



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH NOVEMBER 2012

AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, J. S. Brogan, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. J. Tidmarsh and C. J. K. Wilson

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 15th October 2012. (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 12/0490/MT - Modifications and remodeling of existing building to create 7 apartments; erection of 3 detached dwellings, access, amenity space and associated works - The Mount Hotel, Mount Lane, Clent - Mr Mark Hughes (Pages 9 - 26)

6. 12/0585/NC - Provision of 2 no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens - Land to the rear of 41 - 47 at George Road, Alvechurch, Bromsgrove - Bromsgrove District Housing Trust (Pages 27 - 36)
7. 12/0600/SC - Provision of 3 no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens (as amended by plans received 31.08.2012) - Land adjacent to 47 Breakback Road, Bromsgrove - Bromsgrove District Housing Trust (Pages 37 - 48)
8. 12/0645/MT - Erection of 1 no. dwelling - Trentham House, 40-42 Red Lion Street, Alvechurch - Mr M Price (Pages 49 - 54)
9. 12/0701/MT - Demolition of existing public house (Use Class A4) and erection of drive-thru restaurant (Use Class A3/A5) with associated parking and landscaping - The Sugarbrook Public House, Charford Road, Bromsgrove - Mr J Peach (Pages 55 - 72)
10. Redditch Branch Line Enhancement Scheme - Consultation Report (Pages 73 - 84)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting
12. 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(s) of business on the grounds that it/they involve(s) 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>
13	2 and 6

13. Enforcement of Planning Control - Reference 2012/0123/ENF (Pages 85 - 88)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

25th October 2012



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- 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.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

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

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Members of the Committee

Chairman: Councillor R. J. Deeming
Vice-Chairman: Councillor P. J. Whittaker

Councillor Mrs. S. J. Baxter
Councillor J. S. Brogan
Councillor R. A. Clarke
Councillor Mrs. H. J. Jones

Councillor R. J. Laight
Councillor P. Lammas
Councillor J. A. Ruck
Councillor C. J. Tidmarsh

Information for Members of the Public

The Planning Committee currently comprises 10 Councillors. Meetings are held once a month on Mondays at **6.00 p.m.** in the Council Chamber at The Council House, Burcot Lane, Bromsgrove.

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are a combination of the Head of Planning and Regeneration Services, the Development Control Manager and the Acting Principal Planning Officer. To the left of the Chairman is the Solicitor who provides legal advice, and then the next on the left is the Committee Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. An Update Report is available one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are left in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- **Procedural Items**

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have a personal and/or

prejudicial interest in any items to be discussed. If a Councillor declares a prejudicial interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

- (i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, planning appeal decisions and cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally

mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- **Urgent Business**

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour 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. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

Letters of representation referred to in the reports, together with any other background papers, may be inspected at any time in advance of the meeting, and these papers will also be available at the meeting.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

WCSP	-	Worcester County Structure Plan 2001
BDLP	-	Bromsgrove District Local Plan 2004
DCS2	-	Draft Core Strategy 2
PPG's	-	Planning Policy Guidance Notes
PPS's	-	Planning Policy Statements
SPG District)	-	Supplementary Policy Guidance (Bromsgrove

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 881410.

ABBREVIATIONS

ADR	Area of Development Restraint
AGLV	Area of Great Landscape Value (Structure Plan)
CA	Conservation Area
DS	Development Site
EMP	Employment
GB	Green Belt
LB	Listed Building
LPA	Landscape Protection Area
OPS	Open Space
PSS	Primary Shopping Street
RES	Residential
RETAIL	Retail
SAM	Scheduled Ancient Monument
SSS	Secondary Shopping Street
SSSI	Site of Special Scientific Interest
SWS	Special Wildlife Site
TCZ	Town Centre Zone
TPO	Tree Preservation Order
VE	Village Envelope
WH	Worcestershire Highways
WCC(CA)	County Archaeology
WCC(EA)	County Education Authority
WCC(PROW)	Public Rights of Way
WCC(SS)	County Council Social Services
WCC(Landscape)	County Landscape Officer
BCO	Building Control Officer
CCO	Climate Change Officer
CLO	Contaminated Land Officer
CO	Conservation Officer
EDO	Economic Development Officer
ENG	Drainage Engineer
LS	Legal Services
SHM	Strategic Housing Manager
SPM	Strategic Planning Manager
TO	Tree Officer
WRS	Worcestershire Regulatory Services
AC	Agricultural Consultant
AMS	Ancient Monuments Society
AWM	Advantage West Midlands
BW	British Waterways
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CBA	Council for British Archaeology
CE	Centro
CN	Central Networks
CPRE	Campaign for the Protection of Rural England

ABBREVIATIONS (cont'd)

CSO	Community Safety Officer
EA	Environment Agency
EH	English Heritage
FC	Forestry Commission
GHSoc	Garden History Society
GG	Georgian Group
HA	Highways Agency
H&WGT	Hereford and Worcester Garden Trust
HLS	Head of Leisure and Cultural Services
HSE	Health and Safety Executive
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IWA	Inland Waterways Association
JRC	The Joint Radio Company Limited
NE	Natural England
NG	National Grid
NR	Network Rail
NT	National Trust
RA	Ramblers Association
SE	Sport England
SPAB	Society for the Protection of Ancient Buildings
STW	Severn Trent Water
TCo	Transco
TCS	Twentieth Century Society
UD	Urban Designer
VS	Victorian Society
WMC	West Mercia Police
WMP	West Midlands Police
WWT	Worcestershire Wildlife Trust

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 15TH OCTOBER 2012 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, J. S. Brogan, M. A. Bullivant (substituting for Councillor P. Lammas), R. A. Clarke, Mrs. H. J. Jones, R. J. Laight and C. J. Tidmarsh

Observers: Councillor R. Hollingworth, Councillor C. R. Scurrall and Councillor C. B. Taylor

Officers: Mr. D. M. Birch, Mr. S. Castle, Mrs. C. Felton, Mr. S. Hawley, Mr. A. Hussain, Mrs. S. Sellers and Ms. J. Smyth

51/12 TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received on behalf of Councillor P.Lammas and Councillor J.A.Ruck.

52/12 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Cllr. Mrs. H.J.Jones	12/0774/HP	Other disclosable interest – sits on the Board of Trustees for Amphlet Hall. Cllr Jones withdrew from the meeting and took no part in its consideration and voting thereon.
Cllr Mrs. H.J.Jones	12/0795/SC	Other disclosable interest – Acquainted with both the Applicant and the complainant. Cllr Jones was not present and took no part in its consideration and voting thereon.
Cllr. C.J. Tidmarsh	12/0774/HP	Other disclosable interest – connected to the Military Services through the Royal Airforce Association.

53/12 **MINUTES**

The minutes of the meeting of the Planning Committee held on 17th September 2012 were submitted.

RESOLVED that the minutes be approved as a cored record, subject to:

it being noted that, in relation to Councillor J.S. Brogan's disclosable interests in Planning Applications 12/0608 and 12/0612, he works for the Ambulance Service and not the Fire Service as recorded.

54/12 **12/0448/SC - CHANGE OF USE FROM PASTURE LAND TO A CEMETERY DEVELOPMENT INCLUDING A CHAPEL AND MAINTENANCE BUILDING - LAND ADJACENT NEW INNS LANE, RUBERY, BIRMINGHAM WEST MIDLANDS - H2LAND**

The Head of Planning and Regeneration Services reported that Birmingham City Council had submitted further comments and suggested additional conditions in relation to highway matters. The Committee also noted that additional comments had been received from local residents in support of the proposal.

At the invitation of the Chairman, Mrs. R. Ridley and Mrs. F. Chauham, local residents, addressed the Committee as objectors to the Application. Mr. M Donald, for the Applicant, also addressed the Committee. Councillor P. M. McDonald also spoke in his capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that Planning Permission be GRANTED, subject to the Conditions and Informatives set out or referred to on Pages 18 to 24 of the report, the following additional conditions 26 to 30, requested by Birmingham City Council, and additional Condition 31, namely:

26. No development shall take place until a package of highway measures have been agreed with the Local Planning authority and all necessary consents, licenses, permits or agreements have been completed or obtained in respect of such measures. The package of measures shall include formation of vehicular access and all associated works, including drainage, lighting and traffic regulation orders and are to be carried out at the Applicant's expense to Birmingham City Council specification (including future maintenance costs). The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety.

27. No development shall take place until details of measures to be taken to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway have been submitted to and approved by the Local Planning Authority in writing. The development shall be implemented in accordance with the approved details and the measures shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

28. The site shall not be occupied before vehicular visibility splays indicated on Phil Jones Associates drawing no 993-01 (at the junction of the site access/New Inns Lane) have been provided, and these splays shall be kept free of obstacles.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety.

29. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for

- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) construction hours;
 - e) noise control devices (silencers, SMART reversing alarms etc);
 - f) delivery routing;
 - g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - h) wheel washing facilities;
 - i) measures to control the emission of dust and dirt during construction
 - j) a scheme for the recycling/disposing of waste resulting from demolition and construction works.
30. No development shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. (might be included in your C9, but would wish to ensure no surface water run-off onto New Inns Lane)
- 31: The building hereby granted permission shall not be used for any purpose (including any other purpose within Class D1 of the Schedule of to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class by any statutory

instrument amending, revoking and re-enacting that Order) other than as a chapel and maintenance building ancillary to the approved cemetery use.

Reason: To safeguard the amenities of the area in accordance with Policies DS2, DS13 of the Bromsgrove District Local Plan, Policies SD.2, CTC.1, D38, D39 of the Worcestershire County Structure Plan and the provisions of the NPPF.

55/12 **12/0455/RB - EXTENSION TO EXISTING COLD STORE - SEAFIELD LANE, PORTWAY, WORCESTERSHIRE B98 9DB - MR DEAN ATWELL, OAKLAND INTERNATIONAL LTD**

With the agreement of the Chairman, this matter had been withdrawn from the Agenda by Officers to seek further additional information in relation to highway matters, and was not discussed.

56/12 **12/0606/MT - CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS B8 (STORAGE AND DISTRIBUTION) WITH ANCILLARY TRADE COUNTER AND ALTERATINS TO NORTH AND EAST ELEVATIONS - FORMER FOCUS DIY, CORNER OF PARSONAGE DRIVE AND GROVELEY LANE, COFTON HACKETT - HENRY LAX LTD**

The Head of Planning and Regeneration Services reported that comments had been received from Worcestershire Regulatory services in relation to opening hours.

RESOLVED that Planning Permission be GRANTED, subject to Conditions and notes as set out or referred to on Pages 39 to 40 of the report.

57/12 **12/0774/HP - SINGLE MONUMENT, SERVING AS A WAR MEMORIAL AT AMPHLETT HALL, CROWN CLOSE, BROMSGROVE - MR I RILEY**

The Head of Planning and Regeneration Services reported that further comments, in relation to the proposed cable route for the lighting, had been received from the Council's Tree Officer, who had suggested the deletion of Condition 5, as printed in the report, and its replacement with a new condition, as well as further additional conditions.

Members were also informed that amended plans had been received in relation to re-siting the monument, further to a request from the Council's Tree Officer, which also required an amendment to Condition 2 in the report.

The Committee was advised that Worcestershire Highways had confirmed they had no objections to the proposal and also that, a number of objections had recently been received from nearby residents.

At the invitation of the Chairman, Mr. R. Ward, on behalf of local residents, addressed the Committee as an objector to the Application. Mr. I Riley, the Applicant, also addressed the Committee. Councillor R.J. Shannon and Councillor Mrs. R. L. Dent, also spoke in their capacities as Ward Members for the area in which the application site was located.

RESOLVED that:

- 1) authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission following the expiry of the public period on 26th October 2012, subject to the Conditions set out or referred to on Pages 44 to 46 of the report but with:
 - a) the reference to Plan R38.02 1 C in Condition 2 being deleted and replaced with Plan R38.02 1 D;
 - b) Condition 5 being deleted and replaced with the following new Condition 5:
 - 5) No works of any kind shall be permitted within or through the Root protection Areas of the trees on or adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks;
 - c) the following additional conditions:
 - 6) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, suitable fencing or other protective measures in accordance with British Standard BS 5837:2005 shall be erected to the satisfaction of the Local Planning Authority around the Root Protection Areas of all trees on and adjacent to the application site. This fencing shall be maintained as approved until all works subject of this permission have been completed.
 - 7) Prior to the commencement of any works on site, suitable measures to avoid ground compaction of the Root Protection Area of the adjacent trees during access to the site shall be installed to the satisfaction of the Local Planning Authority. These measures shall be maintained as approved until all works subject of this permission have been completed. No works of any kind are to be carried out within the Root Protection Areas without the prior approval of the Local Planning Authority.

- 8) No works of any kind shall be permitted within or through the Root protection Areas of the trees on or adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.
- 9) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, suitable fencing or other protective measures in accordance with British Standard BS 5837:2005 shall be erected to the satisfaction of the Local Planning Authority around the Root Protection Areas of all trees on and adjacent to the application site. This fencing shall be maintained as approved until all works subject of this permission have been completed.
- 10) Prior to the commencement of any works on site, suitable measures to avoid ground compaction of the Root Protection Area of the adjacent trees during access to the site shall be installed to the satisfaction of the Local Planning Authority. These measures shall be maintained as approved until all works subject of this permission have been completed. No works of any kind are to be carried out within the Root Protection Areas without the prior approval of the Local Planning Authority.
- 11) No excavations or installation of services shall be carried out within the Root Protection Area of any trees on or adjacent to the application site until full details of the route and methods of installation and tree protection to be used have been provided to and approved by the Local Planning Authority.

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

- 12) Notwithstanding the submitted plans full details of the intensity of the lights and their proposed hours of use shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be implemented in accordance with

those details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenity of residents in the immediate area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004; and

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

58/12 **12/0795/SC VARIATION OF CONDITION 2 OF PLANNING APPROVAL 10/1104 (ERECTION OF SINGLE STOREY BUILDING FOR USE AS CHANGING ROOMS) TO ALLOW MINOR AMENDMENTS - BRACES LANE, MARLBROOK, BROMSGROVE B60 1ED - ALL FOR ONE ENGINEERING**

The Head of Planning and Regeneration Services reported that additional comments had been received from local residents. It was also noted that comments had been received from Catshill and North Marlbrook Parish Council.

RESOLVED that permission be GRANTED to vary Condition 2 of Planning Approval 10/1104 (Erection of single storey building for use as changing rooms).

The meeting closed at 7.07 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
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Mr Mark Hughes "A"	Modifications and remodeling of existing building to create 7 apartments; erection of 3 detached dwellings; access, amenity space and associated works The Mount Hotel, Mount Lane, Clent	GB	12/0490
		CA	17/09/12
		LPA	

RECOMMENDATION:

That subject to the final satisfactory views of:

- (i) Worcestershire Highways
- (ii) Conservation Officer

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

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

- (i) An updated viability review to be submitted at an agreed trigger point of either an agreed defined timescale or the prior occupation of an agreed number of dwellings, with the viability review updating the current Viability Report submitted with the current application.
- (ii) The District Council's fees and costs of the initial and subsequent viability reviews (as applicable) (index linked to RPI, plus expenses and VAT) to be borne by the applicant.

Consultations

WH Consulted 20.06.12 –

Deferral recommended as there is an imbalance in the car parking provision for the flats and the proposed dwellings. The applicant should submit a revised drawing addressing the car parking provision and indicate cycle spaces for each property.

Revised drawing received 26.09.12 – further WH comments awaited

Clent PC Consulted 20.06.12: No comments received to date

County Archaeological Officer	Consulted 20.06.12: No comments received to date
PROW	Consulted 20.06.12: No comments received to date
Ramblers WWT	Consulted 20.06.12: No comments received to date Consulted 20.06.12: No comments received to date
Drainage Officer	Consulted 20.06.12: No objection subject to foul and storm drainage conditions
Tree Officer	Consulted 20.06.12: Recommends refusal of the proposed scheme for the following reason(s): <i>“The proposal in it’s current form is likely to cause damage and loss of existing trees within the Conservation Area contrary to policies DS13, C17, C19 & S35A of the Bromsgrove District Local Plan, CTC.5 of the Worcester County Structure Plan and Para 118 of the National Planning Policy Framework.”</i>
Conservation Officer	Consulted 20.06.12: Verbal support received in relation to amended plans informally submitted on 26.09.12 however further revisions required in relation to minor design features. Revised plans received 24.10.12 – further comments awaited
Strategic Planning	Consulted 20.06.12: <i>“On the basis of 4x1 bed, 3x 2bed and 3x 4bed properties the development generates a requirement for 536sqm of play space. Where the play space generated is less than 1000sqm SPG11 suggests provision should be provided off-site. Using the formula within SPG11 a commuted sum of £120,064 would be required to deliver off-site play space. It is acknowledged that a figure of this size may impact upon the viability of the scheme and therefore depending”</i>
Urban Design Consultant	Consulted 14.08.12: <i>“The site, its topography, and the existing hotel building present considerable potential for a very distinctive development which could add notable character to the conservation area. But this potential is not being realised in the present proposal. The conservation area is not unified in character, with existing houses in varied styles and materials. There is an opportunity here for a</i>

development which, taking its cue from the tower, develops its own distinct and distinguished architectural language.”

WRS

Consulted 20.06.12:

“Due to the close proximity of existing residential properties to the proposed development, care should be taken during the construction phase to reduce any adverse impacts caused to local residents. I would therefore recommend that the applicant follow Worcestershire Regulatory Service’s Code of Best Practice for Demolition and Construction Sites”

Schools
Services

Comments received 29.06.12:

The schools affected are Clent Parochial Primary School and Haybridge High School. The following schedule of contributions applies:

2-bed houses £4,905
3-bed houses £4,905
4+ bed houses £7,358
2+ bed Flats /
Apartments £1,962

Viability
Consultant

Comments received 22.10.12:

The scheme is unable to support any Section 106 obligations.

