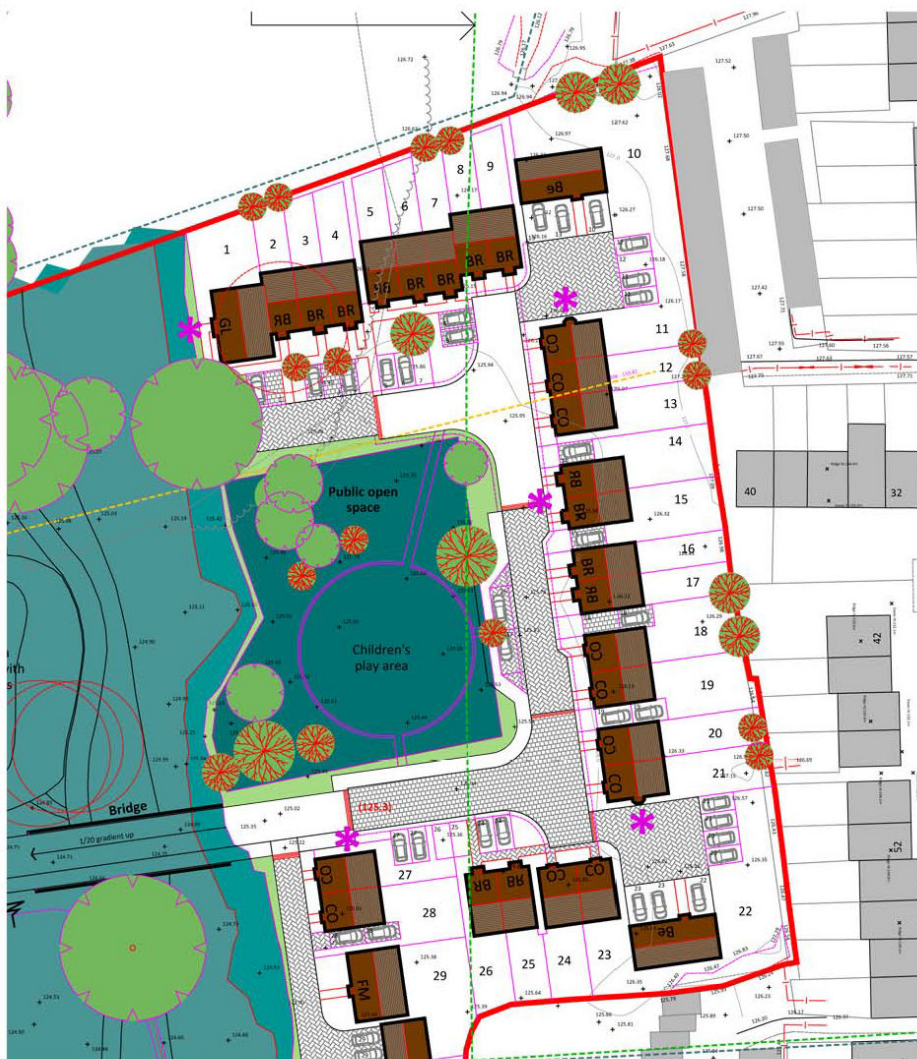
The revised scheme follows the requirement that that the layout substantially follows the principles established in the indicative layout and Design and Access Statement, as approved in the outline planning permission 11/0343.

The scheme has responded to the issues raised in the reason for refusal and follows a complete review of the engineering and technical design in relation to the layout, together with a review of the architectural design.

The application has also been accompanied by a revised Design and Access Statement and a Supplementary Statement

In order to address the refusal reason, the revised changes to the scheme are as follows:

Houses to the North East



Outline Permission Indicative Scheme

Plots 1-27

April 2011

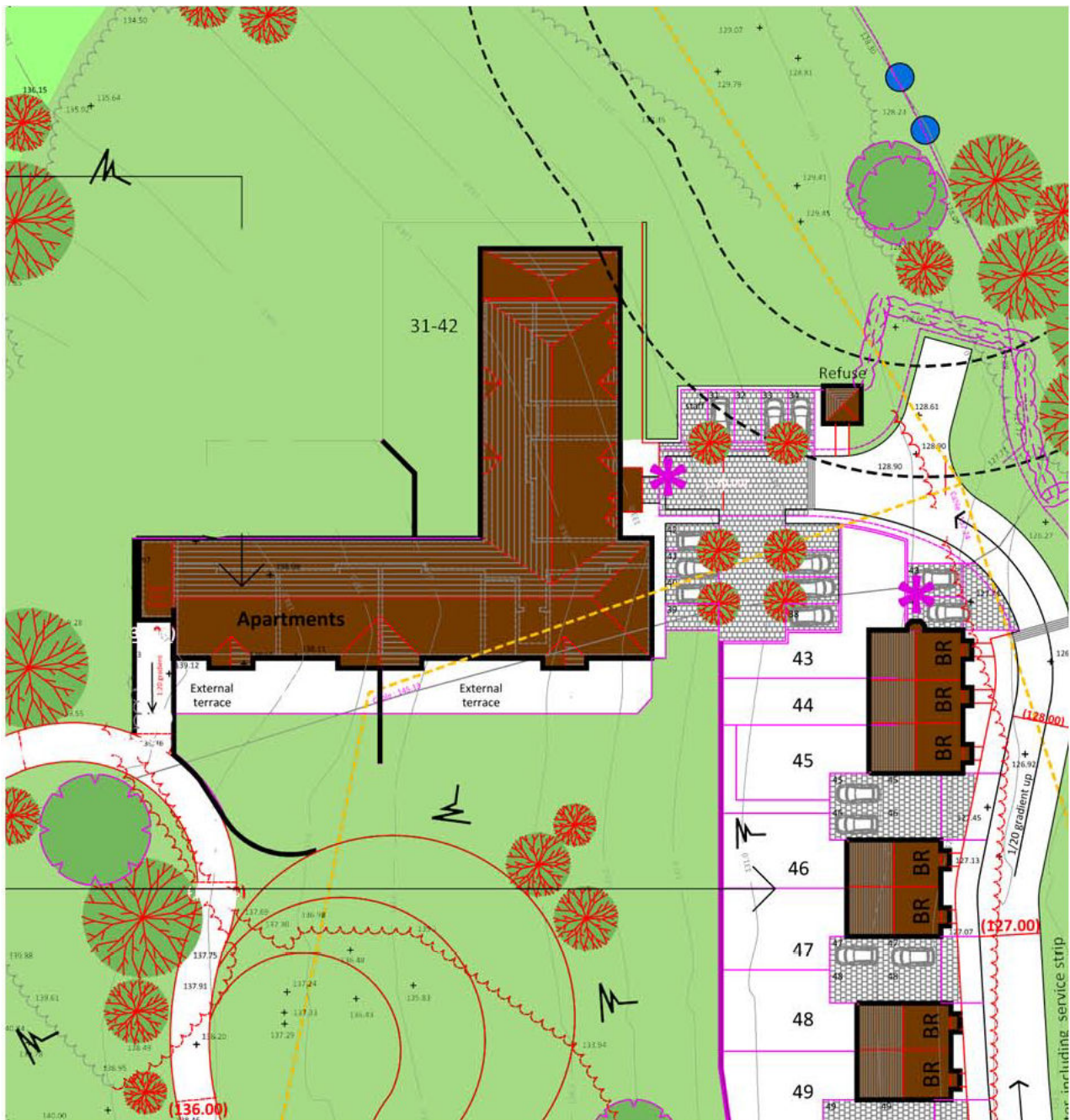


Revised Reserved Matters Application Scheme

Plots 1-28
July 2012

In response to the reasons for refusal the general arrangement of houses has been reconsidered in relation to the sewers, and the buildings realigned to break up the long terrace of houses and better relate to the outline indicative scheme.