Publicity

12 neighbour notification letters sent 20.06.12, 27.06.12 and 12.07.12 – overall expiry 02.08.12

Site notice posted 12.07.12 expires 02.08.12

Press Notice published 29.06.12 expires 20.07.12

Ten objections received: concerns raised in relation to the Conservation Area, traffic and highway safety, vegetation loss, residential amenity, waste collection problems, fire safety, overdevelopment, Green Belt harm, sustainability and drainage

The site and its surroundings

The application site relates to a former hotel building which has been vacant since 2008. It comprises a main 4 storey tower which fronts Mount Lane, and subservient single, two and three storey projections to the sides and rear. The buildings on the site are concentrated in its north-east corner with the remainder comprising hard surfaced areas and landscaping. Mature tree planting of varying species exists around the perimeter of the site.

The site is located amidst the village of Clent and is surrounded by existing residential development. The site is immediately adjoined by a dwelling known as Mount Rise to its eastern boundary, an area of trees and rough vegetation to its southern boundary and Mount Lane running along its northern and western boundary. Immediately opposite the hotel building there is a dwelling known as the White House. The domestic curtilage of Hill Crest is located opposite the car park area of the site.

The site is located in the Green Belt as defined in the Bromsgrove District Local Plan (BDLP). The main hotel tower is located within a defined Village Envelope but the remainder of the site falls outside of this designation into open Green Belt. The site is located within the Clent Conservation Area and within a Landscape Protection Area as defined in the BDLP.

The proposed development

The application proposes to demolish the subservient elements of the hotel building and retain and extend the main tower for conversion to 4 no. 1 bedroom apartments and 3 no. 2 bedroom apartments (7 in total). The application also proposes to construct 3 no. 4 bedroom detached dwellings within the car park area to the west.

The works to the main hotel building would comprise of a four storey extension to the rear of the tower which would accommodate three of the seven apartments. A three storey extension would be provided to the east side and rear of the tower providing undercroft car park access and a bin store at ground floor, a cycle store at first floor and two bedroom apartment on the second floor. The remaining three apartments would be provided within the tower building. Car parking for the apartments would be provided to the rear of the building accessed from Mount Lane via the undercroft passage.

Two of the proposed new dwellings (Plots 2 and 3) would be located to the south west side of the tower. They would both front Mount Lane with a varying set back of between 2 and 3 metres. Pedestrian access would be provided to these dwellings from Mount Lane via steps due to an existing level change (approx 2.5m). Vehicular access and car parking for these dwellings would be at the rear via the undercroft passage. The existing tree planting running along Mount Lane would be largely retained and incorporated into the development.

Plot 1 would be located in the south-western corner of the site close to the existing vehicular access. The frontage of this unit would be positioned at a perpendicular angle to the adjacent part of Mount Lane although due to the curvature of the lane in this location and the position of Hill Lane this unit would read as a corner plot. The unit would however be well set back from the corner beyond existing tree planting which is to be retained. This unit would utilise the existing access point from Mount Lane with car parking provided to the front.

All of the proposed dwellings would be for sale/rent on the general market. No affordable housing provision is proposed as part of the development.

Members should note that this application is in amended form. Various design and layout revisions have taken place since the original submission of the application to address concerns in relation to residential amenity, the location of the site in the designated Conservation Area and parking.

Relevant Policies

WMSS	QE3
WCSP	SD.3, CTC.1, CTC.5, CTC.8, CTC.20, CTC.21, D.12, D.16, D.38, D.39, T.1
BDLP	DS13, DS2, S9, C17, S35A, C1, TR11, ES1
Draft CS2	CP3, CP22
Others	NPPF

Relevant Planning History

None relevant

Assessment of proposal

It is considered that the main issues to assess in the determination of this application are as follows:

- The Green Belt
- The Conservation Area
- Residential amenity
- Site amenity
- Highways issues
- Ecological issues
- Planning obligations and viability

I will consider each of these matters along with any other material considerations under a separate below.

The Green Belt

Policy DS2 of the BDLP provides that permission will not be granted for new buildings or for the change of use of existing buildings in the Green Belt unless the development accords with various criteria (including proposals for the re-use of existing buildings (subject to meeting the provisions of C27) and the development of housing (subject to Policy S9)) or unless very special circumstances exist.

In this instance, a small element of the proposed development involves the re-use and conversion of an existing building. However, having regard to Policy C27 this part of the proposal would involve major new building works and is not therefore consistent with the policy. The proposed new dwellings are not considered to fall within any of the categories set out at Policy S9. Thus, having regard to Policy DS2 of the BDLP, the proposed development should not be approved unless very special circumstances exist.

Policy DS2 and S9 of the BDLP are consistent with Green Belt policy advice within the NPPF which refers to such proposals as being inappropriate development. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

When considering the harm caused to the Green Belt by the proposed development Members should note the nature of the existing site and its surroundings. The site relates to developed land with significant buildings and hardstanding. The existing building on the site has a floor area of 883 sq m. The net built floor area on the site resulting from the demolition of parts of the existing building and the proposed extensions and new dwellings would be 865 sq m. This represents a 2% reduction to the amount of built floor space on the site which would have a corresponding improvement to the openness of the Green Belt. It is noted in relation to openness that the proposal would involve the reconfiguration of buildings onto more open parts of the site. It should also be noted however that the affected parts of the site relate to the hard surfaced car parking space associated with the former hotel use. These parts of the site are urbanised in nature and openness would have been significantly compromised by cars and coaches associated with the former hotel use. The reconfiguration of buildings on the site would not therefore have the effect of encroaching onto permanently open Green Belt. Taking these matters into consideration the proposal is found to be of minimal harm to the openness of the Green Belt.

Considering other harm that may result from the proposal it is considered that the development would perhaps have a more formal appearance than the existing situation given the orderly layout of the site, the proposed domestic gardens and the overall landscaping proposals. Members should however be mindful of the fact that the visual effect of the development must be considered in relation to the previous hotel use of the site and the potential for future re-use. It would be difficult to argue that a small-scale residential development would have a greater urbanising effect than a potentially thriving hotel business.

It is considered that proposal would cause no conflict with the five purposes of the Green Belt to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

On the above basis it can be determined that the proposed development would only be of very limited demonstrable harm to the Green Belt as a result of it reconfiguring the built form onto more open parts of the site. The proposal would still cause harm by reason of inappropriateness (although it is noted that the site already contains an inappropriate form of development) and it is necessary to consider if any very special circumstances exist that are capable of outweighing this harm.

It is noted that a number of points are made in the submitted Planning Statement. These are summarised below:

The NPPF introduces a presumption in favour of sustainable development. A more positive framework now exists for the determination of planning applications. Council's are required to make every effort to identify and meet the housing, business and other needs of their areas and respond positively to wider opportunities for growth. Council's should approach development on the basis of seeking to approve proposals rather than placing unnecessary burdens on development.

The development would result in an improvement to the openness of the Green Belt. The proposal would result in the cessation of a non-conforming use. The surrounding area comprises residential uses. The hotel and its associated bar and restaurant have unrestricted opening times which could conflict with the amenity of surrounding residents. The removal of the hotel would result in an improvement to residential amenity.

The proposal would have traffic benefits as the vehicle movements associated with the proposed residential use would be significantly lower than the hotel. The nature of vehicles would also be different (i.e. coaches and commercial servicing vehicles would be associated with the hotel). Access and egress for hotel traffic was via the existing access on Mount Lane which is considered to be substandard having implications for highway safety.

The proposal would improve the site's relationship with Mount Rise which would result in a benefit to the amenity of its occupiers. The replacement building to the north east side of the tower would be lower than and set back from the existing thus improving outlook and reducing the overbearing impact of the building on the windows in the front of Mount Rise.

The application would allow for the retention of the tower and involve a Conservation Area Improvement. The main hotel tower is considered to be of architectural merit making a positive contribution to the character and appearance of the Conservation Area. Significant investment is required to bring the fire damaged tower back into use and to convert a building designed for commercial purposes to residential use. This comes at considerable cost. The proposed development would upgrade the tower and bring it back into effective use which would secure its future maintenance and its positive contribution to the Conservation Area.

The Council only have a 1.31 supply of deliverable housing sites which is significantly below the 5 year plus 20% buffer requirement prescribed by the NPPF.

In response to the applicant's points, your Officer would comment as follows. Firstly with regard to the more positive approach to decision making advocated in the NPPF, Members should note that the location of the site in the Green Belt negates the presumption in favour of sustainable development. At a recent appeal in relation to a major proposed housing development in the Cheltenham/Gloucester Green Belt the Inspector referred to paragraph 14 of the NPPF, which provides that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless "specific policies in this Framework indicate development should be restricted". A footnote in the NPPF makes it clear that this applies, for

example, to those policies relating to (among other things) land designated as Green Belt. This point would not therefore represent a very special circumstance.

The comment made in relation to openness improvements is noted. Your officer is however of the view that any 'improvement' to openness would be marginal. Nonetheless, it is accepted that the proposal would not cause any notable increased harm to the openness of the Green Belt.

The benefits associated with the cessation of the hotel use are accepted and your officer agrees that the proposal would remove the potential for noise and other nuisances associated with the leisure and day to day business functions of the hotel. It is considered however that such benefits may be achieved via the conversion of the hotel alone and this point does not necessarily support the applicant's argument in respect of the new build dwellings.

The submitted Trip Rate Assessment is noted and the comments made in relation to traffic improvements are accepted.

Any improvements to the amenity of Mount Rise are only considered to be marginal as the front elevation is already severely affected by the development. It is not considered that this aspect of the development creates any real amenity benefit for this adjoining occupier.

You officer agrees that the tower is of architectural interest and of value to the character of the Conservation Area. It is considered that the Council should support proposals to bring the hotel tower back into effective use so to ensure its ongoing maintenance and its positive contribution to the Conservation Area. Again however it is considered that such benefits may be achieved via the conversion of the hotel alone and this point does not necessarily justify the new build element of the proposal. It is argued by the applicant in relation to this point that the new build units are required to make the conversion of the tower financially viable. The costs for converting the tower are very high given its commercial design and its poor state of repair given the previous fire damage. This point seems reasonable although no specific viability information is available for review in respect of tower conversion costs in relation to sales revenue. This matter could not therefore be substantiated as a very special circumstance. Nonetheless, it is considered by your officer in relation to this matter that converting the tower alone would not make the most efficient use of a brownfield site within a settlement. Allowing a higher density development on this site would increase the rural housing supply in a more sustainable manner and help to take pressure off the release of open, undeveloped Green Belt sites. It is considered therefore that the conversion of the tower alone would not be a preferred scheme for the site in planning terms and there are clear policy benefits associated with the proposal.

In relation to housing supply it is understood from the Council's Strategic Planning Department that the Council currently has a housing land supply of 4.94 years. This figure is significantly higher than the 1.31 year supply noted by the applicant, but still below the minimum requirement of 5 years (including a 5% buffer) required by the NPPF. Increasing the supply of sites for housing would therefore have strategic benefits, but it is important to consider the specific benefits attributed to this proposal

against the identified harm caused to the Green Belt. This matter is only capable of representing a very special circumstance if it clearly outweighs the harm caused to the Green Belt. In this instance it is considered that the development of ten dwellings at the site would make a relatively small albeit valuable contribution to the supply of housing land within the District.

On balance, it is considered that the development would be of minimal harm to the openness of the Green Belt and its urbanising impact would not be materially different to that of a potentially thriving hotel business on the site. The proposal would cause no conflict with the purposes of the Green Belt given its developed nature and its location within the settlement of Clent. The proposal would cause harm by reason of inappropriateness but there is an established precedent for inappropriate development at this site given the hotel business. It is considered that slightly increasing the supply of housing land and making efficient and effective use of a brownfield site should be given some weight in the determination of this application. There are also considered to be some amenity and traffic benefits associated with the cessation of the hotel use, and Conservation Area benefits associated with bringing the hotel tower back into effective use. Although these benefits are not considered to be significant, it is accepted that they would outweigh the relatively limited amount of harm to the Green Belt that would result from the proposal. It is therefore considered that very special circumstances exist that would justify the granting of planning permission for this inappropriate form of development in the Green Belt.

The Conservation Area

This part of the Clent Conservation Area is considered to be of a mixed character. It shows clear signs of evolution over time and contains buildings of various ages, forms and materials. If any predominant characteristics are to be identified it would be the traditional form and relatively modest nature of dwellings. As noted earlier the hotel tower building is considered to make positive and important contribution to the character and appearance of the Conservation Area.

Policy S35A of the BDLP is considered to be consistent with the heritage advice contained within the NPPF in stating that the District Council will seek to preserve or enhance the character or appearance of Conservation Areas. This policy is considered to be consistent with the Historic Environment advice set out in the NPPF.

This application involves the retention of the hotel tower and it is therefore considered that this part of the proposal would preserve the contribution this feature makes to the Conservation Area. Members will note that significant additions are proposed to the hotel building and it is important to ensure that these do not detract from this building's contribution to the Conservation Area.

Members will be aware that various revisions have been made to the design of the proposed development. Having regard to the views of the Conservation Officer (CO) and the Council's Urban Design consultant (UDC) the detailing of the rear extension to the hotel tower has been revised so to add interest to this feature and improve its visual relationship with the tower. The link between the extension and the tower has

also been revised to provide a fully glazed elevation rather than the incongruous brickwork previously proposed. It is considered that the glazed link would have the effect of providing a design break and visual distinction between the two elements of the resulting building thus preserving the individual character of the tower and its status as the original and dominant feature. It is considered that the amendments to the detailing of the extension would make it an interesting feature in its own right whilst complementing the architectural merits of the tower. No specific comments have been made by the CO or the UDC in relation to the side extension to the tower. It is considered by your officer that this addition would respect the design and character of the tower whilst being sufficiently subservient to preserve its status in the street scene. It is also considered that the irregular placing of windows in this addition would reflect the ad hoc nature of the street scene and the wider Clent Conservation Area. Taking these matters into consideration it is considered that the proposed conversion and extension of the former hotel building would preserve and enhance its contribution to the character and appearance of the Conservation Area in accordance with Policy S35A of the BDLP and associated advice in the NPPF.

With regard to the proposed new build dwellings Members should note that these features have undergone significant revision. Comments made by the UDC relate the original scheme whereby the new dwellings were considered to be too formal and symmetrical. Concerns were also raised by the CO at this stage over the semi detached nature of plots 2 and 3, their overall height and dominance in the street scene and their bland suburbanised appearance. The comments made by the UDC in relation to the new dwellings replicating the character and appearance of the hotel tower are noted but not supported. Members will note the mixed, ad hoc character of the street scene and the variety of building forms and materials. It is considered that the new build dwellings should respect the tower but also be reflective of the variety of buildings in the street scene and representative of the evolution of the Conservation Area over time.

Various revisions have been made to address these concerns and reflect the LPA's aspirations for the site. It is considered that the current scheme before Members reflects the traditional form and detached, cottage style characteristics of other buildings in the street scene. It is also noted that the scheme employs three similar but different house types at the site. It is considered that this avoids the development taking on a uniform suburbanised appearance and reflects the variety of buildings in the street scene. It is noted that the new dwellings display exposed rafter feet to eaves and brick dentil detailing below a large overhanging eaves. It is considered that these features add to the overall architectural interest and quality of the buildings.

Members will note that the revised scheme has received verbal support from the CO. Full written comments will be provided to Members as an update prior to their meeting. On the above basis it is considered that, subject to high quality, vernacular external materials being used for the scheme along with appropriate windows and doors, the proposed development would preserve and enhance the character and appearance of the Conservation Area in accordance with Policy S35A of the BDLP and associated advice in the NPPF.

Members will note that the application proposes to retain most of the trees along the site boundary with Mount Lane. This would help to preserve the existing green corridor effect of the lane.

Residential amenity

Members will note the residential context of the site and the close proximity of a number of dwellings to the proposed development. Members will also note the objections raised by these occupiers in relation to their amenity. It is considered that, if any adverse residential amenity impacts are to result from the development, these would be experienced by the occupiers of The White House, Mount Rise, Briar Cottage and Hill Crest. I will consider the impact of the development on each of these properties in turn.

With regard to The White House, concerns are raised by this occupier in relation to the development overlooking this property, causing a loss of privacy and causing a loss of light. Concerns raised in relation to overlooking and a loss of privacy relate to the windows in the side (facing Mount Lane) and rear of this property. The windows in question serve bedrooms and a kitchen (in relation to the side windows) and bedrooms, a dining room and a lounge (in the case of the rear windows). I appreciate the concerns of this occupier and Members will note that the scheme has been revised so to improve the relationship of the new build units (plots 2 and 3) with this property. Comments made in relation to the impact of the revised scheme on this property are as follows. Firstly, Members will note the Site Cross Section Drawing (P110) demonstrating that there is a level change between the site and the White House meaning that the ground floor windows in units 2 and 3 are set at a similar level to the first floor windows in the side of the White House. Members should note from the Proposed Site Plan that it is only the lounge and ensuite window in unit 3 that would (potentially) directly overlook the windows in the side of this property with the other windows in units 2 and 3 being at an obscure angle. It is considered that the ensuite window can be obscurely glazed and this will prevent any overlooking of the White House. A condition securing this should be attached to any planning permission granted. The application also proposes to retain the existing boundary trees along Mount Lane and this would prevent any views being gained from the lounge window in unit 3 into the windows in the side of The White House.