Apartment Block



Outline Permission Indicative Scheme Apartment Block April 2011



Refused Reserved Matters Application Scheme

Apartment Block

April 2012

The block was realigned to achieve improved gradients to the access road and provide additional car parking.



Revised Reserved Matters Application Scheme

Apartment Block

July 2012

The apartment block has been revised to form a more compact plan form and removal of the external retaining wall and excavated platform proposed in the previous scheme

Affordable Housing



Refused Reserved Matters Application Scheme

Affordable Housing Mix

April 2012

The consolidation of the affordable housing element in two areas of the site, one housing area and the apartment block, was designed for ease of management.

-  11 X 2 Bedroom Apartments (6xSocial Rent / 5xIntermediate Affordable)
-  4 X 1 Bedroom Apartments (2xSocial Rent / 2xIntermediate Affordable)
-  7 X 2 Bedroom Houses (6xSocial Rent / 1xIntermediate Affordable)
-  10 X 3 Bedroom Houses (8xSocial Rent / 2xIntermediate Affordable)



Revised Reserved Matters Application Scheme

Affordable Housing Mix

July 2012

Following the preference of Council that the affordable units should be more widely distributed within the site, four areas of housing and the apartment block have been mixed within private for-sale housing layout.

Notes

The principle of the proposed development (up to 80 units) has been established through the granting of outline permission 11/0343. This application is relates to a resubmission of the previously refused Reserved Matters application 12/0066 and seeks to address the sole reason for refusal.

On this basis, the issues for consideration by Members for this application are limited to matters pertaining to the layout and character of the dwellings located to the north-east boundary (formerly Plots 7-27 (inclusive)) and the apartment block to the northern boundary. The applicant has also paid regard to the discussions that took place at Planning Committee on 28 May 2012 and revised the location of the affordable housing units on the site.

I have therefore attached no weight to objections raised by third parties and the Parish Council with regards to the release of this site for housing provision, surface water drainage, the issue of vehicular access into the site from Church Road, wildlife issues and affordable housing provision, as the principle of development has already been established by the outline permission. Members will also be aware that the previous Reserved Matters application was refused on design grounds and for no other reason.

The main issues to consider in the determination of this application therefore are whether the revised siting, form and design of the proposed units, are acceptable when assessed against BDLP Policy S7 and the design ethos set out in the NPPF.

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

General Principles

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

- The arrangement of the access, spine road and cul-de-sac following the contours along the western side of the valley with a linear arrangement of two-storey houses
- A further cul-de-sac crossing the Brook, with an area of public open space enclosed on three sides by houses, with the third side open to the valley
- The siting of an apartment block and parking court at the head of the spine road at the north-western end of the site, recessed into the slope
- The construction of two crossing points over Battlefield Brook
- The retention of identified trees and enhancement of the valley
- The creation of an area of open space in the north western corner of the site with a network of public footpaths and landscape enhancement
- The creation of a planted bund adjacent to the M5 Motorway to act as a visual and acoustic barrier
- A grain and architectural vocabulary taking reference from adjoining residential development but with a semi-rural character appropriate to the valley setting

- Retaining and enhancing the ecological features of the site which include badger setts, existing wildlife habitats, shrubs and trees. Retain and enhance Battlefield Brook and ensure that it is an inclusive feature of the development

Form and Layout

Houses to the North-East Boundary

The constraints imposed by the sewers have been reviewed and engineering solutions reappraised. The resulting layout has been improved by breaking up the terraces and presenting a scheme that follows more closely the design principles set out in the outline approval. The Urban Designer views the revised configuration to be acceptable and raises no issue on this aspect of the amended scheme.

Apartment Block

The principle of siting of the block is established in the outline permission and the applicant has thus attempted to achieve a detail design that is substantially in accordance with the approved indicative scheme, whilst responding to the detail design issues raised by Members in the appraisal of the previously refused Reserved Matters application 12/0066. The Urban Designer now accepts the location of the apartment block given these circumstances.

The plan of the block has been simplified in footprint and the individual apartments re-orientated so that the dwellings face east, west or south and away from the motorway. The consolidation of the accommodation has allowed the single block to be better integrated within the landscape by sitting within the slope, rather than being sited on a levelled platform surrounding by retaining walls. The Urban Designer accepts that the building has improved and is now designed to fit the slope, but considers that the rectangular plan is less interesting as a form than the previous L-shaped design.

Members will note the block itself contains the retaining structure and has been redesigned to run along the contours, roughly north-south, rather than the previous L-shaped block with one wing cutting through the east-west contours. The redesign includes a split level arrangement with a two-storey section to the west on the upper slope and a three-storey section to the east on the lower slope. The resulting excavation and retaining structures around the block are substantially reduced from the refused scheme, providing a greater opportunity for ground modelling and planting around the block.

The contours of the site do not favour external patios and furthermore Members raised concern over the extent of retaining walls designed to provide this type of external space in the earlier scheme. The majority of retaining structures are now incorporated in the substructure of the building to reduce the degree of intervention in the topography of the site, and all apartments, including those on the ground floor, have balconies to meet the 'Lifetime Homes' standard for external private space.

The building is raised approximately one metre above the ground level on the eastern three-storey elevation in order that the floor level on the western two-storey elevation fits the adjoining ground levels. This arrangement addresses the UD's earlier objection that the previous scheme did not adequately respond to the contours of the land. The ridge of the building is approximately one metre higher, but the overall area is reduced from the

earlier L-shaped building, thus lessening the extent and visual impact of the roof. Whilst I note the views of the Parish Council in relation to the third storey height of the building, Members accepted this principle through the parameter plans submitted as part of the outline planning consent.

It is considered that the rectangular form, in addition to the better relationship with site levels, improves the orientation of the apartments, has more economical circulation spaces, requires a smaller built footprint, reduces the amount of external retaining walls, and has less blank wall in elevational terms. Following the views of the UD, the lack of a level or ramped access has been addressed through a revised design that incorporates a ramped access to the eastern elevation.

Whilst I note the comments from the Community Safety Officer, I am of the view that the delineation of the space serving the apartment block can be defined through defensible planting methods rather than hoop top railings. I have put this to the applicant and I will update Members at your Committee on this issue.

Affordable Housing

The distribution of affordable housing in the refused scheme was based on the premise that the RSL would prefer a group of houses together for ease of management. That approach has been reviewed, with the result that the affordable units have been mixed in with the private sale housing in four areas of the site, plus the apartments. The Urban Designer views this change as positive.

Residential Amenity Issues

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

Paragraph 8.7 states that care must be taken when windows overlook adjacent blank walls, even where no windows are in the adjacent walls and overlooking is not a problem, the overshadowing and visually intimidating effect caused by the proximity of large blank walls must be avoided. As a general guide a minimum distance of 12.5 metres for two-storey conventional houses is required.

I note the views arising from the consultation process with regard to this issue and with particular reference to a resultant loss of privacy for the occupiers of those dwellings in Bourne Avenue.

Inevitably the built form of the scheme will have a greater impact on the amenity of adjacent occupiers than the current open character of the site. With respect to the specific issue raised by the resident in Bourne Avenue facing the gable wall of plot 21, I

note that the separation distance equates to 11/12 metres, contrary to paragraph 8.7 of SPG1. Members will be aware that SPG1 is guidance and should be used flexibly. Taking the scheme as a whole, I am thus of the view that this slight shortfall is not demonstrably harmful to warrant refusal of the application on this issue alone. I am therefore satisfied that the majority of the scheme has been designed to comply with the guidance set out in SPG1 and the relationship between the proposed and existing dwellings is such so as to avoid any significant harm to residential amenity. This includes the interface between the proposed and existing dwellings on Stourbridge Road to the west and the proposed and existing dwellings on Chadcote Way/Woodrow Close to the east and the majority of Bourne Avenue to the east.

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

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

Conclusions

Although I note the views of third parties, the principle of development has been established through the granting of outline planning permission 11/0343. The proposed layout follows the broad principles set out in the Masterplan presented to and accepted by Members at the outline stage. Furthermore, this application is a direct response to addressing the design reason for refusal for Reserved Matters application 12/0066. In making the decision to refuse 12/0066 on design grounds, Members deemed all other material planning aspects of the scheme to be acceptable.

I am of the view that the proposed development would represent an appropriate form of residential development, which reflects the character and appearance of the area. I am therefore of the view that the detailed design of the site is acceptable on such grounds. The revised scheme will provide a suitable relationship between buildings and streets, an acceptable pattern of development and would be appropriate in terms of its form, scale, appearance and materials. The revised orientation of the dwellings to the north-east boundary of the site and the amendment to the apartment block building are positive responses to address the recently refused application. The change to the siting of the affordable housing units is a further improvement to the scheme to aid integration of these units into the wider scheme.

I am content the scheme will not lead to adverse neighbour amenity issue given the careful design and siting of the new dwellings.

I am therefore of the view that the revised design principles are generally sound in that the proposed development would provide a sustainable, attractive, safe and convenient place to live. I consider the scheme has fully addressed the reason for refusal for the previous Reserved Matters scheme 12/0066. As such the scheme accords with the principles of good design set out in the NPPF.

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

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

- (1) The approval must be read in conjunction with outline planning permission 11/0343 and the conditions attached thereto

Reason: The outline permission and the approval of Reserved Matters must be considered together

- (2) Prior to the first occupation of any two bedroom dwelling hereby approved, secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- (3) Prior to the first occupation of any three or four dwelling hereby approved, secure parking for 4 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- (4) Development shall not be occupied until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- (5) All roadworks shall be completed within a period of two years or other period agreed in writing from the commencement of work on the site, or within six calendar months of the substantial completion of 75% of the building(s) (no of dwellings) hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the Local Planning Authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- (6) The development hereby permitted shall not be occupied until the applicant has submitted to and have approved in writing a welcome that promotes sustainable forms of access to the site with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access

- (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no openings or windows shall be provided at second floor level or within the roofslope to the rear elevations to Plots 13 to 27 (inclusive).

Reason: To protect the amenities of adjacent occupiers in accordance with Policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001

Notes

HN7: Section 38 Agreement Details

HN8: It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

HN9: No drainage to discharge to highway

HN12: Protection of visibility splays

HN24: Temporary direction signs to housing developments

All doors that are used to enter the residential units should meet PAS24 standards

All ground floor windows should meet British Standard 7950:1997 and be certified to the appropriate material standards

Low energy consumption lighting (greater than 40 lumens per circuit watt) should be used to provide uniformed illumination within the development

External dusk until dawn security lighting should be used to the rear of Plots 1-33 (inclusive), 49, 61 and 80

Bulk head lighting providing illumination around the apartment block should be considered

Side access gates to dwellings should be robust and lockable

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

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

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan. Ref Expiry Date |
|--|--|--------------------|--------------------------|
| CALA HOMES "A" | Submission of Reserved Matters to 11/0343 (internal access, appearance, layout, scale and landscaping) for the erection of 80 residential units Land at Church Road, Catshill | ADR TPO LBS | 12/0066 17.05.12 |
| | <p>As amended by: Affordable Housing Layout: received 03.04.12 House Type Elevations and Floor Plans received: 03.04.12 Proposed Street Scenes received: 03.04.12 Update Topographical Survey: received 03.04.12 Proposed Site Layout received: 05.04.12</p> <p>As augmented by: Site Sections: received 03.04.12 Measured Works Schedule Softworks Only: received 05.04.12 Hoggin Path Detail: received 05.04.12 Detailed Soft Layout Proposals for Plots: received 25.04.12 Detailed Hard and Soft Layout Proposal for Play Area: received 25.04.12 Detailed Hard and Soft Layout Proposals for POS: received 10.05.12 Construction Details Knee Rail: received 05.04.12 Report for Trees, Landscape and Biodiversity Protection: received 05.04.12 Combined Biodiversity and Landscape Management Plan: received 11.05.12 Supplementary Design Statement: received 20.04.12 Sketch views received 24.05.12 Supplementary Evaluation of the Design and Appearance of the New Dwellings document received 23.05.12</p> | | |

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

Consultations

WH

Consulted – views received 12.04.12:

- No objection subject to Conditions relating to:
- Cycle parking

- Engineering details and specification of the proposed roads and highway drains
 - Road completion deadline
 - Welcome pack
- HA Consulted – views received 20.03.12:
- No objection subject to Condition relating to:
 - The design and construction of the noise bund
- Drainage Engineer Consulted – views received 27.04.12:
- No objection, in principle, with the layout of the site
 - Support the Environment Agency's conditions regarding elevated flood levels, and the pre-development approval of the foul and surface drainage, flood storage areas and both brook crossings by the Local Planning Authority. We would like to see, in particular, full plans of Sustainable Drainage.
 - We would also like to see calculations and models showing development will not result in increased flood risk downstream. This is particularly important as our records indicate there have been a number of flooding incidents to the highway and properties immediately downstream.
 - We would like to ensure that the access routes (at the brook crossing points) are above flood level to ensure safe entry and exit to the dwellings.
- Severn Trent Water Views received 16.03.12:
- No objection subject to Conditions relating to:
 - Surface and foul sewage
- EA Consulted – views received 26.04.12:
- In general, the proposed layout plan appears to be in accordance with the details agreed at the outline application stage.
 - However, it should be noted that we recommended a number of conditions were attached to the outline permission in securing further detailed information on: the management and treatment of the watercourse and its associated floodplain through the site; the proposed watercourse crossings, raised access roads and flood storage areas; a surface water drainage scheme; and the setting of finished floor levels for the proposed development, in accordance with the Flood Risk Assessment (FRA), FRA Addendum Report (dated August 2011) and Ecological Appraisal Report (dated April 2011, Rev D).
 - We note that your Council attached our recommended conditions to the outline planning permission as condition no. 8, 18, 23, 34 and 36. The applicant should note that further detailed information will be required to address these conditions, which are considered to be ongoing at this time.
 - Notwithstanding the above, items of information have been submitted and discussions undertaken in relation to these conditions, linked to the reserved matters consultation.
 - Condition no. 34 of the outline permission requires the detail of a surface water drainage scheme to be submitted for approval.

The surface water drainage scheme must be in accordance with the details of the FRA/FRA Addendum, submitted as part of the outline planning application, in providing sufficient on site attenuation to meet the discharge rate calculated at that stage.

WRS: Noise

Consulted – views received 12.03.12:

- No objection

WRS:

Air Quality

Consulted – views received 12.03.12:

- No objection

Urban Designer

Consulted – views received 05.03.12:

- In summary, although I have not seen the damage done to the landscape by the recent clearance, the site deserves a design approach which responds positively to its quality, in order to produce a development of real distinction.
- This is possible in the proposed scheme, but there is not enough evidence submitted that we can rely upon to ensure that it will be delivered.
- The process which is being followed is somewhat back to front, in that the submitted scheme requires significant modification in order to be at a standard of quality which I believe should be expected by the Council.
- I hope that it is possible to achieve this

Additional views received 19.04.12:

- The design of the apartment building has not improved
- There has been one significant positive change: the L-shaped plan form has been flipped, so that the courtyard which previously faced north-west, now faces north-east, and addresses the end of the spine road, which terminates to the east of the building
- The building is, however, enclosed on three sides by retaining walls more than four metres high, and on the fourth side there is a similar four metre difference in level between the courtyard and the road
- This represents a failure to design a building that fits the topography
- Remain concern over the location of the apartment block given it places elderly residents at the points on the site furthest from local facilities and at the end of an uphill walk of considerable length
- Concern raised over the regimented and uniform set of 21 houses in four blocks to the eastern side of the site
- Location of the affordable houses are located together. The proposed concentration of affordable houses mitigates against social equity and the stark contrast in architectural character reinforces the inequity.
- The treatment of the landscape and its relationship to built form appears to be satisfactory

Planning Policy
Open Space

Consulted 27.02.12: views awaited

- Head of Leisure Services
Strategic Housing Manager
- Consulted – views received 13.04.12:
- No objection
- Consulted 27.02.12: views received 25.05.12:
- A registered provider Jephson Midlands has now been appointed to manage the affordable housing units on this site.
 - The original indication Strategic Housing gave for 8 retirement flats (4 x shared ownership and 4 x rent) was based on the understanding that this would be a separate block. This is not now the case. The application proposes a mixed block of 15 flats both 1 & 2 bed and a mix of retirement and general needs which is undesirable both from a management perspective and the saleability of the shared ownership units. The 'L' shaped layout makes it difficult to proceed with the current proposed mix.
 - Following a further meeting with Jephson Midlands on Monday 21 May, the Strategic Housing team has agreed to look at the mix and make some additional changes
 - This would make all the 2 bed apartments shared ownership with their own separate entrance in one of the 'L' shaped block and provide all the rental units in the other wing of the block. This hopefully would make the shared ownership units more attractive.
 - It would also give a slight increase (by 1 unit) in the rented units but most importantly increase the 1 bed rented units to 6. Due to the impact of welfare reform and the changes in Housing Benefits we are looking to provide smaller units for existing tenants to downsize into and this would assist us in meeting this emerging need for smaller units.
 - The loss of 1 shared ownership unit will be compensated for by the fact that all the shared ownership units are now 2 bed thus a higher value.
 - I have also agreed that the rented wing no longer needs a lift which should help the scheme stack up with the proposed changes. I have said that the shared ownership block needs to have the lift retained.
 - Any change to the Section 106 Agreement tenure mix can be dealt with via a Deed of Variation.
- WWT
- Consulted – views received 09.03.12:
- Would prefer to see the indicative environmental enhancements outlined on the overall plan.
 - This would allow WWT to confirm the proximity of the proposed houses to new wetland features and provide clarification as to the potential for light spill and other effects
- Additional views received 11.05.12:
- Following receipt of the revised Combined Biodiversity and Landscape Management Plan (dated 11 May 2012), the Trust is content with this document and raised no objection to the scheme
- Tree Officer
- Consulted – views received 27.04.12:
- Following receipt of these plans I am now satisfied that the

detailed scheme of landscaping proposed is sufficient to provide additional and enhanced habitat areas to mitigate the loss of existing woodland and scrub areas and meet the requirements of policies C10, C10A, C12 and C16.

- I am further satisfied that it is possible to implement both the development and the landscaping scheme while protecting existing retained trees, woodland and other important habitat areas.
- The submitted Tree Protection Plan TPP1 within the Tree Condition Survey document details the areas to be protected during the development and the specification for protective fencing and I am satisfied that these details meet the initial requirements. It is evident however, that this development & particularly the creation of the proposed wetland features will require some works to be carried out within the Root Protection Area (RPA) of retained trees and woodland. The proposed levels changes in the vicinity of these zones may also seriously affect drainage conditions resulting in either drying out or water logging of Root Protection Areas and thus the future survival of these trees.
- I am satisfied that, subject to conditions allowing careful consideration and control of levels within the 1 in 1000 year floodplain zone. and the RPA of retained trees and woodlands, the proposed scheme can be successfully implemented

Contaminated
Land Officer
Conservation
Officer

Consulted 27.02.12: views awaited

Consulted – views received 04.04.12:

- No objection
- Although part of the site falls within the setting of the Listed Building, I do not consider that the development as proposed will significantly impact on the Listed Building or its setting

WCC(CA)
West Mercia
Constabulary

Consulted 27.02.12 views awaited

Consulted – views received 05.04.12:

- The revised layout is an improvement on the original submission
- A number of rear gardens are adjacent to open land; it is therefore essential that the fencing around these gardens is of the highest quality and is at least 1.8 metres in height. Consideration should be given to topping the fence with trellis to make it harder to climb.
- I note on the revised plans that pedestrian walkways have been put between plots 7-12, 13-17, 18-21 and 23-27. The drawings indicate that a gate will be put at the top of these walkways near to the front building line. To be effective the gates must be kept locked, therefore I suggest that they be fitted with automatic closing devices and locks that automatically secure the gate when shut. Each resident that has use of the path will have to be provided with a key.
- I am a little bemused as to why gates have not been specified between plots 21-22 and 22-23. Any potential burglar operating

in the area will simply use the paths between these houses to gain access to the rear gardens. These paths need to be gated in the same way as those mentioned above.