In general terms it is your Officer's view that the privacy of the windows in the side of the White House is already compromised given their exposure to Mount Lane. Members will note that the separation distance between unit 3 and the side of the White House has been increased from 6 to 8 metres and it is your officer's view that 'over the road' overlooking between opposing dwellings is commonly experienced at such distances.

In relation to the privacy of the windows in the rear of this property it is noted that these would be at a perpendicular angle to the windows in the front of units 2 and 3 and it is considered that this would obscure any views of these windows. Members' attention is also drawn to the proposed floor plans and street scene drawing relating to units 2 and 3. The internal layout of these units has been configured so that the first floor windows in the development facing The White House would serve bathrooms or en-suite bathrooms and will therefore be obscurely glazed. Retained

boundary trees would obstruct any views from the ground floor windows. The ground floor windows not obstructed by boundary trees both serve a car port and are not therefore habitable rooms likely to cause overlooking. The above features would also protect the privacy of the rear garden to the White House.

With regard to the effect of the development on the light currently received by the White House, it is considered that daylight and sunlight levels in the kitchen and side bedroom areas are already severely compromised by the retaining wall and evergreen boundary trees. It is not considered that the development would have any adverse effect over and above the existing situation. It is considered that sufficient separation distance would be provided between the proposed development and the White House for it to not cause any loss of daylight or adverse sunlight reducing effects on its rear windows and domestic garden.

Mount Rise is set a considerable distance further back from the existing hotel building and Members should note that the light and outlook from its front windows is already severely compromised. I note the concerns raised on behalf of this occupier but it is not considered that the proposed extensions to the hotel would have any additional impact on the light and outlook from this property over and above the existing and well established situation. I note the concerns raised on behalf of this occupier in relation to the proposed undercroft access and parking area. It is considered that these features of the development would harm the amenity of this occupier due to noise from vehicles. It is accepted that the proposed development would generate a certain level of vehicle noise at this part of the site but it is important to consider that this would only be associated with the comings and goings of residents which is likely to be concentrated at certain periods during the day (i.e. at the start and finish of the working day) and not a constant level of noise at all times. It is also considered that the proposed boundary planting and the installation of a solid boundary fence/wall would help to reduce noise levels. As such, it is not considered that noise from vehicles would have an unacceptable impact on the amenity of the occupier of Mount Rise.

In relation to Hill Crest and Briar Cottage, although the comments made by these occupiers are noted, it is considered that the proposed development would be too far away from these properties for any adverse residential amenity impacts to result.

In relation to overlooking from the front elevation of the hotel tower, Members will note the previous use of the building and the existing views that could be gained of nearby properties from hotel patrons and staff. This part of the proposal is not therefore considered to be an issue.

Site amenity

It is considered that each of the new dwellings would provide sufficient amenity areas suitable for family accommodation. It is noted that the rear garden to unit 3 would potentially be overlooked by the windows in the side elevation of the extension to the tower. Members will note however that blanking panels would be installed in the upper level windows thus preventing views and securing reasonable levels of privacy for the future occupiers of unit 3. Whilst this situation may not necessarily be ideal or acceptable in relation to existing forms of development, Members should note that any overlooking internal to a proposed development may to some extent

represent a marketing issue for the developer and a 'buyer beware' situation. In this instance therefore it is considered that the amenity provisions for unit 3 are acceptable. Members will note that no communal amenity space is provided for the occupiers of the apartments. It is however noted that these are small units (1 and 2 bedrooms) and are therefore less likely to be occupied by families. Furthermore, abundant public open space exists nearby in the form of the Clent Hills and this would cater for the needs of these residents.

Members will note the verdant nature of the site and the existing mature trees along its boundaries. Members will also note the Arboricultural Report and Tree Survey submitted with the application and the comments of the Tree Officer (TO). Members should note that none of the trees on the site benefit from a TPO although their location in a Conservation Area affords them protection. It is noted that the application proposes to remove a number of trees, particularly along the southern site boundary. The survey classifies the majority of these trees as being of low quality and value although three are considered to be of moderate quality and value. The report identifies that the trees of moderate value to be removed from the southern boundary of the site (trees T28 and T30 as indicated on the Proposed Site Plan) are the subject of extensive root damage and their future stability is compromised. The safe retention of these trees within the scheme may not therefore be feasible. The topography of the site and the necessary re-grading of the land to accommodate the proposed development would require the removal of other low quality trees and a tree of moderate quality (tree T37). The proposed tree removal is therefore considered to be necessary to accommodate the proposed development. I note the concerns raised by the TO in relation to the removal of trees that are considered to contribute to the character and appearance of the Conservation Area. Policy S35A relates to Conservation Areas and states that the District Council will seek to retain trees of importance to the street scene. It is considered in this instance that the retention of boundary trees on the Mount Lane boundary would help to preserve the verdant appearance of the street scene in accordance with Policy S35A.

Policy C17 of the BDLP provides that development proposals should retain existing trees wherever possible. New planting should be related in scale, size and species to the existing planting. In this instance it is considered that the proposed tree removal is necessary and it is noted that comprehensive replacement tree planting is proposed by the application which would compensate for trees lost along the southern and eastern boundaries. The proposal would not therefore cause conflict with this policy.

Highways issues

Members will note the concerns raised by local residents in relation to the safety of Mount Lane and its capacity for the traffic associated with the proposed development. Members will also note the Trip Rate Assessment submitted with the application and the comments of the County Highways Engineer.

Policy T.1 of the WCSP requires that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Policy TR11 of the BDLP

requires that development incorporates a safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking in accordance with the Council's parking standards. These policies are consistent with the sustainable transport provisions within the NPPF.

The Trip Rate Assessment concludes that the proposed residential development would generate fewer vehicle movements than the hotel use during the morning peak hour and similar movements to the hotel use in the evening peak hour. It estimates that daily traffic generation is expected to be 25-30% lower than the permitted hotel use of the site. The assessment also identifies that the relocation of the primary access to the site further along Mount Lane would also provide additional highway benefits with respect to access constraints and potential conflicts. It is argued that the proposal would result in the less intensive use of a poor existing access in terms of visibility, due to the bend in Mount Lane and proximity to Hill Lane. The proposed access would provide significantly improved visibility with fewer vehicle movements.

It is appreciated by your officer that current vehicle movements associated with the site will be very low or non-existent due to its vacant nature. It is necessary however to consider traffic associated with the permitted hotel use of the site. Such a use is established part of the area and there is clear potential for the continuation of this use in future.

Having regard to the submitted Trip Rate Assessment and considering the absence of an objection from the Highways Authority based on traffic and highway safety it is considered that the proposal would accord with Policy T.1 of the WCSP and Policy TR11 of the BDLP.

The comments made by the Highways Authority in relation to the parking layout are noted. The scheme before Members is in revised form. The two tandem parking spaces have been removed and car ports are being pursued for units 2 and 3 rather than garages. This addresses the comments made by the Highways Authority. Final comments including recommended conditions are awaited. Members will be updated with this prior to their meeting.

Members will note that no concerns have been raised by the Highways Authority in relation to access for fire trucks and refuse vehicles.

Ecological Issues

Members will note that an Ecological Assessment has been submitted with the application. This surveys habitats within the site including its buildings, hard standing, amenity grassland and scrub and trees. The survey concludes that the site is and has been much affected by the activities of man and is assessed as being of very low ecological value given its small size, species-poor nature and limited diversity of habitats. The site is very unlikely to support any protected or otherwise notable species or assemblages and no evidence of any such species was found. The survey also concludes that the majority of the building is considered to have very limited or negligible bat roost potential and impacts on these areas would not cause any offence or significant impacts on bats or bat populations.

The survey does however find that the long section of roof above the bar and reception to the hotel has some albeit limited bat roost potential and it recommends that additional surveys are conducted to confirm the absence of roosts. Members will note the legal obligations placed on Local Planning Authorities in relation to protected species. The implications of which are set out in Circular 06/2005 (Biodiversity & Geological Conservation) which requires that when habitat is viewed as suitable for protected species, *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision”*.

Additional survey work has been carried out (received 24/10/12). This finds no evidence of roosting bats within the areas of roof subject to the semi-destructive survey despite unfettered access and close inspection. It is concluded by the survey that it is highly unlikely that these sections of the building identified in the previous survey currently support any active roosts.

The survey concludes that the remainder of the building has reduced in its potential to support roosting bats and this coupled with continued lack of evidence makes it safe to conclude roosts are also very likely to be absent from these areas.

On this basis it is considered that the Council has complied with its duties under the relevant habitat legislation and that the development would have no adverse impact on protected species in accordance with the natural environment advice contained within the NPPF.

Planning obligations and viability

Members will note the comments received from the Directorate of Children’s Services at WCC and the required financial contribution towards local education provisions. Members will also note the comments received from the Council’s Strategic Planning department and the required contributions towards play space provisions. The total contribution requirements amount to £149,494 comprising £29,430 for education and £120,064 for open space. Members will note that the number of units to be provided on this site falls below the threshold for affordable housing.

Members should be aware that the issue of financial viability is a material consideration in decision making. In the current economic climate project viability is often a key barrier preventing development from proceeding. It is important to ensure that the Council’s financial obligations on the developer do not render the scheme unviable. A viability appraisal has been submitted with this application which demonstrates that the required contributions would seriously undermine the viability of the scheme. It infers that, for the scheme to remain viable, the developer cannot afford the additional costs imposed by the Council’s required contributions.

The Council has sought specialist advice on the applicant’s viability appraisal from its Viability Consultant (VC). This identifies that due to the abnormally high costs associated with retaining and converting the hotel tower the scheme is unable to

support any Section 106 obligations. Indeed, even with no S106 contributions, the level of developer's profit is still at the lower end of the range of acceptable values. On that basis, the VC accepts that the scheme cannot support any S106 contributions. It does however recommend that the Council puts in place a deferred contribution mechanism as part of a S106 Agreement that allows it to benefit from any subsequent uplift in sales values in the scheme whilst also providing an incentive to the developer to maximise values achieved.

Having regard to the views of the VC it is recommended that the Council do not pursue the required financial contributions towards play space and education as doing so will render the proposal unviable and prevent the development from taking place. Such actions would hinder the delivery of the identified benefits of the scheme namely the rural housing supply improvements, the Conservation Area benefits associated with the retention and ongoing maintenance of the tower and the economic benefits associated with the construction and sale of the dwellings/apartments.

Your officer is exploring the feasibility of the VCs recommendation in relation to deferred contributions in legal terms. Members will be updated in relation to this matter prior to their meeting.

Conclusion

The proposal would represent an inappropriate form of development in the Green Belt however it is considered that the proposal would be of limited harm to the Green Belt. It is considered that the benefits of the scheme would outweigh the identified harm and that very special circumstances exist that justify its approval in Green Belt terms. It is considered that the proposed development would preserve and enhance the character and appearance of the Conservation Area and its effect on the amenity of nearby residential occupiers would not be adverse or unacceptable. The development is considered to provide adequate levels of site amenity and the development would have no adverse impact on protected species. The traffic generation, parking and access provisions associated with the development are found to be acceptable. No planning obligations are required in the interests of ensuring viability. Taking the above matters into consideration the proposal is found to be in accordance with the relevant policies of the adopted Development Plan and associated guidance within the NPPF. As such it is recommended that planning permission is approved.

The final views of Worcestershire Highways and the Conservation Officer are currently awaited and this is reflected in the recommendation. I will update Members at your Committee on these matters.

Members will also note the requirement for a Section 106 Agreement to deal with viability matters. I am thus minded to grant planning permission subject to the application entering into such an Agreement. Delegated Powers are requested from Members to deal with this issue.

RECOMMENDATION:

That subject to the final satisfactory views of:

- (iii) Worcestershire Highways
- (iv) Conservation Officer

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

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

- (i) An updated viability review to be submitted at an agreed trigger point of either an agreed defined timescale following or the prior occupation of an agreed number of dwellings, with the viability review updating the current Viability Report submitted with the current application.
- (ii) The District Council's fees and costs of the initial and subsequent viability reviews (as applicable) (index linked to RPI, plus expenses and VAT) to be borne by the applicant.

Suggested Conditions:

1. C001 (three year time limit for commencement of works).
2. C001A (development must be carried out in accordance with the approved plans)
3. C003 (materials to be submitted)
4. New and replacement window and door details to be submitted for approval.
5. Details of external surfaces to be submitted for approval.
6. C010 (Landscaping scheme)
7. C007 (Storm and foul drainage)
8. C005 (obscure glazing required in first floor windows in front elevation of proposed new dwellings at Plots 2 and 3)
9. CO13-19 (existing trees to be retained as shown on approved site plan, protective measures required for existing trees)
10. C022 (removal of permitted development rights)
11. C027 (specified demolition works to take place and debris removal prior to commencement of development)

12.No external lighting shall be installed in the car parking and driveway areas without the prior written consent of the LPA.

13.During the construction works hereby approved no operations including deliveries to and from the site shall be carried out on the site other than between the hours of 08:00 and 19:00 on Monday to Friday, 08:00 to 14:00 on Saturdays and at no time on Sundays and Bank Holidays.

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	SD.3, CTC.1, CTC.5, CTC.8, CTC.20, CTC.21, D.12, D.16, D.38, D.39, T.1
BDLP	DS13, DS2, S9, C17, S35A, C1, TR11, ES1
Draft CS2	CP3, CP22
Others	NPPF

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.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Housing Trust 'A'	Provision of 2 no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens Land to the rear of 41 - 47 George Road, Alvechurch, Bromsgrove, Worcestershire	RES	12/0585 28.08.2012

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

RECOMMENDATION: that permission be **GRANTED**

Consultations

WH Request for amended scheme showing improvements to access track

SHM Supported by Strategic Housing. Whilst acknowledging that the site is not ideal we recognise that our overriding objective is to work with registered providers to deliver much needed affordable housing in Bromsgrove District. It will meet identified need and is being provided in a sustainable location.

SPM No comments received

BCO No comments received

ENG No comments received

WRS No objection subject to contaminated land condition

CSO I do have one concern with this application; the lack of effective natural surveillance as the access road is not overlooked by the public realm or the neighbouring properties and the proposed development would be substantially set back from the highway. Also the proposed development is not overlooked by rooms that are frequently occupied from neighbouring properties; this also contributes a lack of effective natural surveillance. Only two car parking spaces have been provided for the occupiers, therefore if the occupiers have more than one car, this will cause a displacement issue, which would increase the risk of car crime.

Publicity: Neighbour notification
19 letters sent

7 objections received

- Loss of pedestrian access to rear garden
- Overlooking, loss of privacy
- Loss of garages
- Loss of light
- Loss of amenity
- Gardens currently flood and development will make this worse
- Access track too narrow
- Crammed form of development
- The proposal will cause serious parking issues and the displacement of these vehicles would only exacerbate the problem along surrounding roads.
- Lorries delivering materials and the vehicles of contractors for the development will cause more parking issues.
- The surrounding roads will become congested with parked cars which will cause problems for emergency and refuse vehicles

The site and its surroundings

The site is located within a recognised residential area and is accessible off a track which sits between 35 and 41 George Road. It is surrounded by 41-51 [odd numbers only] George Road to the south of the site and 59-61 [odd numbers only] Latimer Road to the east. The site currently has 10 garages, a row of 8 garages, which back onto to the rear of 43-47 [odd numbers only] George Road and a pair of garages which back onto the garden of 63 Latimer Road.

Proposal

The application proposes the demolition of all existing garages and the construction a pair of two bed, 4 person affordable houses. New 1.8m high close boarded fencing is proposed along the sides and rear of the site with replacement fencing where necessary. The existing rear accesses to the rear numbers 61 and 63 Latimer Road will be kept.

Relevant Policies

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, SPG1

Relevant Planning History

None relevant

Notes

The proposal seeks 2 new affordable dwellings and the site is located in a recognised residential area; thus it is considered that policies S7 (New Dwellings Outside of the Green Belt) and S14 (Range of Housing Types and Tenures) of the Bromsgrove District Local Plan 2004 (BDLP) are most relevant in determining the application. Supplementary Planning Guidance Note 1: residential Design Guide is also relevant.

In respect of policies S7 and S14, I consider the main issues to consider are

- Principle of development
- Housing Need
- Design
- Visual amenity
- Residential amenity
- Highways and servicing issues

Members will be aware that the National Planning Policy Framework (NPPF) is a significant material consideration in planning decisions. Tetlow King, on behalf of BDHT are of the view that no weight can be attached to housing policies within either the adopted Structure Plan or Bromsgrove District Local Plan. I refer to the NPPF which states that: "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them)". I am of the view that housing policy S7 set out in the local plan and policy D.6 of the structure plan are based on sound planning principles that are consistent with the relevant provisions of the NPPF. In addition, I do not consider that the NPPF presents any new policy matters. For these reasons I consider significant weight can be attached to Policies S7 and S14 of the BDLP and Policy S.6 of the Worcestershire County Structure Plan.

For this application it is considered that Part 7 (Requiring Good Design) would be of relevance to the proposal along with the relevant Core Planning Principles set out at paragraph 17 of the document.

Principle of development

The site is within an established residential area as designated in the BDLP. Policy S7 of the BDLP sets out a presumption in favour of residential development in urban areas, subject to meeting certain criteria. The application site consists of existing garaging and hardstanding areas which fall within the definition of previously developed land as set out in the NPPF. This proposal will not pose a detrimental impact on the street scene as there will be limited views of the site from the surrounding roads. This part of Bromsgrove is a sustainable location for this type of development, as it is well served with buses and a railway station and lies outside of the Green Belt. . The NPPF "encourages the effective use of land by reusing land that has been previously developed". The Worcestershire County Structure Plan mirrors this advice in stating that priority should be given to the

redevelopment of previously development sites in preference to Greenfield sites. Given this context, the principle of residential development in this case is accepted in planning policy terms.

Housing Need

The agents for the application have referred in their planning statement to the need for affordable housing as being a material consideration in the assessment of the application. I am mindful that Part 6 of the NPPF promotes the delivery of a wide choice of high quality homes and provides that housing applications should be considered in the context of the presumption in favour of sustainable development.

The agents also refer to the SHMA as evidencing Bromsgrove as having the lowest level of affordable housing tenures within the existing stock in Worcestershire, leading to a net annual affordable housing need of 219 units per year, especially in relation to one and two bedroom properties, such as on this site. They also refer to housing waiting lists figures and housing land supply issues.

There is clearly a significant need for affordable housing in Bromsgrove District and appreciate that this proposal would contribute towards its delivery. This therefore, is a material consideration that carries significant weight.

Design and Visual Amenity

I am aware that this proposed development is of high density in comparison to the surrounding properties, these being predominately semi detached dwellings with generous garden areas. Whilst the development has been designed to reflect the traditional two storey semi-detached form of surrounding properties, gardens of these proposed dwellings are only 6 metres in length which is very much at odds with the generous garden arrangements of the existing surrounding dwellings. However, there is also the need generally to provide higher density development in schemes in order to maximize the potential of the site and to ensure that schemes are economical, efficient and sustainable

Section 7 of the NPPF attaches great importance to the design of the built environment and how this can make a positive impact to improve places for people. Given that the existing site contains 10 garages and hardstanding which are in a poor state of repair; the redevelopment of the site will improve the quality of the space and character of the area, but it will also set precedence for the site opposite, which is also a garage court. Whilst I accept the density is not directly comparable to the immediate locality, in my view such factors weigh in favour of the scheme.

Section 8 of the NPPF (Promoting healthy communities) is also relevant in that paragraph 69 refers to decisions aiming to promote safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life and safe accessible developments with clear and legible pedestrian routes. This application however has raised the concerns of the Community Safety Officer in terms of the lack of surveillance on access road serving the houses and the future lack of surveillance on cars which could potentially be parked out on the surrounding roads.

Paragraph 70 of Section 8 of the NPPF states that “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs”. I understand from the concerns raised by neighbours that the site is a valued facility for the purposes of car parking and garaging. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 10 garages of which 2 are vacant. Therefore I am satisfied that the applicant has provided sufficient alternative arrangements to accommodate the displacement of existing tenants of the remaining garages. Whilst acknowledging that the site is a valued facility for members of the community, on balance of the considerations, the benefits in terms of affordable housing provision, visual improvements to the character of the area and opportunities to improve community safety outweigh this matter.

Residential amenity

The siting of the development will have limited impact on the amenities of existing neighbours. SPG1 states that a “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”. The proposal meets these requirements. In relation to No 43 George Road, where the owner has raised concerns about the impact of the gable wall of the proposal on their visual and residential amenity, the rear windows of No 43 are 19 metres away from the gable wall of one of the proposed dwellings and there are no windows proposed in this elevation. SPG1 states that “a minimum separation distance of 21 metres is required to achieve a degree of privacy within conventional two storey dwellings”. There would be a distance of 29 metres between the windows proposed on the rear elevation of the dwellings and the windows on the rear elevations of 59 and 61 Latimer Road. For these reason I do not consider the proposal would cause undue overlooking and loss of privacy at the detriment of existing residents.

Highways and Servicing issues

Criterion h of Policy S7 relates to highway issues and specifies that the proposal should not have unacceptable traffic implications or perpetuate a traffic hazard.

Concerns have been raised by residents regarding the displacement of vehicles onto surrounding roads where there is deemed to be an existing lack of parking provision. I note these concerns and recognise that the proposal will cause the displacement of some additional vehicles onto the highway. However, I am mindful that the existing garages are not currently used to their full capacity. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 10 garages of which 2 are vacant and 8 are in use. It is not known how many of these garages are used for car parking and how many for storage.

I recognise that the area of hardstanding at the application site is used for the parking of some resident’s vehicles and that its removal will contribute towards the displacement of vehicles. However, I do not consider the number of displaced vehicles would be so significant to have unacceptable traffic and highway implications that warrants refusal of the application on this basis.

Members will be aware that WCC Highways have raised no objection to the scheme and therefore there is no technical reason by which to warrant refusal of the application on highway grounds.

I am also mindful that BDHT own the site and therefore access to the garages and associated hardstanding could be restricted at any time without the need for planning permission.

Overall, whilst I recognise that the scheme will cause some vehicle displacement, I consider the benefits of the scheme in terms of providing much needed affordable housing and improving the visual amenity of the area outweigh this consideration.

Trees and Landscaping

There is a mature, approximately 90 year old Oak tree which sits half way, to the left of the access drive. This is a very prominent tree, and is of high public and visual amenity value. Concerns have been raised by the Local Authority's Arboriculture Officer in terms of the nature of the upgrading of the access. The developers have submitted an amended plan showing the upgrade to the access and the Arboricultural report submitted with the application addresses the significance of the tree and advises that it should be retained and specialist construction techniques should be used when development begins.

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

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

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

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

Drawing Number 1157 – 10A;
Drawing Number 1157 – 12;
Drawing Number 1157 – 11;
Site Survey Drawing Number 01;
Engineering Strategy Drawing Number 12143 – D1;
Arboricultural Survey Ref: WTS/2012/06/0193AS dated 19th June 2012;
Tetlow King Planning, Supporting Planning Statement dated June 2012;
Walker Troup Architects Planning Statement and Design & Access Statement dated June 2012;
Evolution Ecology Extended Phase 1 Habitat Survey Report dated June 2012.

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

Pre commencement conditions

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

Reason: To ensure that the affordable housing is available for residents in the area in the long term in order to address the needs of the District in accordance with policy S14 of the Bromsgrove District Local Plan.

4. Before any work on site begins you must provide drawings, details or written details of:
 - a. The proposed cycle storage structure.
 - b. The proposed lighting bollards.
 - c. The proposed gate to the rear of 5 York Close to restrict access through the footpath.

The Council will agree these details with you in writing and you must implement the agreed scheme before the development is first brought into use or occupied

Reason: To make sure that the development preserves the distinctiveness of the building and the appearance of the area in which it is sited, so as to comply with policies S7 and DS13 of the Bromsgrove District Local Plan January 2004

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

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

6. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

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

7. Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) Full details of the proposed planting including the position, species and size of all new tree and shrub planting.

- b) Appropriate biodiversity enhancements (bat boxes, bird nesting boxes and appropriate native species planting) to enhance the biodiversity opportunities presented by the site.

The approved scheme shall be implemented within 12 months from the date when any of the building hereby permitted are first occupied. Any planting removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to ensure the habitat potential of the site is enhanced and the appearance of the site is protected in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004

8. The existing building(s) shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.

Reason: In order to secure a well-planned development in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

9. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of the approved remediation scheme

Reason: 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 Local Plan January 2004

10. Where it is necessary to carry out excavations beneath the canopy of any tree to be retained on the site or on adjoining land, the excavation shall be hand dug and backfilled with good quality top soil. All works will be in accordance with National Joint Utilities Group Publication 10 + British Standard 5837:2005 and subject to the approval of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the

Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001

11. 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, remedial work shall be undertaken as set out in BS 3998:1989 to the satisfaction of the Local Planning Authority.

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

Restrictive conditions

12. No works shall take place on the site outside the hours of 08.00 – 18.00 hours Monday to Friday and 09.00 – 12.30 hours on Saturday. No works shall take place on any Sunday, Bank Holiday or Public Holiday.

Reason: To protect the amenities of neighbouring residents in accordance with policy S7 and policy DS13 of the Bromsgrove District Local Plan January 2004.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed without the prior written consent of the Local Planning Authority.

Reason:- In the interests of neighbours' privacy and amenity and in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

Notes

- Your attention is drawn to the need to dispose of the materials resulting from the demolition on the site in an appropriate manner as it is believed that they may include asbestos.
- The design and access statement submitted with this application commits this development to undergo Secure by Design status as part of the objective to deliver development achieving Code for Sustainable Homes, level 3.
- The Planning Permission hereby granted, does not imply that approvals for either Temporary or Permanent Works or Discharge Consents for drainage, whether there are any specific conditions attached or not, have also been approved. It is necessary for all works associated with Land Drainage to be formally approved by the Environment Agency for statutory main rivers, or Lead Local Flood Authority (North Worcestershire Water Management) for ordinary watercourses. Piped drainage systems may also require the approval of the necessary sewerage manager, whether a Water and Sewerage Company (WaSC) or other persons or

bodies. Applicants/agents should be aware that enforcement of these matters may be taken under other appropriate legislation in addition to any Planning processes.

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

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, SPG1

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.

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Housing Trust 'A'	Provision of 3 no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens (as amended by plans received 31.08.2012). Land adjacent to 47 Breakback Road, Bromsgrove, Worcestershire	RES	12/0600 28.08.2012

This application was deferred at the Planning Committee Meeting of 17th September to allow a further period of consultation between the Applicant, Officers and local residents.

Members should note that the previous planning committee report is attached as an Appendix to the report.

Members considered that, in view of additional information received, particularly in regard to: current and future parking issues; access to existing properties; and the ability of emergency service vehicles to gain access to the road, further consultation work was required prior to a decision being made on the application.

These matters are addressed in turn below.

Further period of consultation between the Applicant, Officers and local residents

A meeting for further consultation involving the applicant, Planning Officers and 3 local residents has been arranged for Monday 29th October at The Council House. The purpose of the meeting is to clarify the planning and non-planning issues associated with this proposal and to establish the next steps. The outcome of this meeting will be reported to Members in the Committee updates.

In respect of previous consultation between the applicant and local residents, it is noted that the applicant sent letters to 20 local residents bordering the site to advise them that a planning application for development was going to be submitted (dated 25.06.12). A letter was also sent to the occupiers of the garages to advise them that a planning application had been submitted on 24.07.12.

Issues relating to current and future parking issues, and access to existing properties

It is noted that West Mercia Constabulary was unable to support the application due to the effects regarding on street parking and concerns over the walking distance to any alternative parking provision. When the application was presented at the Planning Committee, these comments were influential in the application being deferred for further information and discussion.

In respect of this matter, further consultation has been carried out with West Mercia Constabulary to substantiate the comments put forward. Further comments were requested in respect of the following areas:

- past/existing car parking / obstruction issues along Breakback Road,
- past/existing disputes over parking along Breakback Road where the Police have been involved, and
- evidence that 250m is an unreasonable distance for residents to travel are areas where further comment is needed.

Further comments in respect of the matters above are currently outstanding and will be reported to Members in the Committee updates.

Members will be mindful of the fact that the parking area is effectively a privately owned facility that could at any point in time, be closed off by the applicant and thus the same effect on parking could result, without any planning proposal being decided.

Emergency Services Access

The Technical Fire Safety Officer has now attended the site to assess fire service access and water supplies. It was confirmed that the existing road structure and proposed use of the existing feeder road would allow access for the Fire Service to within 45 Metres of all points of the proposed dwellings as required. Water supplies were found to be suitable and available at existing locations both at the top and bottom of Breakback Road. For these reasons it is concluded that the site is entirely suitable for fire service access.

Conclusion

This application was deferred at the Planning Committee Meeting of 17th September for the following three reasons: to allow for further consultation between the applicant, officers and local residents; to clarify issues relating to current and future parking issues; and to understand whether the proposed access can be appropriately serviced by a fire tender. It has been found that the site is completely appropriate to allow for fire service access therefore it is considered that this matter has been resolved. Members will be updated on the two outstanding matters in the Committee updates.

RECOMMENDATION: that permission be **GRANTED**

APPENDIX

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Housing Trust 'A'	Provision of 3no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens (as amended by plans received 31.08.2012). Land adjacent to 47 Breakback Road, Bromsgrove, Worcestershire	RES	12/0600 28.08.2012

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

RECOMMENDATION: that permission be **GRANTED**

Consultations

WH	no objection subject to cycle parking condition.
SHM	Supported by Strategic Housing. Whilst acknowledging that the site is not ideal we recognise that our overriding objective is to work with registered providers to deliver much needed affordable housing in Bromsgrove District. It will meet identified need and is being provided in a sustainable location.
SPM	No comments received
BCO	No comments received
ENG	I have no objections to the proposal, but would like to ensure all surface water is contained on site and that flood risk does not increase elsewhere as a result of this development. Should permission be granted, I would like to attach a condition that full surface water drainage plans, including sustainable drainage, are submitted and approved prior to development commencing.
WRS	No comments
CSO	No comments
West Mercia Constabulary	Concerned that vehicles currently kept in garage area will be left on the road. The empty garages in Foxwalks Avenue are approximately 250m which is a great distance for somebody whose movement is restricted. Doubt is raised over the likelihood of these garages being used. Parking on the street could cause obstruction problems, particularly as the road is narrow and the likelihood is that vehicles

will be left on the pavement. This will increase issues in respect of obstruction and disputes over parking. Object to the application on the grounds of parking issues.

Publicity: Neighbour notification
20 letters sent – re-consulted on amended plans. Consultation expires 14.09.2012
Site notice posted 18.07.12 expire 08.08.12

Petition received 13.09.12 signed by 36 residents – objecting to the developments in Breakback Road on the grounds of;

- introducing significant issues for the estate including parking, traffic and loss of privacy.
- Any redevelopment of these areas must provide parking for existing residents and improve the amenities of the Rock Hill area.

14 neighbour objections received –

- Cars will need to be park on the side of roads
- Off street parking may obstruct driveways
- Overlooking and privacy issues
- Already a lack of parking provision in the area
- Increased traffic will make the road more dangerous
- There is significant need for garages by local residents
- NPPF supports the retention of valued facilities and services
- Significant overshadowing and reduction in sunlight to the rear elevation to no. 47
- Loss of outlook and unacceptable sense of enclosure
- Will be no off-street parking if the site is developed
- Issues relating to the parking layout and access to the existing parking space to the rear of 49 Breakback Road
- House design is out of character with existing housing and rear elevation will be unattractive
- Light to the bathroom and office would be poorly lit by roof lights
- Cramped development
- Significant harm to neighbours living conditions
- • view will be obscured by the development

- less space for children to play
- the garages spaces on Foxwalks are boarded up and no longer useable
- cars on the road will be more at risk from vandalism / misdemeanours than if in a garage

The site and its surroundings

The site relates to a plot of land located at the end of a cul-de-sac on Breakback Road, Rockhill. The site is bounded by residential properties from Breakback Road and Rockhill on 3 sides and an access road to the other. The land slopes up from north to south therefore the site is positioned on higher ground than properties 47 and 49 Breakback Road. The land continues to slope up beyond the site towards Breakback Road. The land drops down sharply beyond the south east part of the site at Rockhill. Therefore the properties of 48 and 50a Rockhill are positioned some 4 / 5 metres lower than the application site. The site contains 14 garages located in 2 parallel rows with handstanding in-between. The site is located in a recognised residential area.

Proposal

The application proposes the demolition of all existing garages and associated handstanding area and the erection of a 3 two-storey houses containing 1 bedroom for affordable rent. New 1.8m high close boarded fencing is proposed along the sides and rear of the site with replacement fencing where necessary. Three car parking spaces have been proposed to the frontage with bollard lighting and landscaping. Amenity space has been proposed to the rear of each house with bin storage facilities, rotary dryers and cycle storage.

Relevant Policies

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, SPG1

Relevant Planning History

None relevant

Notes

The proposal seeks 3 new affordable dwellings and the site is located in a recognised residential area; thus it is considered that policies S7 (New Dwellings Outside of the Green Belt) and S14 (Range of Housing Types and Tenures) of the Bromsgrove District Local Plan 2004 (BDLP) are most relevant in determining the application. Supplementary Planning Guidance Note 1: residential Design Guide is also relevant.

Policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- a. the proposal does not lead to development at a density inappropriate for the site;
- b. the form and layout of the development is appropriate to the area;
- c. the proposal minimises the loss of mature hedges, trees and landscaping;
- d. the proposal does not adversely affect the existing amenities of adjoining occupiers;
- e. the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- f. the development can be appropriately serviced;
- g. the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- h. it conforms with other relevant policies of the Plan.

In respect of policies S7 and S14, I consider the main issues to consider are

- Principle of development
- Housing Need
- Design
- Visual amenity
- Residential amenity
- Highways and servicing issues

Members will be aware that the National Planning Policy Framework (NPPF) is a significant material consideration in planning decisions. Tetlow King, on behalf of BDHT are of the view that no weight can be attached to housing policies within either the adopted Structure Plan or Bromsgrove District Local Plan. I refer to the NPPF which states that: "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them)". I am of the view that housing policy S7 set out in the local plan and policy D.6 of the structure plan are based on sound planning principles that are consistent with the relevant provisions of the NPPF. In addition, I do not consider that the NPPF presents any new policy matters. For these reasons I consider significant weight can be attached to Policies S7 and S14 of the BDLP and Policy S.6 of the Worcestershire County Structure Plan.

For this application it is considered that Part 7 (Requiring Good Design) would be of relevance to the proposal along with the relevant Core Planning Principles set out at paragraph 17 of the document.

Principle of development

The site is within an established residential area as designated in the BDLP. Policy S7 of the BDLP sets out a presumption in favour of residential development in urban areas, subject to meeting certain criteria. The application site consists of existing garaging and hardstanding areas which fall within the definition of previously developed land as set out in the NPPF. The NPPF "encourages the effective use of land by reusing land that has been previously developed". The Worcestershire County Structure Plan mirrors this advice in stating that priority should be given to the redevelopment of previously development sites in preference to Greenfield sites. Given this context, the principle of

residential development in this case is accepted in planning policy terms. I will now begin to look at the detailed aspects of the proposal and deal with concerns raised by neighbours.