Community Safety

Consulted – views received 19.03.12:

- Mature tree canopies should be raised above two metres to maintain visibility lines from footpaths
- Footpaths should be provided alongside all roads on the development on both sides
- The footpath that connects the development with Stourbridge Road should be at least 3 metres wide and as straight as possible
- Lack of surveillance to the open space to the rear of plots 49 – 60 and the side of plots 33 – 80. These should have enhanced security measures (high fencing with topping/defensive planting)
- Lack of defensible space to the apartments
- Gable end plots attract graffiti and loitering, particularly where there is no defensible space and little natural surveillance (plots 1,12, 21, 30, 33, 49, 69, 77 and 80)
- Garages are preferred to car-ports
- Car-parking should be located within the development boundary. The development has a number of communal car parking areas with allocated car parking spaces. Some spaces do not have good surveillance
- Recommendation of a number of security measures (window and door standards/security lighting/side access gate specification)
- Enhanced boundary treatment to existing perimeter boundaries

Climate Change Officer

Consulted 27.02.12: views awaited

Western Power Distribution

Consulted 27.02.12: views awaited

CPRE

Views received 14.03.12:

- Concerns over issues relating to:
- Public open space
- Interference with Badgers' setts

Catshill and North Marlbrook PC

Consulted – views received 13.03.12:

- Flooding: The s106 agreement states the dwellings must be a minimum height above the floodplain and they will therefore be an over-dominant feature to the north-east of the site; the Parish Council would prefer to see the heights reduced to be less of a dominant feature. There are concerns the culverting of Battlefield Brook to the north-east of the site may create flooding upstream and of the play area during periods of heavy rainfall; similar concerns apply to the access road.
- Street Lighting: The street lighting to the west of the site may cause a nuisance to the residents of Stourbridge Road whose back gardens will be lit up by the new lighting.
- Parking: The provision of parking spaces is inadequate, with minimal parking for properties and no visitor parking eg. at the

flats, 15 spaces are proposed for 15 flats and it is believed that double-depth parking in some of the areas will produce problems to residents. The insufficiencies of parking provision in the existing surrounding roads, eg. Chadcote Way, cause problems to residents and impede free flow of traffic so it would be wrong to repeat the same mistake on a new-build site.

- Appearance: The Parish Council is not in favour of 3-storey dwellings. The proposed street scenes are not aesthetically pleasing, particularly those of the affordable units at the north-east of the site.
- Traffic: There are concerns about the junction within the site where the upper and lower road separate – will rights of way be clearly signed, can visibility be improved taking into account the differing heights of the roads?

Publicity

Re-consulted 05.04.12 in relation to amended plans: views awaited

38 letters sent 27.02.12 (expire 19.03.12)

1 letter sent 05.03.12 (expires 26.03.12)

40 letters sent 05.04.12 in relation to amended plans (expire 19.04.12)

7 identical site notices posted 22.03.12 (expire 12.04.12)

1 press notice published 20.04.12 (expires 11.05.12)

1 letter received from the Catshill Marshes Action Group **objecting** to the scheme on the following principal grounds:

- Loss of privacy to dwellings on Stourbridge Road: the new road and dwellings should be built at least 4 metres below the existing level and should not have windows overlooking the existing gardens
- General concerns regarding overlooking
- Density is too great
- Lack of green space between buildings and to perimeter
- Lack of replacement planting measures
- Security concerns
- Loss of rear access to dwellings on eastern boundary

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

- Site is totally unsuitable for housing development
- More detached dwellings are unsuitable
- Proposed homes will not enhance the area
- Layout lacks design quality
- Revised plans do not overcome concerns previously expressed
- Affordable housing will be built cheaply and the appearance reflects this in its design. These units are crammed in
- Plots 1-6 and 28-33 are appropriate and give the appearance of space, design and privacy located in a natural setting
- The western side of the development has a good mix of styles and materials that will stop the development from becoming too uniform
- The apartment block is poorly designed and should be split into

- 2 or 3 blocks and built with similar materials to rest of the development
- No provision for children's play area on the western side of the development

- Church Road is narrow and already creates traffic problems
- Cars travel at great speeds coming off Stourbridge Road and the proposed access is just after a blind bend
- Planned road layout is unsuitable and potentially hazardous
- Exacerbate parking issues on Church Road, Chadcote Way, Bourne Avenue and Woodrow Close
- Cycle path at the top of the site is in a dangerous position
- Pedestrian safety will be compromised
- More homes mean more traffic and pollution to an already heavily congested area
- Request for additional parking measures for Christ Church, the Cemetery and the Spiritualist Church and adequate speed calming measures on Church Road

- Destruction of woodland and wildlife habitat
- Loss of biodiverse area of natural habitat will prevent the reduction of atmospheric carbon dioxide

- Flooding issues will be exacerbated: through pressure on the water table and the flooding created by blockage of the brook and the impact on the rainwater drainage in Church Road and its overflow into Marsh Way
- The garages on Bourne Avenue regularly flood

- Loss of existing access to rear of property
- Rear accesses to new dwellings are unacceptable
- Loss of light
- Overlooking and loss of privacy due to proximity of new dwellings to existing properties
- Proximity of new dwellings to the rear of properties in Woodrow Close, Bourne Avenue and Chadcote Way
- Concern over levels, with particular regard to the new dwellings facing the rear gardens of the existing dwellings on Stourbridge Road
- Security concerns (with particular regard to the rear gardens of existing properties fronting Stourbridge Road)
- Lack of provision for the safety of existing residents

- Light pollution
- Restrict street lighting to low level bollards and restrict security flood lighting on the new dwellings

- Lack of green space
- The removal of the existing vegetation and mature tree

specimens leaves an inability to have a robust landscaping scheme

- Include landscape buffers between existing and new dwellings
- Increased noise for existing residents

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

The site and its surroundings

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

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

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

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

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

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

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

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

Proposals

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

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

In summary, the development consists of:

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

The site has three distinct areas:

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

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

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

| Property Type | No. of bedrooms | No. of units | Proportion of mix |
|----------------------|------------------------|---------------------|--------------------------|
| House | 4 bed | 25 | 31% |

| | | | |
|--------------|-------|-----------|-------------|
| | 3 bed | 19 | 24% |
| | 2 bed | 21 | 26% |
| Apartment | 1 bed | 6 | 8% |
| | 2 bed | 9 | 11% |
| Total | | 80 | 100% |

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

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

This mix of affordable homes is as follows:

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

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

Relevant Policies

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

Relevant Planning History

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

Notes

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

For reference:

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

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

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

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

General Principles

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

- The arrangement of the access, spine road and cul-de-sac following the contours along the western side of the valley with a linear arrangement of two-storey houses
- A further cul-de-sac crossing the Brook, with an area of public open space enclosed on three sides by houses, with the third side open to the valley
- The construction of two crossing points over Battlefield Brook
- A grain and architectural vocabulary taking reference from adjoining residential development but with a semi-rural character appropriate to the valley setting
- The siting of an apartment block and parking court at the head of the spine road at the north-western end of the site, recessed into the slope
- The creation of an area of open space in the north western corner of the site with a network of public footpaths and landscape enhancement
- The creation of a planted bund adjacent to the M5 Motorway to act as a visual and acoustic barrier
- The retention of identified trees and enhancement of the valley
- Retaining and enhancing the ecological features of the site which include badger setts, existing wildlife habitats, shrubs and trees. Retain and enhance Battlefield Brook and ensure that it is an inclusive feature of the development

Form and Layout

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

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

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

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

The applicant has responded to the points raised by the UD. With respect to the positioning of the apartment block, I accept it is located to the northern part of the site. This location provides a greater landscape setting than that afforded to individual dwellings, with the northern area of the site providing the optimum location by virtue of open land towards the M5 and the proposed public open space to steeply graded land to the rear of houses on Stourbridge Road. The extent of the floodplain at the southern end of the site and the road gradients present clear constraints to locating this building closer to Church Road.

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

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

The proposed dwellings to the west would be predominantly finished in red facing brickwork with selected use of render to enhance key elevations. Roofs to houses would be pitched and finished in either red or grey tiles with boxed or corbelled eaves. Houses along the central access road would have a mixture of gabled roofs and projecting gabled bays. The car ports would have pitched roofs. The more regular pattern of houses to the east would define the rectangular area of open space which they enclose and be predominately grouped in terraces. The elevations are designed with gabled roofs to provide focal points within the street scene. The choice of materials would be from a similar range to the houses to the west. Windows and door openings would generally have arched brick soldier courses or stone heads with stone sills. Windows would be

PVC casements with dividing glazing bars. Front doors would be 'cottage style' timber finish with vertical boarding with matching garage doors where applicable. The apartment block would be in a mixture of red and brown facing brickwork. The main elevations would be punctuated by balconies at upper levels and the ground floor apartments would have external terraces.

I note the views of the UD with respect to the provision and location of the affordable housing units to the north-east aspect of the site. This contains roughly similar numbers of mixed tenure affordable and market dwellings. This part of the site is more appropriate for smaller family dwellings than other parts of the site and has the benefit of an area of fairly level public open space containing a play area, remote from the sloping areas of the site and the brook. A sewer easement is required to run north/south and which cuts through the courtyard and line of the northern and southern terraces. This provides a further constraint to the site.

The scheme includes natural surveillance where necessary (parking areas, pedestrian routes and public open space). The applicant has reduced the number of car-ports, in line with the comments of the CSO. Whilst I note the specific comments of the CSO in relation to plot 69 and plot 80, Members will be aware of the need to balance urban design matters and crime prevention measures and as such I am satisfied with the orientation and boundary treatments of these two plots in these circumstances. I am of the view the proposed design and layout of the site adequately provides sufficient space within the gardens of the plots for bin stores, bin collection and cycle parking.

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

Landscaping and Public Open Space

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

I have paid regard to the Combined Biodiversity and Landscape Management Plan submitted in response to the requirements of Condition 18 on outline planning consent 11/0343. This sets out the habitat protection, creation and management approaches for the site. This document has been the subject of extensive discussions with Worcestershire Wildlife Trust and the Council's Tree Officer. The content of this document has now been agreed by all parties.

All retained trees are now protected by a Tree Preservation Order. The Order was imposed following site clearance was undertaken.

The application site broadly consists of three distinct areas.

(a) Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook. At the north and

south ends of this corridor, the Brook has a single channel with central tree cover. In the central section of the site, the Brook has broken its banks within recent years to form three separate channels, and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain

- (b) On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road
- (c) To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue.

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

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

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

Following extensive discussions and a review and subsequent revision of the Combined Biodiversity and Landscape Management Plan, Worcestershire Wildlife Trust has raised no objection to the scheme. The Tree Officer has raised no objection to the scheme. I therefore raise no issue on landscaping and tree matters.

No objection has been raised by the Environment Agency or Drainage Engineer in relation to flooding and drainage matters.

Harm to Amenities of Neighbouring Properties

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private

garden area. A minimum separation of 21 metres is required to achieve a degree of privacy within conventional two-storey dwellings. Where three and four storey housing is proposed with main living rooms above ground floor level (such as flats and maisonettes), a minimum separation of 27.5 metres is required to achieve both privacy and adequate visual separation.

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

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

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

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

Traffic and Access

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

I note the views of the CSO in relation to access and footpath issues. Footpaths are provided along all stretches of road and are located to coincide with the location of houses (ie. where there is single sided development only, the footpath occurs on the side where houses are sited). Where it is possible to do so, footpaths are provided on both sides of the road. However due to the need to retain the floodplain area and as a consequence of topographical issues it has not been possible to provide a footpath on

both sides of the main spine road, nor the western road adjacent to the Stourbridge Road properties. I am of the view that safe and convenient pedestrian access has been achieved given the acknowledged constraints of the site.

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

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

Other Matters

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

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

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

Sustainable Design and Construction

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

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

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

Village Green Issues

Worcestershire County Council informed the District Council on 23 May 2012 that it is in receipt of an application to register the land as a Town and Village Green under the Commons Act 2006.

The County Council must now publish Form 45 as required by the Commons Act 2006 and Commons (Registration of Town or Village Green) (Interim Arrangements) (England) Regulation 2007. Any person wishing to object to the registration of the land as a town or village green must send a statement of the facts upon which the objection is based to Worcestershire County Council on or before 6 July 2012.

For the reference of Members, under section 15 of the Commons Act 2006, land can be now registered as a green if it has been used by local people for recreation 'as of right' (*i.e.* without permission, force or secrecy) for at least 20 years.

The greens registration system works entirely independently of the planning system. Although the Village Green application has been lodged with the County Council, it does not prevent the District Council from determining the Reserved Matters application.

Conclusions

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

I am of the view that the proposed development would represent an appropriate form of residential development, which reflects the character and appearance of the area. I am therefore of the view that the detailed design of the site is acceptable on such grounds. The scheme will provide a suitable relationship between buildings and streets, an acceptable pattern of development and would be appropriate in terms of its form, scale, appearance and materials. The retention of the wetland feature and the open brook course are particularly of merit. This habitat will be properly controlled and managed through the parameters set out in the now agreed Combined Biodiversity and Landscape Management Plan in response to the requirements of Condition 18 attached to the outline planning consent 11/0343.

The proposed internal highway details ensure that there would be a safe movement of vehicles through the site and that there is adequate parking/turning provision to serve the plots. The proposed landscaping of the site is considered appropriate for this scheme and retains the important existing natural features of the site in its design with sufficient boundary treatments to the existing adjoining residential properties and future occupiers of the plots. I am content the scheme will not lead to adverse neighbour amenity issue given the careful design and siting of the new dwellings. No issues have been raised by consultees in relation to flooding and drainage matters.