Housing Need

The agents for the application have referred in their planning statement to the need for affordable housing as being a material consideration in the assessment of the application. I am mindful that Part 6 of the NPPF promotes the delivery of a wide choice of high quality homes and provides that housing applications should be considered in the context of the presumption in favour of sustainable development.

The agents also refer to the SHMA as evidencing Bromsgrove as having the lowest level of affordable housing tenures within the existing stock in Worcestershire, leading to a net annual affordable housing need of 219 units per year, especially in relation to one and two bedroom properties, such as on this site. They also refer to housing waiting lists figures and housing land supply issues.

I am of the view that there is significant identified need for affordable housing in Bromsgrove District and consider that this proposal would contribute towards its delivery. To my mind this is a material consideration that carries significant weight.

Design and Visual amenity

The density of the proposed development is comparable to neighbouring properties in the area. Breakback Road is characterised by two storey rows of terrace housing. I consider the proposal for a row of three houses would reflect the form of surrounding properties. The building has been positioned to reflect the alignment of the terrace row of houses that adjoin the site to the north-east (43 – 47 Breakback Road).

Section 7 of the NPPF attaches great importance to the design of the built environment and how this can make a positive impact to improve places for people. Given that the existing site contains 14 garages and hardstanding which are in a poor state of repair and appear unsightly; I consider redevelopment of the site will improve the quality of the space and character of the area. The Design and Access Statement explains how the scheme will adopt many of the Lifetime Homes Standards and achieve Code for Sustainable Homes Level 3. As such, I consider the scheme to be high quality and sustainable as set out in the NPPF.

Paragraph 70 of Section 8 states that “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs”. I understand from the concerns raised by neighbours that the site is a valued facility for the purposes of garaging and car parking. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 14 garages of which six are vacant and eight are in use. The plan accompanying the displacement strategy shows that 8 garages are available at the nearby Fox Walks garage site which means that all 8 occupiers of the garages can be accommodated. Therefore I am satisfied with the alternative arrangements to accommodate the displacement of existing tenants of the remaining

garages. Notwithstanding the use of the site for car parking, I consider the amenity value of the site to be low. Whilst acknowledging that the site is a valued facility for members of the community, on balance of the considerations above I consider the benefits in terms of affordable housing provision and visual amenity outweigh the need for the garaging facility.

Residential amenity

The siting of the development will have limited impact on the amenities of existing neighbours. SPG1 states 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”. The windows on the front elevation would be a minimum distance of 9 metres to the garden of 49 Breakback Road. Whilst I recognise the distance is substandard I do not consider it would cause significant issues of overlooking to warrant refusal of the application. It is noteworthy that the later half of the garden to no. 49 has been given over to hardstanding to provide parking provision for a car. SPG1 states that “a minimum separation distance of 21 metres is required to achieve a degree of privacy within conventional two storey dwellings”. To safeguard the privacy of the occupiers of 50a and 48 Rockhill, high fitted rooflights have been proposed on the rear elevation of each house. For these reason I do not consider the proposal would cause significant overlooking and loss of privacy at the detriment of existing residents. I do not consider the proposal would cause any undue loss of light to adjoining occupiers. If permission is approved I consider a condition would be appropriate to secure hours of operation to limit disruption to residents whilst work is being carried out. I consider the garden areas are appropriate to the proposed house types consisting of 1 bedroom.

Highways and Servicing issues

Criterion h of Policy S7 relates to highway issues and specifies that the proposal should not have unacceptable traffic implications or perpetuate a traffic hazard.

Concerns have been raised by residents regarding the displacement of vehicles onto Breakback Road where there is deemed to be an existing lack of parking provision. I note these concerns and recognise that the proposal will cause the displacement of some additional vehicles onto the highway. However, I am mindful that the existing garages are not currently used to their full capacity. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 14 garages of which six are vacant and eight are in use. It is not known how many of these garages are used for car parking and how many for storage. The plan accompanying the displacement strategy shows that 8 garages are available at the nearby Fox Walks garage site which means that all 8 occupiers of the garages can be accommodated. BDHT have also confirmed that any occupier with a disability will have first preference for a relocated garage that is nearest to them. I am therefore satisfied that the applicant has provided sufficient alternative arrangements to accommodate the displacement of existing tenants of the remaining garages that currently use the garages.

I recognise that the area of hardstanding at the application site is used for the parking of some resident’s vehicles and that its removal will contribute towards the displacement of

vehicles. However, I do not consider the number of displaced vehicles would be so significant to have unacceptable traffic and highway implications.

Members will be aware that WCC Highways have raised no objection to the scheme and therefore there is no technical reason by which to warrant refusal of the application on highway grounds.

I am also mindful that BDHT own the site and therefore access to the garages and associated hardstanding could be restricted at any time without the need for planning permission.

Overall, whilst I recognise that the scheme may cause some vehicle displacement, I consider the benefits of the scheme in terms of providing much needed affordable housing and improving the visual amenity of the area outweigh this consideration.

Trees and Landscaping

The arboricultural report accompanying the application confirms that the site has poor arboricultural content and that a replacement scheme would substantially increase its arboricultural amenity.

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

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

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

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

Drawing Number 1161 – 10B;

Drawing Number 1161 – 11;

Drawing Number 1161 - 12;

Site Survey Drawing Number 01;

Engineering Strategy Drawing Number 12146 – D1;

Arboricultural Survey Ref: WTS/2012/06/0194AS dated 19th June 2012;

Tetlow King Planning, Supporting Planning Statement dated 10.09.2012;

Walker Troup Architects Planning Statement and Design & Access Statement dated June 2012;

Evolution Ecology Extended Phase 1 Habitat Survey Report dated June 2012.

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

Pre commencement conditions

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

Reason: To ensure that the affordable housing is available for residents in the area in the long term in order to address the needs of the District in accordance with policy S14 of the Bromsgrove District Local Plan January 2004.

4. Before any work on site begins you must provide drawings, details or written details of:
 - a. The proposed cycle storage structure.
 - b. The proposed lighting bollards.

The Council will agree these details with you in writing and you must implement the agreed scheme before the development is first brought into use or occupied

Reason: To make sure that the development preserves the distinctiveness of the building and the appearance of the area in which it is sited, so as to comply with policies S7 and DS13 of the Bromsgrove District Local Plan January 2004

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

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

6. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

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

7. Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
 - a) Full details of the proposed planting including the position, species and size of all new tree and shrub planting.
 - b) Appropriate biodiversity enhancements (bat boxes, bird nesting boxes and appropriate native species planting) to enhance the biodiversity opportunities presented by the site.

The approved scheme shall be implemented within 12 months from the date when any of the building hereby permitted are first occupied. Any planting removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to ensure the habitat potential of the site is enhanced and the appearance of the site is protected in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004

8. The existing building(s) shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.

Reason: In order to secure a well-planned development in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

9. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of the approved remediation scheme

Reason: 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 Local Plan January 2004

Restrictive conditions

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B, C and D shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the privacy of adjoining occupiers and retain the character of the approved dwellings in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

11. No works shall take place on the site outside the hours of 08.00 – 18.00 hours Monday to Friday and 08.00 – 12.30 hours on Saturday. No works shall take place on any Sunday, Bank Holiday or Public Holiday.

Reason: To protect the amenities of neighbouring residents in accordance with policy S7 and policy DS13 of the Bromsgrove District Local Plan January 2004.

Notes

- Your attention is drawn to the need to dispose of the materials resulting from the demolition on the site in an appropriate manner as it is believed that they may include asbestos.
- The design and access statement submitted with this application commits this development to undergo Secure by Design status as part of the objective to deliver development achieving Code for Sustainable Homes, level 3.
- The Planning Permission hereby granted, does not imply that approvals for either Temporary or Permanent Works or Discharge Consents for drainage, whether there are any specific conditions attached or not, have also been approved. It is necessary for all works associated with Land Drainage to be formally approved by the Environment Agency for statutory main rivers, or Lead Local Flood Authority (North Worcestershire Water Management) for ordinary watercourses. Piped drainage systems may also require the approval of the necessary sewerage manager, whether a Water and Sewerage Company (WaSC) or other persons or bodies. Applicants/agents should be aware that enforcement of these matters may be taken under other appropriate legislation in addition to any Planning processes.
- This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, SPG1

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.

Agenda Item 8

Name of Applicant
Type of Certificate

Proposal

Map/Plan Policy Plan Ref. Expiry Date

Mr M Price	Erection of 1 no. new dwelling	RES	12/0645
"A"	Trentham House, 40-42 Red Lion Street, Alvechurch	CA	24/09/12

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

RECOMMENDATION: that permission is **GRANTED**

Consultations

WH	Comments received 24/10/12: No objection subject to a condition to secure 4 sheltered and secure cycle parking on the site
Alvechurch PC	Comments received 03.09.12 : Objection raised as proposal considered to represent inappropriate development in conservation area and that the access and car parking is poor.
County Archaeological Officer	Comments received 30.08.12: Condition recommended to secure a scheme of archaeological work
Drainage Officer	Consulted 10.08.12: No comments received
WRS	Response received 16.08.12: No adverse comments
Tree Officer	Comments received 20.09.12: <i>"I have no objection to this proposed development in view of any tree related issues."</i>
Conservation Officer	Comments received 19.10.12: <i>"The important thing with this proposal is to get the building materials right. They need to be good quality and draw on the palette of materials found in the Conservation Area. Although I can see that a red brick wall is proposed we need confirmation of the bond to be used, I assume it will be Flemish Garden wall like the other brick walls on site, with good quality bricks and crisp pointing to match Trentham House. I am less clear on the other materials to be used and this need to be clarified."</i>

Strategic Planning Comments received 15.08.12:

Policy advice received

Publicity 12 neighbour notification letters sent 10.08.12 and 17.08.12 – overall expiry 07.09.12

Site notice posted 31.08.12 expires 21.09.12

Press Notice published 17.08.12 expires 07.09.12

Ten objections received: concerns raised in relation to the Conservation Area, traffic and highway safety, residential amenity and drainage

The site and its surroundings

The application site relates to an area of land to the rear of Trentham House, Red Lion Street. Trentham House is a period building originally constructed for residential purposes but now subject to a permitted B1 Office use. The site comprises part of the car park associated with the former office use of the building and the driveway from the existing vehicular access on Meadow Lane. As such the site predominately comprises hardstanding although grass verges exist either side of the existing driveway. The site is adjoined by Trentham House and the remainder of its car park to the west/south west. Otherwise the site is bounded by residential properties including the domestic garden to no. 48 Red Lion Street to the north west, number 5 Meadow Lane to the north and east and number 3 Meadow Lane and 36 Red Lion Street to the south. The site is located in a Residential Area and within the Alvechurch Conservation Area as defined in the BDLP 2004.

It is noted that planning permission was refused in May 2011 (11/0231) for a two storey dwelling of a conventional design on this site as it was considered that the form, layout and character of the proposed development would not be in keeping with the surrounding development and that the proposal would have a detrimental effect on the character and appearance of the Conservation Area.

The proposed development

The application proposes to construct 1 no. 3 bedroom dwelling on the site. The proposed dwelling would be at single storey. The application also proposes ancillary private amenity space and two car parking spaces. Vehicular access to the proposed dwelling would be via the existing entrance on Meadow Lane.

Members should note that an application to convert Trentham House to 2 no. 3 bedroom dwellings (12/0645) is also currently under consideration by the Council.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.8, CTC.20, T.1
BDLP	DS13, S7, S8, S35A, TR11, ES1
Draft CS2	CP3
Others	NPPF, Alvechurch Village Design Statement

Relevant Planning History

11/0231 – Proposed Dwelling – refused May 2011

Assessment of proposal

It is considered that the main issues to assess in the determination of this application are as follows:

- The principle of the development
- Design/Conservation Area issues
- Residential Amenity
- Parking and access

I will consider each of these issues under a separate heading below.

The principle of the development

When considering the principle of the development Members should note that the proposal involves a form of brownfield development on previously developed land. It is considered that the brownfield nature of the site and its use as an office car park/driveway gives the site an urbanised character and it is not considered that the principle of a new dwelling on the site would be inappropriate.

Design/Conservation Area

When considering the design of this proposal there are three main issues to address. Firstly, having regard to Policy S7 of the BDLP it is necessary to consider the density, form and layout of the development in relation to the surrounding area. Secondly, the application involves a form of backland development thus it should be considered under Policy S8 of the BDLP. This provides that the District Council will not permit proposals for plot sub-division or housing on backland sites where such development would be detrimental to the character, traditional pattern or amenity of the location. These policies are considered to be consistent with the good design advice and Core Planning Principles within the NPPF.

Thirdly, Members should consider the design and layout of the development in relation to the Conservation Area and, having regard to Policy S35A of the BDLP, seek to ensure that the proposal would preserve or enhance the character and

appearance of the designated area. This policy is considered to be consistent with the historic environment advice within the NPPF.

With regard to policies S7 and S8 it is noted that the proposal would be of a relatively high density but this would not be out of keeping with the higher density development located immediately to the south of the site around the junction of Meadow Lane and Red Lion Street.

This part of Red Lion Street displays a fairly mixed and ad hoc development pattern. A building line fronting the highway can be established but there are numerous deviations from this namely the car sales site adjacent to no. 54 and the dwelling to the rear of no. 24. Furthermore, this part of Red Lion Street is intersected by Meadow Lane and Tanyard Lane and the area around each of these junctions displays a fairly dense, clustered development pattern. It is considered that the proposed dwelling would bear a close spatial relationship with the cluster of buildings based around the corner of Red Lion Street and Meadow Lane which creates a context in which the proposal would not appear isolated or out of place. It is also considered that the layout of the proposal would reflect the pattern of development on the opposite corner block whereby the dwelling to the rear of 24 Red Lion Street is set a significant distance back from the building line and to the rear of numbers 6 and 8 Meadow Lane. The proposed dwelling would be a low profile, flat roofed bungalow and it is not considered that it would be overtly visible from public vantage points along Meadow Lane. It is also important to note the effect of the existing access and driveway to the site from Meadow Lane and the precedent that this creates. Your officer is of the view that this creates an expectation of development on the site and thus a new dwelling would not necessarily be viewed as inappropriate or out of keeping. Overall it is considered that the proposal would assimilate well within the surrounding area and not be detrimental to the character, traditional pattern or amenity of the location.

Members will note the previous refusal of a new dwelling on this site. This related to a two storey pitched roof dwelling which would have been overtly visible and prominent from Meadow Lane resulting in a cluttered appearance in the street scene. The application before Members is materially different to that proposal and is considered acceptable in terms of its layout.

In relation to the Conservation Area it is noted that spaces and gaps in the street scene can make an important contribution to the character of the area. In this instance the Conservation Officer is of the view that the visual gap between number 34 Red Lion Street and 3 Meadow Lane is worthy of preservation and it is considered that the layout and low profile design of the proposal would achieve this. As noted earlier the dwelling is not considered to be overtly visible in the street scene and it is considered that this relatively discreet presence would help to preserve the existing character and appearance of the area. In design terms it is considered that the proposal has a contemporary, innovative design that would be an interesting addition to the Conservation Area. It is obviously of a different architectural style and form from the historic buildings in the area, but it is noted that the Practice Guide to PPS5 (not cancelled by the NPPF) does encourage local planning authorities to seek well-conceived and inspirational design (para 44). The advice given within the English Heritage guidance Building in Context also highlights

examples of new development which makes a positive contemporary architectural statement and is entirely of its own time, rather than a pastiche copy of a historic style which adds nothing to the evolution of the built environment. This concept is also supported within the English Heritage guidance on Management of Conservation Areas. It is considered that the proposed development would add interest to and enhance the character of the Conservation Area.

Members will note the support given to the proposal by the Council's Conservation Officer subject to appropriate materials and finishes being used. Specific details of materials and finishes (including the proposed sedum roof) will be secured by condition but Members should note the coloured drawings and 3D models submitted in support of the application to gain a better understanding of how the building on the site would look.

Residential Amenity

Members will note the single storey nature of the proposal. It is considered that no views of the surrounding properties could be achieved from the windows in the proposed development over the surrounding boundary walls, fences and hedges and the proposed boundary wall within the proposed development. It is also considered that due to the low rise single storey nature of the proposal no overshadowing or overbearing impact would result on surrounding properties.

The concerns raised by the occupier of 3 Meadow Lane in relation to noise and disturbances from the proposed development are noted. It is however considered that this proposal would have the effect of removing a non-conforming office use from a predominately residential area which would bring improvements to the amenity of nearby occupiers. As explained in more detail below the traffic generation associated with the office use of the site would potentially be higher than the proposal and this may be coupled with more frequent comings and goings of staff, visitors, delivery and trade vehicles.

It is noted that the rear elevation of no. 3 Meadow Lane would be somewhat exposed to the site. It should however be noted that all of the main habitable room windows in the proposed dwelling would be located in its side elevations with only one small opening located in its front elevation. This opening would have a top hinged shutter meaning that no views could be gained from it. Members will also note the 2m high wall containing the site and it is considered that this would secure acceptable levels of privacy between the proposal and 3 Meadow Lane.

On the above basis it is considered that the proposal would not adversely affect the existing amenities of adjoining occupiers in accordance with Policy S7 of the BDLP and the Core Planning Principles set out within the NPPF.

Parking and access

Members will note the concerns raised by nearby residents in relation to increased traffic along Meadow Lane. Members should however be aware that the vehicle movements associated with the permitted office use of the site would potentially be considerably higher than those associated with a three bedroom dwelling. Your

officer is mindful of the pending application to convert Trentham House to 2 no. 3 bedroom dwellings and the potential cumulative traffic impacts associated with both developments. Such vehicle movements would still however be lower than those potentially associated with the current permitted office use of the site. Members will note that no concerns are raised by the County Highways Authority in relation to traffic generation and highway safety. The parking provisions for the development are consistent with the adopted parking standard for a three bedroom dwelling. On this basis it is considered that the proposal would accord with Policy T.1 of the WCSP, Policy TR11 of the BDLP and the sustainable transport advice contained within the NPPF.

Conclusion

In conclusion it is considered that this proposal would represent an interesting, well designed building that would assimilate well within the site and add to the character of the Conservation Area. The design and profile of the building is such that no adverse residential amenity impacts would result. The parking and access provisions of the proposal are considered to be acceptable and it is not considered that there are any other material considerations to address. On this basis it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001 (three year time limit for commencement of works).
2. C001A (development must be carried out in accordance with the approved plans)
3. C003 (materials and finishes to be submitted)
4. C010 (Landscaping scheme)
5. C007 (Storm and foul drainage)
6. C022 (removal of permitted development rights)
7. HC35 (cycle parking)

Notes:

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

WMSS	QE3
WCSP	CTC.1, CTC.8, CTC.20, T.1
BDLP	DS13, S7, S8, S35A, TR11, ES1
Draft CS2	CP3
Others	NPPF, Alvechurch Village Design Statement

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.

Agenda Item 9

Name of Applicant
Type of Certificate

Proposal

Map/Plan Policy Plan Ref.
Expiry Date

Mr J Peach "B"	Demolition of existing public house (use class A4) and erection of 'drive-thru' restaurant (use class A3/A5) with associated parking and landscaping.	RES	12/0701
	The Sugarbrook, Charford Road, Bromsgrove		11/10/12

Councillor S Shannon 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 30.08.12:

No objection raised subject to conditions relating to:

- Access, turning and parking
- Disabled parking need
- Cycle parking

WRS Response received 15.10.12:

Concerns regarding the impact of:

- Noise
- Odour

Recommends a further noise survey accompanies the application

Retail Consultant
Comments received 06.09.12

"The key issue from a centres policy perspective is the sequential test, which Savills address in Appendix 2. I agree with Savills' approach that the specific requirement is for a drive through restaurant, i.e. alternative sites must be capable of incorporating a drive through function. I consider that some of the sites considered, e.g. TC 8, TC 15 and TC 17, may be capable of accommodating a drive through restaurant, but only as part of a comprehensive scheme of which such a facility would not be a leading or anchor element. It is unrealistic to think that the redevelopment of these sites could be led by the current proposal. The site mentioned at 1.4.6 of Appendix 2 may also be capable of accommodating a drive through, but I note the planning permission granted here for a petrol station. On this basis, from my local knowledge and Savills' analysis, I consider that the proposal is compliant with the sequential test."

Strategic Planning	<p>Comments received 13.09.12:</p> <p>“From reading the sequential test, it is clear that the majority of units assessed would be impractical either due to their size or location for a drive-thru format restaurant. However, the assessment of the potential development sites in the Town Centre AAP would benefit from further clarification. For example, the historic market site (TC8) could arguably incorporate a drive-thru as part of a larger scale mixed use proposal. The same could also be applied for TC13 and TC15, although the AAP states larger uses are preferred in TC13 and office led development at TC14, this would not necessarily rule out A3 use as part of a larger scheme.”</p>
Bromsgrove Health Authority	<p>Consulted 23.08.12 – no comments received to date</p>
Drainage Officer	<p>Comments received 03.09.12: No objection subject to conditions</p>
Economic Development Officer	<p>Consulted 23.08.12 - no comments received to date</p>
West Mercia Constabulary	<p>Consulted 17.10.12 – no comments received to date</p>
Publicity	<p>67 neighbour notification letters sent 23.08.12 expire 13.09.12</p> <p>Site notice posted 31.08.12 expires 21.09.12</p> <p>Ten objections received from local residents, South Bromsgrove High School, and members of CAMRA (Campaign for Real Ale) – concerns raised over increased traffic and highway safety, health issues and the site’s proximity to schools, the loss of the pub which is considered to be an important community facility, noise and disturbances to residents.</p> <p>One representation received offering support, one received offering no objection</p> <p>Letter received from Bromsgrove Partnership 19/10/12:</p> <ul style="list-style-type: none"> • Highlights obesity statistics for Charford - 32% of adults are categorised as obese compared to 28.4% in Worcestershire. A quarter of children in Charford start primary school obese, with 30.4% obese by the time they start secondary school. • Notes growing evidence that takeaway restaurants contribute towards unhealthy behaviours

- Important to support Charford residents to adopt a healthy lifestyle
- Concerns over proximity to school
- Important that takeaways are located an appropriate distance away from schools so they are not an easily accessible option for children and young people.

The site and its surroundings

The application site is located at the junction of Charford Road and the A38. It is currently occupied by The Sugarbrook public house. The site contains the public house building, external drinking areas and ancillary car parking. The site contains six mature red oak trees on its north-eastern boundary with Charford Road and a number of mature crab apple trees along its southern and western boundaries.

The site is bounded by public highway to its southern, northern and eastern boundaries. Residential development adjoins the western boundary of the site. Charford First School is located on the opposite side of Charford Road to the south of the site. The surrounding area is predominately residential although industrial uses exist to the east side of the A38. South Bromsgrove High School is located approximately 160 metres to the north west of the site.

The existing premises falls within Class A4 (drinking establishments) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The site is located within a Residential Area as defined in the Bromsgrove District Local Plan 2004 (BDLP).

The proposed development

The application proposes to redevelop the site for a purpose built Kentucky Fried Chicken (KFC) drive through restaurant. The proposal will involve the demolition of the existing public house building and the construction of a new single storey 245m² restaurant building. The new building would be located on roughly the same site as the existing building although its front elevation would be some 9 metres closer to the A38 highway boundary. New hardstanding would be provided in the area surrounding the new building to accommodate a customer car park, a drive through lane moving in a clockwise direction around the building, pedestrian walkways and an external eating area.

The proposal would utilise the existing vehicular access from Charford Road. Customers visiting by motor vehicle would either park and enter the restaurant through the entrance in its front elevation, or carry on through the drive through lane to collect orders from the service window in the side (south) elevation. Vehicular access and egress would be provided from the same point at Charford Road. Pedestrian access to the site would be from two existing points on Charford Road.

The proposed use of the site would be a mixed A3 (restaurant) and A5 (hot food takeaway) use. The proposed hours of opening for the premises are 06:00am to 23:30pm Monday to Sunday including Bank Holidays. The premises will employ 41 people (13 full time and 28 part time).

Relevant Policies

WMSS	QE3
WCSP	SD.9, CTC.1, CTC.5, CTC.8, D.33, D.43, T.1
BDLP	DS13, S19, S21, S29, C17, C19, TR11, ES1, ES14A
Draft CS2	CP3, CP23
Others	NPPF

Relevant Planning History

B/1999/0944 – Change of Use from taxi office to public house and minor external alterations – PPG 29/11/99

Assessment of proposal

The main issues for consideration are as follows:

1. The principle of the development
2. The impact of the development on residential amenity
3. Highways issues
4. Healthy eating issues
5. The loss of the public house
6. Design/visual amenity issues

I will consider each issue under a separate heading below.

1. The principle of the development

The proposal would involve the development of a mixed A3/A5 use building (a quasi retail use) within a designated Residential Area. The proposal would not however introduce a new non-conforming use to the site given its existing use as a public house. The A4 use of the site means that the existing building could be used for any use with use classes A1 to A3 (includes shops, banks and restaurants) without the need for planning permission. It is therefore considered that the commercial use of the site is well established and the site has potential for alternative retail related uses.

The site falls outside of a town centre and it is not considered to represent an edge of centre location. Policies SD.9 and D.33 of the Worcestershire County Structure Plan 2001 (WCSP) and Policy S21 of the BDLP essentially require that Town Centres are the first preference for retail uses and other uses which attract a lot of people. These policies require that a sequential approach is taken to the consideration of sites for retail uses.

Proposals for retail development in out-of-centre locations will be refused unless it can be demonstrated that no suitable site is available in a town centre or edge-of-centre location. Out-of-centre sites considered to be acceptable should be accessible by a choice of means of transport and the proposal should not adversely affect the vitality and viability of nearby town centres.

Members will be aware that the National Planning Policy Framework 2012 (NPPF) is now a significant material consideration in planning decisions. Due weight will be given to the relevant Development Plan policies according to their degree of consistency with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given).

In this instance policies SD.9 and D.33 of the WCSP and Policy S21 of the BDLP are found to be consistent within the NPPF as they require a sequential test to be applied to planning applications for main town centre uses (including drive through restaurants) not in an existing centre, and that when considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. It should however be noted that the NPPF only requires an application to provide an assessment of the impact of the development on the vitality and viability of town centres if the proposed floorspace exceeds 2500 sq m. This application does not therefore provide a detailed town centre impact assessment.

The application includes a sequential assessment which considers sites in and around Bromsgrove Town Centre as defined in the Council's Draft Town Centre Area Action Plan (TCAAP). The assessment involved a survey of the Town Centre carried out on 27 June 2012. This identified 15 vacant units within the town centre. Each unit was assessed in terms of its availability, suitability and viability. The survey results indicate that none of the 15 units satisfy all three assessment criteria. A survey of edge of centre sites was also carried out. Having regard to the NPPF sites within 300 metres of the town centre boundary were considered. The survey considers ten sites identified in the TCAAP (TC8-17) in addition to a site located on Birmingham Road (to the north of Bromsgrove Retail Park, formerly occupied by a car showroom). In relation to the TCAAP sites, the assessment identifies that the sites would either not be suitable for the proposed use, or not be or consistent with the Council's aspirations for the site as set out in the TCAAP. The Birmingham Road site has recently been granted planning permission (11/0740) for a petrol filling station. The assessment therefore concludes that there are no available, suitable or viable sequentially preferable sites for the proposed development.

Advice on the applicant's sequential assessment has been received from the Council's Retail Consultant and the Council's Strategic Planning Department. The Retail Consultant considers that some of the sites considered, e.g. TC 8, TC 15 and TC 17, may be capable of accommodating a drive through restaurant, but only as part of a comprehensive scheme of which such a facility would not be a leading or anchor element. It is considered to be unrealistic to think that the redevelopment of these sites could be led by the application proposal. The Birmingham Road site may also be capable of accommodating a drive through, but the extant planning permission for a petrol station is noted. On this basis, the Retail Consultant considers that the proposal is compliant with the sequential test.

The Council's Strategic Planning Department consider that the majority of units assessed would be impractical either due to their size or location for a drive-thru format restaurant. It is considered however that the historic market site (TC8) could arguably incorporate a drive-thru as part of a larger scale mixed use proposal. The same could also be applied for TC13 and TC15, although the AAP states larger uses are preferred in TC13 and office led development at TC14, this would not necessarily rule out A3 use as part of a larger scheme.

In light of the Strategic Planning comments the applicant has provided more detailed consideration of the identified sites. This comments as follows:

TC8	The TCAAP identifies it for a retail led scheme including a major anchor store and additional leisure facilities. This, combined with the Council's aspirations on design and scale of new development, given the context of the adjoining conservation area, make the site unsuitable for a drive-thru restaurant.
TC13	TCAAP identifies the opportunity as retail led to provide large units of around 1,000sqm. The proposed drive-thru would not achieve these aspirations and the site is not currently available.
TC14	Planning permission has been approved for a major redevelopment (09/0365).
TC15	The TCAAP states a preference for an office led-development to be delivered in the longer term dependent upon land assembly. The site is not therefore available or suitable at this time.

Your officer accepts the applicant's comment in relation to TC8. This site is immediately adjacent to Bromsgrove Town Centre Conservation Area and any development in this location will affect the setting of this heritage asset. It is considered that the concept of a drive through restaurant at this site would have inherent problems in terms of its design and layout. It is not therefore considered to be a suitable use for this site. Furthermore it is noted that this site is allocated within the TCAAP for retail led mixed use development with café's, restaurants and a cinema being identified as acceptable secondary uses. Whilst the application proposal would be akin to a restaurant it is not considered that the car parking and drive through elements would represent an efficient use of this prime town centre site. It is considered that developing TC8 for a drive through restaurant would undermine the aspirations of the TCAAP for this site.

Members should note that the TCAAP represents emerging policy which should only be given limited weight in decision making. It is nonetheless considered that any actions that would compromise the implementation of the TCAAP would harm the Council's strategic and corporate objective to regenerate Bromsgrove Town Centre.

The comments made in relation to TC13 and TC14 are accepted. The development of TC13 for a 245 sq m drive through restaurant would undermine the aspiration within the TCAAP to provide units with a minimum floor space of 1000 sq m. Planning permission exists (09/0365) for the redevelopment of TC14 to provide a new supermarket and retail units. It is appreciated that there is no guarantee that

this permission will be implemented. It is however considered that in the event of non-implementation of 09/0365, the development of a drive through restaurant at TC14 would only occupy small proportion of a large site. The proposal could be part of a mixed use development package but I note the view of the Retail Consultant that it is unrealistic to think that a drive through restaurant could lead a mixed use development. It is not therefore considered that the proposal could realistically be delivered at this site in the short term. It is noted that TC14 currently contains a vacant unit (formerly Focus DIY) but this is not considered to be suitable for re-use or redevelopment as a drive through restaurant for design and/or layout reasons.

The applicant's comments in relation to TC15 are noted. Furthermore it is considered that due to the prominent nature of this site, its proximity to the Bromsgrove Town Centre Conservation Area and the Grade II Listed former Parkside School building, its redevelopment for a drive through restaurant would not be appropriate. This site is not therefore considered to be suitable for the proposed development.

On the above basis and having regard to the applicant's sequential assessment, the views of the Retail Consultant and the views of the Council's Strategic Planning department it is accepted that there are no sequentially preferable sites.

It is noted that the site is within walking distance of bus stops providing connections to the Town Centre, Bromsgrove Bus Station and Bromsgrove Rail Station. It is also noted that walking distance to the site from the Town Centre is approximately one mile taking around 20 minutes. It is therefore considered that the application site is accessible and reasonably well connected to the town centre.

With regard to the impact of the proposal on the vitality and viability of the town centre, it is noted from the sequential assessment that the town centre has a relatively low level of vacancy providing a variety of shopping, restaurant and takeaway uses. No specific concerns are raised in relation to the health of the town centre by the Council's Strategic Planning department or the Retail Consultant. Furthermore it is noted that no comment has been made on the application by the Council's Economic Development Officer. Due to the specific nature of the proposed development it is considered that it would complement the retail and leisure offer of the town centre rather than affecting its vitality and viability.

Taking the above matters into consideration the proposal is found to be in accordance with Policies SD.9 and D.33 of the WCSP and Policy S21 of the BDLP and consistent with the town centre provisions of the NPPF. The application site is therefore considered to be acceptable for the proposed development in principle.

2. The impact of the development on residential amenity

The nearest residential properties to the site are the flats (69 to 87 Charford Road) located approximately 11 metres beyond its rear (west) site boundary. It is considered that the proposed development would generate noise from vehicle use

and customer/staff activity. The proposal may also generate noise and odours from plant and machinery and extraction/ventilation equipment.

Policy S19 of the BDLP provides that, in areas where residential uses predominate, the District Council will not allow employment or other land uses which would adversely affect residential amenity whether through noise, smell, safety, traffic or health reasons. This policy is consistent with the Core Planning Principle within the NPPF to secure a good standard of amenity for all existing and future occupants of land and buildings, and the requirement set out at paragraph 123 of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The advice at paragraph 123 also states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

I note the concerns raised by WRS in relation to odours, noise from plant and machinery, and noise from traffic and customer activity. The concerns made in relation to anti-social behaviour are also noted.

In relation to cooking odours and the proposed ventilation and extraction system, your officer has requested that the applicant finds a more efficient alternative. The precise details of the system will be secured by a condition attached to any planning permission granted.

In relation to noise from plant and machinery, it is noted from the application that no external plant and machinery would be provided and all apparatus would be housed in an acoustically treated room. It is considered that this would avoid any significant noise being heard outside the building. Further details of this can be requested by condition. It is also recommended that a condition is attached to any planning permission granted preventing the installation of any external plant and machinery in future.

It is considered that noise from extraction systems can normally be mitigated against through its appropriate design and installation. More specific details of noise insulation and anti vibration mounts for ventilation systems can be secured by condition.

With regard to noise from motor vehicles at the site, this would inevitably increase as a result of the development. It is important to note however that traffic noise would generally be concentrated around peak business times which are during the earlier part of the evening (6-7pm) and throughout the day on Saturday and to a lesser extent Sunday. It is considered that during these times there would be a relatively high level of background traffic noise given the proximity of the A38 and the busy Charford Road junction. It is considered unlikely therefore that any increased noise from customer vehicles would be significantly over and above existing levels during these times. It is also considered that increased traffic noise during these times would not cause an unacceptable impact on the amenity of the nearby residents. It is noted however that the application proposes opening times of between 06:00am to 23:30pm Monday to Sunday including Bank Holidays. There may therefore be times where background noise is low and any increased noise will cause an unacceptable

disturbance to nearby residents (i.e. early morning and late evening). This is not considered to be acceptable and thus if Members are minded to approve planning permission for this application it is recommended that reduced operation times of between 8am and 11pm Monday to Thursday, 8am and 11:30pm on Fridays and Saturdays, and 10am and 11pm on Sundays and Bank Holidays are secured by condition. The condition will also be worded to ensure that no deliveries take place outside of these hours. It is considered that increased noise during these times is unlikely to cause an unacceptable disturbance to adjoining residents. These opening hours are comparable to KFC Worcester which poses similar residential constraints to this site.