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

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

- (1) The approval must be read in conjunction with outline planning permission 11/0343 and the conditions attached thereto

Reason: The outline permission and the approval of Reserved Matters must be considered together

- (2) Prior to the first occupation of any two bedroom dwelling hereby approved, secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- (3) Prior to the first occupation of any three or four dwelling hereby approved, secure parking for 4 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- (4) Development shall not be occupied until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- (5) All roadworks shall be completed within a period of two years or other period agreed in writing from the commencement of work on the site, or within six calendar months of the substantial completion of 75% of the building(s) (no of dwellings) hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the Local Planning Authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- (6) The development hereby permitted shall not be occupied until the applicant has submitted to and have approved in writing a welcome that promotes sustainable forms of access to the site with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access

- (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no openings or windows shall be provided at second floor level or within the roofslope to the rear elevations to Plots 13 to 27 (inclusive).

Reason: To protect the amenities of adjacent occupiers in accordance with Policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001

Notes

HN7: Section 38 Agreement Details

HN8: It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

HN9: No Drainage to Discharge to Highway

HN12: Protection of Visibility Splays

HN24: Temporary Direction Signs to Housing Developments

All doors that are used to enter the residential units should meet PAS24 standards

All ground floor windows should meet British Standard 7950:1997 and be certified to the appropriate material standards

Low energy consumption lighting (greater than 40 lumens per circuit watt) should be used to provide uniformed illumination within the development

External dusk until dawn security lighting should be used to the rear of Plots 1-33 (inclusive), 49, 61 and 80

Bulk head lighting providing illumination around the apartment block should be considered

Side access gates to dwellings should be robust and lockable

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

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

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

20th August 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 BGD Ltd | 10/0987 – Conversion of Barn to 4 bed Dwelling. 233 Worcester Road, Stoke Heath, Bromsgrove - See APPENDIX 1 - Appeal Dismissed |

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.

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/12/2169298

Planning Application: 10/0987

Proposal: Conversion of barn to a four bedroom dwelling and construction of 2no. four bedroom dwellings (amended plans received 28.06.11).

Location: 233 Worcester Road, Stoke Heath, Bromsgrove, Worcestershire, B61 7JA

Decision: The appeal was **dismissed** insofar as it relates to building C. The appeal was **allowed** insofar as it relates to the remainder of the proposed development and planning permission is granted for conversion of barn to a 4-bedroom dwelling and construction of one 4-bedroom dwellings.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The main issues of consideration related to the effects of the proposed development, firstly on the character and appearance of the area, and secondly on the living conditions of nearby residents in terms of overbearing effect.

On the main issues the Inspector concluded that, firstly, that the proposed development would not be harmful to the character and appearance of the area and, secondly, that the proposed conversion of building A and the proposed building B would not harm the living conditions of nearby residents but that the proposed building C would be harmful, particularly in terms of overbearing effect.

On this basis, the Inspector considered that it was appropriate to issue a split decision allowing the appeal in respect of buildings A and B but dismissing it in respect of building C.

Appeal Outcome

Split decision.

Recommendation

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: Appeal Ref: APP/P1805/D/12/2172677

Planning Application: 11/0733

Proposal: Proposed kitchen and bedroom extension.

Location: The Nook, Holy Cross Green, Holy Cross, Stourbridge DY9 0HG

Decision: The appeal was **dismissed**.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The Inspector found the proposal would be detrimental in terms of visual impact and would also detract from the historic significance of the two buildings, notwithstanding the limited extent to which it would be visible from the street. I find therefore that the proposal would have an unacceptably harmful impact in this respect, and that it would neither preserve nor enhance the Conservation Area's character or appearance.

The Inspector also examined the proposal's effect on living conditions at the neighbouring property, Laurel Cottage, in terms of outlook. A tall brick wall separates the two properties, such that the main impact of the proposed extension would be on light to and outlook from first floor windows at Laurel Cottage. However the nearest of these is obscure glazed and, given the relationship that would be created with the more distant window, the proposal's impact would not be so significant as to justify refusal for this reason.

The Inspector concluded that the harm in terms of character and appearance outweighs the lack of harm in terms of living conditions.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/12/2168097

Planning Application: 11/0776

Proposal: Change of use from existing office usage to A3 hot food restaurant.

Location: 74 Worcester Road, Hagley, Stourbridge, DY9 0NJ

Decision: The appeal was **dismissed**.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The main issue in this case was the effect of the proposed development on the living conditions of the occupiers of adjoining property, having regard to any noise and disturbance arising from the use of the car park.

The Inspector concluded that:

Despite the presence of the intervening wall between the site and the adjoining property, the level of customer activity in the car park would, with regular comings and goings, engine noise, closing of car doors and voices, create significant additional noise close to neighbouring property. The wall would not be high enough to screen the first floor windows of the nearby dwelling, 1 Kidderminster Road. I accept that the current proposal is different from the earlier appeal in that the size and intensity of the proposed business would be less. However, a popular restaurant is likely to generate a significant level of disturbance at a time when local residents can reasonably expect a more peaceful environment and the amendments to the previous proposals are not sufficient to outweigh the harm to residential amenity likely to be caused.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: ~~Appeal Ref:~~ APP/P1805/D/12/2178340

Planning Application: 11/0938

Proposal: First Floor Extension.

Location: Vicarage Lodge, Priory Road, Dodford

Decision: The appeal was allowed.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The Inspector found:

- The proposal to be inappropriate development in the GB in the terms of the Framework and LP policies DS2 and S11. Inappropriate development in the GB, by definition, is harmful, and this attracts substantial weight against the scheme.
- The proposed extension would have but a minimal effect on the GB's openness, and would not harm the character and appearance of the host property or the CA.
- The proposed development would not harm the living conditions currently enjoyed by Meadow Bank's residents, particularly their privacy.
- On balance, the inspector concluded that the harm caused by reason of inappropriateness, particularly since there is no other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Appeal Outcome

The appeal was **ALLOWED**.

Recommendation

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/A/12/2170635

Planning Application: 11/0949

Proposal: Change of use to a dwelling

Location: The Stables, Woodland Road, Dodford B61 9BT

Decision: The appeal was **dismissed**.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The main issues in this case were:

- i) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- ii) the effect of the proposal on the character and appearance of the surrounding area;
- iii) whether the proposal would preserve or enhance the character and appearance of the Dodford Conservation Area; and
- iv) whether any harm by reason of inappropriateness, and other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Inspector concluded that:

- The proposal would constitute inappropriate development which, by definition, is harmful to the Green Belt.
- The proposal would have a harmful effect on the character and appearance of the surrounding area.
- The proposal would not preserve or enhance the character and appearance of the Dodford Conservation Area.
- The re-use of this vacant rural building, which appears to have been subject to some vandalism, would bring it back into beneficial use as an addition to the area's housing stock. This would not however clearly outweigh the harm from inappropriateness, and the other harm identified.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

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Report for information

Appeal made against the refusal of Planning Permission

Appeal Ref: APP/P1805/D/12/2175579

Planning Application: 11/1074

Proposal: Demolish existing dilapidated single storey flat roof garage and replace with new triple garage with habitable accommodation above

Location: Woodlands, 363 Bromsgrove Road, Hunnington, Halesowen, West Midlands, B62 0JL

Decision: The appeal was dismissed.