In relation to anti-social behaviour I am mindful of the issues associated with the present use and consider that such activity is not unprecedented at the site. I am generally of the view that the proposed use would improve antisocial behaviour in the area. The views of West Mercia Police have been sought on this matter but no response has been received to date. I will update Members on this matter prior to their meeting. It is considered that the proposed use may attract people loitering in vehicles which may cause residential amenity issues (i.e. due to music from cars). It is however considered that KFC have a management responsibility to prevent such actions. Any more serious forms anti-social behaviour issues and the responsibility of the police.

I note the WRS Officer's concerns in relation to litter, it is however noted in the Planning Statement that KFC will provide litter bins on the site and carry out daily litter picking operations in the site and immediate surroundings. It is considered that the applicant will take reasonable measures to avoid litter problems in the area.

With regard to the visual impact of the proposal on nearby residents it is noted that the application involves additional tree planting to the west boundary. This, in addition to the existing 1.8m high fence, would screen the site and the effect of the proposed building (which would be of a low profile at 4.5 metres above ground level). Further details of external lighting at the site including lux levels and light spill will be requested by condition so to ensure that no adverse impact on neighbouring residents occurs.

I note the concerns raised by the occupiers of 81 Charford Road in relation to the development causing them a loss of privacy. However, given the existing boundary treatment between the site and this property and the proposal to increase boundary planting in this location I do not consider this to be an issue.

On the above basis it is considered that the proposal would have no adverse effect on residential amenity in accordance with Policy S19 and associated provisions within the NPPF.

3. *Highways issues*

The majority of the objections raised to this application are based on concerns in relation to increased traffic. Concerns are raised by South Bromsgrove High School and a number of local residents in relation to the volume and flow of traffic at the

Charford Road/A38 junction, particularly in the 45 minute period around the start and of the school day. There are concerns that the proposal would generate more traffic than the current establishment which would compound what is already a very unsatisfactory situation and affect the safety of pedestrians and pupils.

Policy T.1 of the WCSP requires that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Development proposals should include transport assessments and should be designed to maximise access by pedestrians, cyclists and public transport providers. Policy TR11 of the BDLP requires that development incorporates a safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking in accordance with the Council's parking standards. These policies are consistent with the sustainable transport provisions within the NPPF.

The Transport Assessment (TA) submitted with the application provides information on the traffic generation attributed to the proposed development compared to the existing public house. The TA sets out the highway impact of the development at Section 6 identifying that the proposal would result in the following net traffic generation (i.e. traffic generated by the proposed use over and above the existing use) during given times:

Morning peak hour (8-9am)	0 arrive	0 depart	0 two-way
Evening peak hour (5-6pm)	2 arrive	1 depart	3 two-way
School peak hour (3-4pm)	-2 arrive	-5 depart	-7 two way
Weekend peak hour (1-2pm)	57 arrive	64 depart	121 two way

The TA shows that there would be little change to the vehicle movements in and out of the site as a result of the proposal during the morning, evening and school peak hours. The TA shows however that there would be a significant net increase in vehicle movements associated with the site during the weekend peak hour.

When considering these figures it is important to take the following points into account. Firstly, it should be noted that existing pub traffic figures used in the TA are based on TRICS database figures for pubs of a similar size to the Sugarbrook. It is considered that these figures may be higher than actual traffic generation currently associated with the Sugarbrook given its relatively low levels of trade in recent times. This more generic approach is considered to be appropriate as it is representative of the potential traffic generation of the existing pub which would account for any future improvements to the business (i.e. as a result of a refurbishment, a change of ownership or a greater emphasis on dining). This accounts for the low amount of difference between pub traffic and KFC traffic (net generation) during morning, evening and school peak hours.

Secondly, the TA advises that a large proportion of the trips to the proposed KFC will be pass by trips made by people already travelling on the highway network. Therefore the additional visits to the site set out above would not necessarily result in

new traffic flows on the highway network. Your officer considers this to be a realistic scenario

The TA identifies that there are good opportunities for pedestrian, cycle and bus travel to and from the site and that no further infrastructure is required to accommodate the forecast level of person trips generated by the proposed development. It is noted that the application provides two safe pedestrian access points and secure covered cycle parking on site. It is considered that these provisions would help to facilitate the use of walking and cycling as modes of transport to the site.

Members will note from the submitted Site Plan the customer parking provisions and the vehicle circulation and queuing system for drive through customers. The parking provision would be consistent with the Council's parking standards and it is considered that the queuing system would manage vehicle flows in and out of the site and avoid queuing on the highway.

It is noted that the County Highways Authority have raised no objection to the application subject to conditions. On this basis and having regard to the findings of the TA it is not considered that the proposed KFC would have any adverse impact on highway safety through either increased traffic or obstructions to the highway. In particular it is noted that the proposal would have no real effect on traffic during peak school hours and it is not considered that it would affect the safety of pupils. Furthermore it is considered that the proposal would facilitate sustainable modes of transport and provide a safe means of access and egress. It is therefore found to be in accordance with Policy T.1 of the WCSP, Policy TR11 of the BDLP and associated advice within the NPPF.

4. Healthy eating issues

Concerns are raised by South Bromsgrove High School, the Bromsgrove Partnership and a number of nearby residents in relation to the proximity of the proposal to the schools. There are concerns that the proposal; a fast food restaurant/takeaway, would send the wrong message to children and promote unhealthy eating after school and at lunchtimes. It is understood that South Bromsgrove High School operates a healthy eating policy.

It is also noted by your Officer in general terms that fast food is commonly associated with obesity and other health problems. Members will note that 32% of adults in the Charford Ward in which the site is located are categorised as obese compared to 28.4% in Worcestershire.

Consideration will therefore be given to the proximity of the KFC outlet to the schools and to the effect of this on the health of pupils. Consideration will also be given to the wider effects of the proposal on the health of the District's residents.

It has been established on appeal that the proximity of a hot food takeaway to a school is a material planning consideration, particularly where the school has a healthy eating policy.

However it has also been established on appeal that refusal of planning permission would be unjustified where there is no planning policy which would prohibit the creation of a hot food takeaway close to the school on the grounds of the impact on healthy eating amongst school children.

Examples of appeal decisions that have established this precedent are as follows:

a) Appeal ref. APP/A5270/A/11/2150976 (Hanger Lane, London 09/11/11)

In this appeal the Inspector stated that the refusal of planning permission on the ground of proximity to a school without a specific policy based on well researched information and which has undergone public consultation is unjustified. The appeal was allowed

b) Appeal ref. APP/A5270/A/11/2159886 (Southall, London 21/11/11)

In the appeal at 74 King Street, Southall the Planning Inspector gave the proximity of the takeaway to the school considerable weight in the decision. He noted that there were high levels of obesity in Southall and that the High School has a healthy eating policy. He also acknowledged that the proposed hot food takeaway could have significant consequences for children's health. However as the Council had no policy prohibiting the creation of hot food takeaways close to schools judged that the proposal was compliant with the development plan. The appeal was allowed.

Members will note that there is no specific policy within the BDLP on the proximity of hot food takeaway uses to schools, or the promotion of healthy eating through the planning system.

Broad planning policy advocating social wellbeing is set out at Policy DS13 of the BDLP which states that all development must reflect the need to safeguard and improve the quality of life of residents.

It is noted that emerging policy on health and wellbeing exists within the Draft Core Strategy 2 (Policy CP23). This states that the Council will support opportunities for healthy and active lifestyles through (inter alia) seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles. When adopted, this policy could allow the Council to refuse planning permission for a hot food takeaway where an over-concentration exists and where it can be proven that the proposal would reduce the public's ability to lead a healthy lifestyle. Members will note however that Policy CP23 relates to a draft policy and it can only therefore be given limited weight in decision making.

In any event, it should be noted in relation to this policy that there is not an over-concentration of A5 uses within the vicinity of the site. It would also be difficult to prove that the existence of a particular fast food restaurant would detract from people's ability to adopt a healthy lifestyle. It is appreciated that there is a correlation between fast food and obesity, but eating fast food relates to a consumer choice and obesity is often the result of wider social issues such as low income and a poor education on diet and a healthy lifestyle. Such matters are clearly outside of the control of the planning system. It is also noted in this instance that South Bromsgrove High School holds healthy schools status and the food offered on site is commensurate with the expectations conferred through that award. Correct diet and healthy lifestyle are integral components of their curriculum. The proposed would not remove the availability of healthy food at the school or undo the education received by pupils. It would be difficult to prove that pupils would choose to eat at the proposed KFC rather than eat healthier options. It would also be difficult to prove that pupils would eat excessive amounts of fast food from the establishment that would raise the likelihood of obesity. It is noted from the submitted Planning Statement that KFC has made significant steps in improving the range and choice of healthier options on its menu. On this basis it is considered that refusing the application in relation to Policy CP23 would not only be unsound due to its draft status, but also unjustified for the reasons set out above.

It is evident that there is a lack of adopted planning policy that would provide a clear basis for refusing this application due to its effect on healthy eating and its proximity to the school.

Other material considerations in relation to health and well being include the NPPF which requires that Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all. In this instance the single countywide Sustainable Community Strategy (SCS) for Worcestershire, which includes a chapter specifically relating to Bromsgrove Partnership and its priorities, is of relevance. This refers to encouraging a healthy diet as part of its priorities for achieving balanced communities.

The advice within the NPPF and the SCS are material considerations but Members will note the proposal's accordance with the relevant Development Plan policies discussed in the earlier parts of this report, and the economic merits of the case in terms of job creation. It is considered that only limited weight should be given to the SCS relative to the weight given to these matters.

It is considered that in light of the appeal decisions set out above, and in the absence of a specific policy, it would be difficult to substantiate the proposal's proximity to the school as a reason for refusing the application that would stand up in the event of an appeal. With regard to refusing the application for more generalised public health reasons, any such decision could only be based on Policy DS13 and the advice within the NPPF which do not provide any clear basis for refusing the application.

5. *The loss of the public house*

Paragraph 70 of the NPPF advises that planning decisions should, inter-alia guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.

In response to this policy advice, the application advises that through their pre-application consultation, they wrote to some 60 local residents close to the site and who would be most likely to consider the pub their "local". Of the 19 responses received, only one raised the issue of the loss of the pub. The applicant does not consider that this demonstrates the pub as being a vibrant facility essential to the local community.

The applicant also points out that the LPA cannot prevent the closure of a facility and thereby its loss. In almost all cases, loss of pubs is a result of them not being viable or sustaining sufficient trade. The LPA could only restrict the change of use of a property where planning permission is required. In this instance a change of use that would result in the loss of the pub can be undertaken without the grant of permission.

There are other pubs within a 10 minute walk of the site (The Golden Lion on Austin Road and The Ladybird Inn on Stoke Road). Your officer also notes the recent opening of the Hungry Horse pub/restaurant on Worcester Road which is also within a short walk of the site. The community will therefore continue to have local pub provision without the need to venture further into the town centre. The loss of the pub would not adversely affect the facilities available to the local community.

It is also noted that a pub in an urban location does not provide for "day-to-day" needs in the same manner as a local community shop or post-office.

A number of objections have been received from CAMRA (Campaign for Real Ale) in response to the Council's statutory publicity procedure. CAMRA believes that the public house is an important facility in any community and is something that should be preserved at all costs. They believe that allowing this pub to be demolished to be replaced by a fast food establishment goes against the NPPF. They point out that pubs such as the Sugarbrook may not be universally popular but all pubs can be improved. They also point out that the country is currently losing 12 pubs a week.

I note the concerns raised by CAMRA and it is considered that the loss of a pub is unfortunate. The loss of the pub can only however be substantiated into a reason for refusing the application if it can be proven that it is a valued facility that provides for the community's day-to-day needs. I note the applicant's comments in relation to this matter and it is not considered that the Sugarbrook would represent such a facility.

7. *Design/visual amenity issues*

The site occupies a fairly prominent position at the junction of two busy roads. Any new buildings and signage will therefore have a relatively significant effect on the visual amenity of the area. The street scene along this side of Stoke Road (A38) is generally void of any development and predominately characterised by trees. There are a number of buildings visible namely the public house (to which this application relates) and the adjacent school although both of these are set back from the road. It is considered that the siting of the proposed building would be consistent with this established development pattern.

The building entrance would face towards the A38 providing an active frontage to the road although its set back would avoid it being over prominent in the street scene. The building would be single storey and flat roofed, rising to a maximum of 6.5 metres although the majority of the building would be 4.5 metres in height. Existing buildings in the remainder of the wider area vary between the school building to the south and the flats to the west. It is however considered that the proposal achieves a sufficient visual separation from these buildings for it to not have any adverse effect on their setting.

The proposed scale and massing of the building is considered to sit comfortably with the scale of surrounding development. The existing landscaped areas around the site would be retained including the mature boundary trees which are subject to a pending TPO. The application involves additional tree planting to the west boundary which would act as a further visual screen from the residential development to the west.

The appearance and materials of the proposed development would be contemporary and informed by the function of the building. Where not glazed, walls would be powder coated insulated steel panels in red and white to reflect the identity of the operator. The company's logo would feature at points around the exterior of the building. Indicative details of this are provided with the application however Members should note that a separate application for Advertisement Consent will be required for the proposed signage.

It is considered that the design, siting and overall appearance of the building would be appropriate for the site and its surroundings.

Other matters

When considering the merits of this case Members should be mindful of the potential fallback position that exists at this site. The existing A4 use of the pub means that it could be converted for use as an A3 restaurant, snack bar or cafe without the need for planning permission. A fast food restaurant could therefore be established at the site although any takeaway facility could only be ancillary and the primary use would be for the sale of food and drink for consumption on the premises. Such a use would present similar issues to the proposal however the Council could not exercise any control over the matter (i.e. ventilation systems and hours of use).

Conclusion

The applicant has demonstrated through an acceptable sequential assessment that no suitable sites are available for the proposed drive through restaurant within or around Bromsgrove Town Centre. The site is currently in A4 use and commercial and customer activity is well established at the site. The proposal is therefore considered to be acceptable in principle. It is considered that subject to suitable conditions the proposal would have no adverse effect on the amenity of nearby residential occupiers. Traffic generated by development is capable of being accommodated safely on the road system. The development would provide sufficient parking and a safe means of access and egress and the site would be accessible by a choice of means of transport. Concerns in relation to healthy eating and the site's proximity to the school are noted but it is not considered that there is a clear policy basis for refusing the application for such reasons. Furthermore, it would be difficult to quantify and substantiate such issues into clear material planning objections. Members will also note the fallback position and the possible A3 use of the site without the need for planning permission. The Sugarbrook is not considered to represent a valued facility that provides for the community's day-to-day needs and its loss would not therefore represent an issue. It is considered that the design, siting and overall appearance of the building would be appropriate for the site and its surroundings.

Members will note the proposed job creation and the economic benefits associated with the proposal. There are clear merits of the proposal and taking the above matters into consideration the proposal is found to be in accordance with the relevant policies of the Development Plan. Healthy eating concerns and the SCS are noted, but these matters would not outweigh the benefits of the proposal and its accordance with the Development Plan. On this basis it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001 (three year time limit for commencement of works).
2. C001A (development must be carried out in accordance with the approved plans).
3. C003 (details of external materials and finishes to be submitted)
4. C010 (Landscaping Scheme)
5. C007 (Details of storm and foul water drainage)
6. C026 (demolition of existing buildings)

7. The development hereby permitted shall not be commenced until a scheme for ventilation and for the control and extraction of fumes, gases, odours and other effuvia from the site has been submitted to and approved in writing by the local planning authority. All elements of the approved scheme including noise attenuation of the extraction system shall be installed, implemented and in full working order prior to the use commencing and shall thereafter be properly maintained. Such equipment must be used at all times when cooking activities are undertaken at the premises.
8. This permission excludes the installation of any external plant or machinery for which planning permission is required.
9. Prior to the commencement of the development hereby approved further details of noise attenuation measures for the plant room featured on approved Drawing Number 2143/A201 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
10. The use hereby permitted shall operate between the hours of 08:00 and 23:00 on Monday to Thursday, 08:00 and 23:30 on Friday and Saturday, and 10:00 and 23:00 on Sundays and Bank Holidays. The premises shall not be open to the public and no deliveries shall take place outside of these times.
11. During the construction works hereby approved no operations including deliveries to and from the site shall be carried out on the site other than between the hours of 08:00 and 19:00 on Monday to Friday, 08:00 to 14:00 on Saturdays and at no time on Sundays and Bank Holidays.
12. Prior to the commencement of the development hereby approved, further details of the proposed external lighting scheme including the height, appearance and positions of installations on site along with information relating to lux levels and light spill shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
13. The premises shall not be brought into use until details of measures to be undertaken for the collection of litter have been submitted to and approved by the local planning authority. Such details shall include the method, extent and frequency. The approved measures shall remain in force at the site during the operation of the use hereby approved.
14. HC11 (existing vehicular access onto Charford Road (to the south of the site) shall be permanently closed).
15. HC25 (access, turning area and parking facilities shown on the approved plans to be consolidated, surfaced, drained in accordance with details to be approved by LPA.)
16. HC30 (Disabled parking)

17. HC35 (cycle parking)

Notes:

1. This permission does not authorise the display or signage or adverts. The proposals shown on Drawing Numbers 2134-A100 and 2134-A110 are indicative only. A separate application for Advertisement Consent will be required for the display of signage and advertisements.
2. HN4 (Private Apparatus within the Highway)
3. HN5 (Alteration of highway to provide new or amend vehicle crossover)

Informatives

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	SD.9, CTC.1, CTC.5, CTC.8, D.33, D.43, T.1
BDLP	DS13, S19, S21, S29, C17, C19, TR11, ES1, ES14A
Draft CS2	CP3, CP23
Others	NPPF

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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REPORT TITLE : THE REDDITCH BRANCH ENHANCEMENT SCHEME LOCATED BETWEEN BARNT GREEN AND REDDITCH STATIONS - CONSULTATION REPORT

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Planning and Regeneration Services
Wards Affected:	Alvechurch Hillside Tardebigge
Non-Key Decision	

Purpose of Report

To advise Members of an application by Network Rail Infrastructure Limited to the Secretary of State under the Planning Act 2008 which would grant powers to construct and maintain a widened railway between Barnt Green and Redditch and to recommend a response to the Examining Authority outlining the view of the Council on the proposals.

The scheme is deemed to form a Nationally Significant Infrastructure Project (NSIP) as defined by the Planning Act 2008.

Any developer wishing to construct a NSIP must first apply for development consent. For such projects, the relevant Secretary of State will appoint an Examining Authority to examine the application. The Examining Authority will be from the Planning Inspectorate and will be either a single Inspector or a panel of three or more Inspectors.

Once the examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State who will make a decision on whether to grant or refuse consent.

As the Project is located within Bromsgrove District, the Council is automatically an Interested Party. The Examining Authority encourages the submission of a representation from the District Council as this provides the Examining Authority with the views of the District Council from the outset.

The relevant representation period closes on 15 November 2012. After this date, the Planning Inspectorate will advise all organisations and individuals who are Interested Parties of the date, time and place of the Preliminary Meeting. This is a procedural meeting in which the Examining authority will set out how it intends

to examine the application and will listen to attendees' views on this. At the end of the examination of an application, which will be completed within a maximum of six months, the Examining Authority will have three months to make a recommendation to the Secretary of State who will then have a further three months to reach a decision.

This report sets out the location of the Project, background, the elements forming the Project and the main planning issues arising from the scheme in order to inform Members.

Site and Surroundings

The nearest settlement to the proposed development is Alvechurch. There are two minor roads which pass over the branch line subject to these proposals at Station Road and Grange Lane. By rail, access is from Birmingham New Street on the Redditch Branch line with the nearest stations at Barnt Green, Alvechurch and Redditch. To the west of the proposal site is the Alvechurch marina which is part of the Worcester and Birmingham Canal network. A number of PROW cross the landscape.

The area is generally flat and low lying within the valley of the River Arrow which runs from Alvechurch towards Redditch in the south. There are few long distant views as the area is broken up by numerous hedgerows, trees and woodlands. The largest areas of woodland are at Butlers Hill Wood and Brockhill Wood both located to the west of the railway. There is some linear development at Bordesley to the east. The area is primarily agricultural in nature with some isolated dwellings and farmsteads in the area with the exception of a small industrial area at Weights Farm at the southern end of the site.

The branch line runs at or about ground level. It does not form a significant feature but is integrated into the landscape in this location.

Background

The objective of the project is to deliver the capacity improvements necessary to enable the extension of the Cross City Services between Longbridge and Redditch to increase from two trains per hour to three trains per hour by a target date of the timetable changeover scheduled for December 2014. The benefits delivered by the Project will augment the redevelopment of Birmingham New Street Station which is currently underway, with works anticipated to be completed in 2015.

The Cross City line is the busiest route into Birmingham City Centre. Figures published by Network Rail show that by 2020 the Cross City line will be operating at around 115% capacity during the rush hour. This figure represents the number of passengers compared to the number of available seats during peak hours of travel.

The first station on the Redditch branch line is Barnt Green. At this point the line is twin tracked to allow one train to wait at the station until the branch line becomes clear. The remainder of the route is single track to Redditch. There is one intermediate station at Alvechurch.

To deliver the additional train per hour in each direction, the Project requires the provision of a new loop of track (approximately 3 kilometres long) starting to the north of Alvechurch station and progressing south to Redditch. The final approach to Redditch will remain single track. The Project also requires the introduction of a second platform at Alvechurch Station, together with facilities for crossing the railway at the Station.

Project Details

The project works in detail will comprise:

Work No. 1: the construction of a new permanent railway. This being a point 420 metres north of the over bridge of the highway of Station Road, Alvechurch, over the Barnt Green to Redditch Railway and running southwards parallel to the existing Barnt Green to Redditch Railway for 3470 metres. It terminates at a point 10 metres north of the under bridge carrying the Barnt Green to Redditch Railway over the highway of Weights Lane.

This includes widening the existing embankment carrying the Barnt Green to Redditch Railway on its eastern and western sides supported in part by gabion basket retaining walls; extensions to culverts under the Barnt Green to Redditch Railway; the widening of existing cuttings, in part, with retaining walls; and the reconstruction of culverts

Work No. 2: construction of a new station platform (and including fencing, lighting columns and shelters) to the west of the existing station platform at Alvechurch Railway station and immediately to the south of the over bridge of the highway of Station Road, Alvechurch, over the Barnt Green to Redditch Railway. This includes the construction of fences, lighting columns and shelters.

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Work No. 3: construction of a new footbridge to connect from the existing platform at Alvechurch Railway station to Work No.2, including stairs and lift accesses to the bridge from both the existing platform and from Work No 2.

Work No. 4: construction of a diverted route for public footpath 579(C), being a point on the existing alignment of footpath 579(C), approximately 14 metres to the south west of the southern end of the existing Alvechurch railway station platform. This proceeds northwards and then eastwards towards the railway for a length of 88 metres, being a point providing access to Work No. 3.

Work No. 5: construction of a diverted route for public footpath 579(C)

Work No.5a: construction of a temporary footpath being a point to the south of the existing Alvechurch Railway station platform, and proceeding southwards for 15 metres to join the existing alignment of footpath 520(C).

Work No. 6: A signal equipment building to be used to house signalling and telecommunications equipment together with its hardstanding, access and compound, to the west of the existing Barnt Green to Redditch Railway, to the north of Alvechurch Railway station.

Work No. 7: A signal equipment building to be used to house signalling and telecommunications equipment together with its hardstanding, access and compound, to the west of the existing Barnt Green to Redditch Railway at Butler's Wood.

Work No. 8: a permanent access road commencing adjacent to and west of the Barnt Green to Redditch Railway at a point to the north east of Weights Lane. This proceeds parallel to the railway on its western side for 127 metres north-west, before then turning south-west for 135 metres to join the existing track north of Weights Lane. The construction of a permanent access road continues, on the western side of Weights Farm Business Park and proceeds southwards to join the highway of Weights Lane.

In connection with the works set out above, further associated development within the Order limits comprises:

- (a) Electrical equipment, power supply cubicles, cables, telecommunications cables and equipment and signalling works
- (b) Ramps, means of access (including temporary haul roads) and construction compounds;
- (c) Embankment, aprons, abutments, shafts, foundations, retaining walls, drainage, wing walls, fences and culverts

- (d) Works to alter the position of apparatus, including mains, sewers, drains and cables
- (e) Works to interfere with a water course other than a navigable water course shown on the design drawings
- (f) Landscaping and other works (including the creation of ponds) to mitigate any adverse effects of the construction, maintenance or operation of the authorised development as are described in the visual impacts report and landscape plans/strategy;
- (g) Works for the benefit or protection of land affected by the authorised development;
- (h) Works required for the strengthening, improvement, maintenance or reconstruction of any streets;
- (i) Temporary diversion of public footpaths shown in the footpath stopping up and diversion plan; and
- (j) Such other works, including working sites and works compounds as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development as are provided for in the environmental reports.

The new loop, approximately 3.2 kilometres in length, will join the existing Redditch Branch north of Alvechurch Station, and will run to the western side of the Redditch Branch to Weights Lane, where it will rejoin the existing single track to the terminal station at Redditch. To accommodate the new loop, the existing Redditch Branch will be realigned. The site of the project lies between Alvechurch and Weights Lane within the boundary of Bromsgrove District. Weights Lane (which crosses the railway by the means of an underbridge) forms the boundary with Redditch Borough.

Where possible, the two tracks proposed to form a loop will be accommodated within the existing Network Rail boundary. The second track bed will be parallel with and at the same level as the current branch line. This will involve re-grading of existing embankments and cuttings, and also construction of a retaining wall. Where widening cannot be accommodated in the existing boundaries, permanent landtake will be required. There will also be a requirement for temporary landtake, which will be used to facilitate construction, provide temporary access and accommodate construction compounds. The existing hedgerow/ planting on the western boundary of the existing railway will be removed as part of the construction process.

The entire length of the loop will be served by Overhead Line Electrification (OLE), with single track cantilevers (STC) predominantly being installed to support the new electric lines for both tracks to a similar design to the existing, with the exception of the station environs where portal type structures will be

required. Cable troughing will be installed along the edge of the tracks in which to run new telecommunications and signal wiring associated with the Project. A number of signals will be required to control train movements on the loop as well as the installation of two equipment cabins with supporting signalling equipment (one at Alvechurch Station and a second at Butlers Wood).

Temporary haul roads, to serve construction traffic, will be constructed at various points alongside of the existing Redditch Branch between Redditch, Alvechurch and Weights Lane. These will be approximately 10 metres in width, but this will vary depending on the location. Four construction compounds will be used for offices, and to store plant and construction materials. All temporary haul roads and compounds will be removed on completion of the scheme and the land reinstated to its current condition. On completion of engineering works and as mitigation for the removal of existing planting, a comprehensive landscaping scheme will be implemented including new hedgerows to replace those removed during implementation.

Whilst the majority of the works provide development to facilitate a widened two track railway loop, at Alvechurch Station the existing cutting on the west side of the track will be widened to accommodate both the loop and an additional platform. The majority of works that are over and above the creation of additional permanent way and the associated embankment or cutting works are therefore at Alvechurch Station. Usual infrastructure, including station signage, new waiting shelter, fencing at the back of the platform and lighting are proposed.

The new platform will be constructed with concrete block walls with concrete and granular backfill, the erection of a toughened glass and steel shelter, 1.5m high steel straight top fence painted black and black lighting columns to match the existing.

The existing pedestrian crossing (level crossing) that forms part of the public rights of way (PROW) network (definitive footpath 579) within Alvechurch station will be removed and replaced with a new footbridge within the station. The new footbridge will be dual purpose, in providing both a passenger facility to access the new platform and secondly as a safer diverted route of the PROW.

The footbridge will be constructed with two principal materials of steel and brick. The span and steps of the bridge will be provided in steel painted green to a functional railway design. As well as providing steps the footbridge will incorporate lifts housing constructed with a steel frame with a blue engineering brick clad with a flat steel coated roof. The lift provided at each platform will be utilised by both rail passengers and diverted users of the PROW.

Material Planning Considerations

The whole of the Project lies within designated Green Belt.

Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with the NPPF in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development.

Members will be aware that the advice in Chapter 9 of the NPPF sets out the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 88 requires that substantial weight is given to any harm to the Green Belt and the need to still demonstrate very special circumstances to override the inappropriateness in Green Belt. Paragraph 90 then refers that although new buildings in the Green Belt are inappropriate there are other forms of development which are not inappropriate providing they preserve the openness and do not conflict with the general purposes of the Green Belt. Paragraph 90 goes onto suggest one of the appropriate uses in the Green Belt relates to local transport infrastructure which can demonstrate a requirement for a Green Belt location. However, such development must preserve the openness of the Green Belt and should not conflict with the purpose of including land in Green Belt.

The construction of the new railway line and new station platform with associated facilities together with cuttings, embankments and retaining structures will in some places go beyond the existing railway boundary and into open countryside, therefore conflicting with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.

Having considered the scheme in totality, it is the view of the Council that the proposals constitute inappropriate development and thus consideration must be given to the existence of very special circumstances that clearly outweigh the harm to the Green Belt and any other harm caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in the NPPF need to be considered with any other harm and assessed against any advantages to the proposed development.

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

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm. Members will also be aware that it is for the applicant to show why permission should be granted.

The applicant has put forward the following justification for the scheme:

- (i) The Project is essential railway infrastructure that is supported by and supports Government policy on sustainable transport, the improvement of rail services and to the promotion of a modal shift from private car to rail
- (ii) The new NPPF states that there is a presumption in favour of sustainable development of which a project proposed to improve capacity on the railway will go some way in helping the government in delivering its goals
- (iii) The Project will make a significant contribution to increasing capacity and reliability on both the Redditch Branch Line and the Birmingham and Gloucester Mainline
- (iv) The capacity improvement created by the Redditch Branch Enhancement provides for both additional passenger services commuting into Birmingham or Redditch
- (v) In the absence of a NPS, the Development Plan and in particular the RSS policies support the strategic improvement of the railway and rail facilities
- (vi) The alignment of the Order route minimises loss of openness of the Green Belt by following the alignment of the existing railway corridor and it is the least intrusive of the options considered reducing the length and extent of the loop whilst still delivering the desired capacity improvement outcome
- (vii) The railway corridor with improved landscaping will form a better area for informal nature conservation within the Green Belt that will, to some extent, mitigate its impact by making a positive contribution to one of the purposes of the Green Belt.

Members will be aware that the policy of a presumption in favour of sustainable development is at the heart of in the NPPF, it emphasises that it should be seen

as a golden thread running through plan making and decision-making. It suggests that patterns of growth should make the best use of public transport and focus development which are or can be made sustainable. The objective is to reduce the need for travel and, secondly, to encourage a modal shift towards more sustainable forms of transport. Sustainability also relates to the need to create an environment for economic growth. The railway is generally recognised as being a more sustainable transport system than the private car. To achieve a modal shift primarily from the private car to trains, the railway system needs to be made more attractive to users in terms of both reliability and capacity.

Other Development Plan Considerations

The Redditch Branch Enhancement contributes to achieving the policies of the RSS in that Policy RR1 recognises the role of better transport links both within rural areas and between urban and rural areas and that improved public transport should be a main priority. Policy T1 on developing accessibility and mobility encourages more sustainable means of travel and measures to improve the rail networks, Policy T5 on public transport encourages an integrated public transport network including improved rail services on key routes and capacity enhancements and Policy T6 on rail facilities that encourages the improvement in the attractiveness of rail transport including improved rail station facilities.

Policy T.9 of the WCSP states that support will be given to measures to encourage the use of alternatives to private transport in rural areas and to assist in reducing congestion in towns. This project clearly encourages existing car users to seek an alternative on the railway with the improved services that will be delivered.

Land to the west of the railway is designated as a Landscape Protection Area. Policy C4 and C16 of the BDLP outline the requirements for design in an area of sensitive landscape. The landscape impact and proposal mitigation are fully considered in the submitted Visual Impacts Report and the Landscape Plan/Strategy accompanying the application. This report concludes that the scheme will have a slight adverse effect on the local landscape character of the area whereas due to the intervening topography and large woodland blocks, the scheme will result in a neutral to slight adverse effect on more distant visual amenity receptors.

Whilst the development is entirely in the administrative area of Bromsgrove, the increased demand for increased rail passenger movements will primarily come from Redditch and residents travelling to Birmingham. The Redditch Core Strategy and emerging development plan documents are therefore of relevance

to this scheme which currently in their draft format suggest some additional 3200 households in the period to 2026. Within Bromsgrove, the Core Strategy to 2021 suggests an additional 42 in Alvechurch and 98 in Barnt Green.

Requirements (Conditions)

A number of requirements (conditions) have been put forward by the applicant to the Examining Authority. These measures relate to:

- (i) Five year timescale
- (ii) Development in accordance with design details to be approved
- (iii) Construction Environmental Management Plan
- (iv) Landscaping
- (v) Re-use of excavated materials
- (vi) Details of necessary temporary and permanent highway improvements, access points and haul roads to be consulted with and approved by highway and planning authority.
- (vii) Written scheme of archaeological investigation
- (viii) Ecological Management Plan
- (ix) Mitigation measures for protected species
- (x) Noise and vibration monitoring during construction
- (xi) Fencing of trees and retention of identified species
- (xii) Removal of tree crowns
- (xiii) Scheme for temporary fencing
- (xiv) Detailed drainage design requirements
- (xv) Contaminated land and groundwater
- (xvi) An implementation plan dealing with the specification of and timetable for stopping up suspension and diversion of PROW affected by the works to be submitted to the Local Highway Authority

Conclusions

The proposal, whilst of a local impact, provides a key element in improving railway passenger capacity in the cross Birmingham services increasing capacity from 2 to 3 services per hour. In addition to the actual improved passenger movements, it will also reduce delays on the Birmingham to Gloucester Mainline. It will provide for additional commuter passenger services in line with the governments requirements for the delivery of improved capacity during Control Period 4 2009-2014 as approved by the Office of Rail Regulation.

The proposals constitute inappropriate development in the Green Belt. Very special circumstances which outweigh the harm to the Green Belt and any other harm caused have been demonstrated. These include that the proposal is a key

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improvement to the railway infrastructure that will provide extra capacity on the Redditch Branch Line and cross Birmingham passenger services, as well as improved reliability on the Birmingham and Gloucester Mainline. It is supported by Government policy in the presumption in favour of sustainable development and the promotion of modal shift from private car to rail. The design has been carefully considered to minimise impact on the landscape outside the existing railway corridor. As such, any harm to the Green Belt and other interests is outweighed by the benefit the Redditch Branch Enhancement brings.

RECOMMENDATION

- (a) That the District Council raises no objection to the proposed development on the grounds that very special circumstances exist to outweigh harm to the Green Belt by virtue of inappropriateness and any other harm. The Council endorses the benefit of the scheme in terms of sustainability and the connectivity enhancements for the District the works will deliver.
- (b) That the recommendation made by Members forms the relevant representation from the District Council to the Examining Authority.

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