The author of this report is Stuart Castle who can be contacted on 01527 881339 (email: s.castle@bromsgrove.gov.uk).

Discussion

The Inspector found:

- The proposed garage would replace a former flat roof triple garage and would be positioned further forward within the plot. It would have habitable accommodation within the attic. This would not be the same use as the previous building. The ridge height would be some 5.9 metres high, significantly higher than the previous flat roof. Due to the proposed height and subsequent bulk of the building, it was considered that this would be materially larger than the building it would replace. For these reasons, the Inspector found that it would be inappropriate development, which the Framework states is, by definition, harmful to the Green Belt.
- The proposed building would be screened from public view. Nevertheless, it would introduce further built form into the countryside with the dormer window and roof height and design creating a residential appearance. Due to the bulk, design and height of the proposed building I consider it would not be in keeping with the open rural character of the surrounding Green Belt.
- The inspector concluded that there were no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt.

Appeal Outcome

The appeal was **DISMISSED**.

Recommendation

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

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Report for Information

Appeal made against the refusal of planning permission

| | |
|-----------------------------|--|
| Appeal reference | APP/P1805/D/12/2174571 |
| Planning application | 12/0026 |
| Proposal | Refelt and strengthen flat roof, wooden decking and glass panels |
| Location | 38 Highfield Road, Bromsgrove, B61 7BD |
| Ward | Whitford Ward |
| Decision | Dismissed 27 July 2012 |

The author of this report is Hazel Bailey who can be contacted on extension 1326 (e-mail: h.bailey@bromsgrove.gov.uk) for more information.

The Proposal

The proposal is to refelt and strengthen the existing flat roof, and add wooden decking and glass panels (retrospective application)

Discussion

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

1. The proposed balcony construction at first floor level, by virtue of its location in relation to the two adjoining properties, would lead to excessive overlooking and loss of privacy to those properties. This is contrary to policy SD.2 of the Worcestershire County Structure Plan, policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the guidance contained in SPG1, the Council's Residential Design Guidance.

The Inspector found the main issue to be the effect of the decking, handrail and glass panels on the privacy of occupiers of Nos 36 and 40 Highfield Road.

Main Issues

The Inspector notes the characteristics of the existing terraced properties. The surrounding area is predominantly residential and the surrounding properties are generally 2 storey terraced dwellings. He further noted that the design of this form of terraced development does not provide the highest standards of privacy with the narrow plot widths enabling views over several rear gardens from rear facing first floor windows. However, he stated that it does not follow that further loss of privacy is acceptable. Rather, these factors reinforce the value of maintaining a level of privacy that would meet the reasonable expectations of occupiers in these circumstances.

In conclusion

By facilitating the use of the flat roof as a sitting out area the development has an unacceptably adverse effect on the privacy of occupiers of Nos 36 and 40 Highfield Road.

Thereby, it conflicts with saved Policies DS13 and S10 of the *Bromsgrove District Local Plan*, adopted in 2004, which respectively seek at least to safeguard quality of life and ensure that extensions do not harm adjoining occupiers' amenities. Further, it fails to observe advice in the Council's adopted *Residential Design Guide* about the need to respect privacy and the harm that some balconies can cause in that regard.

The Inspector dismissed the appeal

Costs application

No application for costs was made.

Appeal outcome

1. The appeal was **DISMISSED**

Report for Information

Appeal made against the refusal of planning permission

Appeal reference APP/P1805/D/12/2178329
Planning application 12/0039
Proposal A bedroom extension.

Location 63 Houndsfield Lane, Hollywood, Worcestershire, B47
6LX

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 bedroom extension

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

1. The proposed extension would unacceptably overlook the adjoining property causing a loss of privacy to its occupiers contrary to Policy S10 of the Bromsgrove District Local Plan 2004 and the advice contained within the Council's Residential Design Guide (SPG1).
2. It is considered that the proposed extension, by virtue of its proximity to the site boundary, would have an overbearing impact on the occupiers of the adjoining property contrary to Policy S10 of the Bromsgrove District Local Plan 2004 and the advice contained within the Council's Residential Design Guide (SPG1).

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

The effect of the proposals on the living conditions of the residents of 3 Houndsfield Mews with specific reference to privacy, overshadowing and visual impact.

Discussion

Access to the appeal property is currently obtained at first floor level by means of a set of steps. Clear views into the neighbouring garden of 3 Houndsfield Mews are obtained from the top of the steps, so that the garden's privacy is already impaired when the access is used.

The main access is to be relocated to the front of the property, and like the Council, the Inspector found this aspect of the proposals unobjectionable in its effect on the front elevation.

The proposed extension at first floor level would take an acceptable gabled form, sitting on a set of piers. The main window would look out directly at 3 Houndsfield Mews' flank wall, and its position would be such that it would not overlook that property's rear garden. Whilst acknowledging the Council's concerns based on the SPG's advice that the window is close to a boundary, I am satisfied that the siting of this particular window would not give rise to harm.

Two rooflights are also proposed, one of which faces towards the rear garden of 3 Houndsfield Mews. Judging from the plans, it would be possible for a tall, standing person to see out of this opening. However, any possible harm to No 3's residents could be prevented either by removing this rooflight from the scheme, as intimated by the appellant's builder, or by the imposition of a suitable condition.

The intended position of the extension is such that it would not be visible from within 3 Houndsfield Mews, but it would be seen from the garden. However, it would be tucked-in well away from the lawned and most used areas of No 3's garden, so that it would not appear obtrusive or dominating.

The proposed extension would not cause unacceptable overshadowing since the trees between the appeal property and No 3, on the latter's land, are higher than the proposed extension and would cast more and a longer shadow at most times when the sun is in the southern sector of the sky. Most of the extension's shadow would thus be subsumed within that already cast by trees.

Conclusion

The inspector concludes that the proposal would not harm the living conditions of the neighbouring residents at 3 Houndsfield Mews by reason of loss of privacy, overshadowing or visual impact. Accordingly, no conflict arises with those provisions of LP policy S10 requiring extensions to properties not to adversely affect the existing amenities of adjoining occupants.

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 development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with

the following approved drawings: Drwg Nos ONE & TWO, dated December 2011.

4. The proposed northern facing rooflight shall either be removed from the extension hereby permitted, or shall be designed to be un-openable and obscurely glazed in accordance with details previously submitted and approved in writing by the local planning authority. Once inserted, the approved rooflight shall not be removed or modified.

Costs application

No application for costs was made.

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By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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