



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 10TH SEPTEMBER 2007, AT 2.00 PM**

**COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. R. Scurrall, P. J. Whittaker and C. J. K. Wilson

(NOTE: Updates to the Reports of the Head of Planning and Environment 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.)

### **AGENDA**

1. To receive apologies for absence
2. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 13th August 2007 (Pages 1 - 6)
3. Declarations of Interest
4. B/2007/0306-SW - Sustainable affordable housing (outline) - Land at Hinton Fields (off Dale Close) Catshill, Bromsgrove - Bromford Housing Group (Pages 7 - 20)
5. B/2007/0482-LD - Retrospective fenced car park area - Windmill House, Weatheroak Hill, Alvechurch - Betel of Britain (Pages 21 - 24)
6. B/2007/0495-DMB - Erection of 20 affordable dwellings - Land off Ash Lane and Smedley Crooke Place, Hopwood, Alvechurch - Bromsgrove District Housing Trust (Pages 25 - 52)

7. B/2007/0594-SMcN - Pavement barriers, 2 sets of letters, 2 poster cases and 1 retractable awning (Advertisement Consent) - 126-130 High Street, Bromsgrove - The Laurel Pub Company (Pages 53 - 58)
8. B/2007/0611-LD - Two-storey side extension - 6A Blakes Field Drive, Barnt Green - Mr. P. Grove (Pages 59 - 62)
9. B/2007/0663-DI - Demolition of existing dwelling and erection of new dwelling and detached 3 car garage - Woodcote Green Farm, Woodcote Lane, Upton Warren, Bromsgrove - Mr. J. Dalman (Pages 63 - 66)
10. B/2007/0704-DMB - New industrial units for B1, B2 and B8 use - Land at Sugarbrook Mill, Buntsford Park Road, Bromsgrove - D. C. Lambe Ltd. (Pages 67 - 80)
11. B/2007/0717-DI - Rear extension to enhance specialised dementia care accommodation and meet latest care standards act requirements - 656 Birmingham Road, Bromsgrove - Worcestershire Care Group (Pages 81 - 84)
12. B/2007/0759-VN - New 1800 mm high boundary fence - 47 Linthurst Road, Barnt Green - Mr. S. Nash (Pages 85 - 88)
13. B/2007/0767-SMcN - Tables and chairs to front of building - 126-130 High Street, Bromsgrove - The Laurel Pub Company (Pages 89 - 94)
14. B/2007/0768-SMcN - Provide new canopy to front elevation of site - 126-130 High Street, Bromsgrove - Listed building Consent - The Laurel Pub Company (Pages 95 - 98)
15. B/2007/0809-DMB - Single storey rear extension - David Lloyd Fitness Centre, Slideslow Drive, Bromsgrove - David Lloyd Fitness Centre (Pages 99 - 110)
16. Appeal Decisions (Pages 111 - 112)
17. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

10th September 2007

# Agenda Item 2

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 13TH AUGUST 2007, AT 2.00 P.M.

PRESENT: Councillors G. N. Denaro (Vice-Chairman in the Chair),  
Mrs. J. M. Boswell, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox,  
B. Lewis F.C.M.I, E. J. Murray, S. R. Peters, C. R. Scurrall and  
C. J. K. Wilson

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. R. Sumner,  
Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

#### 50/07 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. D. Luck, E. C. Tibby and P. J. Whittaker.

#### 51/07 MINUTES

The Minutes of the meeting of the Planning Committee held on 16th July 2007 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

#### 52/07 DECLARATIONS OF INTEREST

Members made the following declarations of their interests in matters due to be considered at the meeting.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. J. Murray	B/2007/0720	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0777	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0800	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor S. R. Peters	B/2007/0682	Prejudicial. Lives in close proximity to the application site. During consideration of the application, Councillor Peters left the room.
Councillor C. R. Scurrall	B/2007/0720	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0777	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0800	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.

53/07

**B/2007/0546-HLP - CONVERSION OF STORAGE / WAREHOUSE INTO SIX OFFICE UNITS - LEA END FARM, ASH LANE, HOPWOOD - NIGEL CURTIS**

At the invitation of the Chairman, Ms. M. Simpson-Gallego, agent for the applicant, addressed the Committee and spoke in favour of the proposals.

The Head of Planning and Environment Services reported the receipt of comments from the Building Control Officer, together with a letter from a local resident expressing no objection to the application, and additional correspondence from the applicant's agents.

**RESOLVED** that permission be refused for the following reasons:

1. The proposed development represents inappropriate development in the Green Belt and would not accord with Green Belt Policy and the purposes of including land within it. Very special circumstances do not exist to outweigh the harm that would be caused. As such, the proposal is contrary to policy DS2 of the Bromsgrove District Local Plan, policies D.38 and D.39 of the Worcestershire County Structure Plan and the provisions of PPG2.
2. The proposed use would be located away from any town centre or urban area in an isolated position not well related to public transport links. The proposed B1 use would not therefore be located so as to minimise the need to travel and the users of the site would be highly dependant on the private car to travel to and from the site. As such, the proposed development is contrary to policies PA1 and PA14 of the West Midlands Spatial Strategy, policies SD.4, D.26, D.29 and T.1 of the Worcestershire County Structure Plan, and policy DS13 of the Bromsgrove District Local Plan, and the provisions of PPG13.

54/07 **B/2007/0682-HB - SITING OF ENVIRONMENTAL INCINERATOR - WYTHALL SAWMILLS, ALCESTER ROAD, WYTHALL - MR. D. NICHOLS, DAVIES TIMBER YARD**

The Head of Planning and Environment Services reported the receipt of five further letters of objection from local residents. He also informed the Committee that there were a number of inaccuracies in the drawings submitted with the application and stated that he was minded to recommend refusal of the application.

In addition, it was reported that the expiry date for the publicity period of the application should read "16.08.2007", as opposed to that referred to in the report.

**RESOLVED** that the Head of Planning and Environment Services be authorised to refuse the application upon the expiry of the publicity period on 16th August 2007 for the following reason:

- (1) Insufficient information has been provided to show the relationship of the proposed incinerator to other features on the existing south elevation of the sawmill. Furthermore, correct information has not been provided with regard to the existing roofline. As such, the proposal is contrary to policy S19 of the Bromsgrove District Local Plan.

55/07 **B/2007/0720-DI - LAY HARDCORE TO IMPROVE AND MAINTAIN AN EXISTING TRACK - LAND OFF HOCKLEY BROOK LANE, BELBROUGHTON - CARL BEDDINGTON**

The Head of Planning and Environment Services reported the receipt of comments from Belbroughton Parish Council, together with a letter from a local resident in support of the application.

**RESOLVED:**

- (a) that the Head of Planning and Environment Services be authorised to refuse the application for the reason referred to on page 30 of the report upon the expiry of the publicity period on 20th August 2007; and
- (b) that, upon the refusal of the application in (a) above, the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

56/07 **B/2007/0777-DI - ERECTION OF STABLE BLOCK / TACK SHED; CHANGE OF USE FROM AGRICULTURAL TO EQUINE RECREATIONAL - PART FIELD NO. 1530 ADJ. POOLHOUSE FAR, HOCKLEY BROOK LANE, BELBROUGHTON - PHILIP BROOKES**

The Head of Planning and Environment Services reported that the application for planning permission had been withdrawn.

**RESOLVED** that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

57/07 **B/2007/0800-DI - ERECTION OF MOBILE 3 BERTH FIELD SHELTER (RETROSPECTIVE) - PART FIELD NO. 1448 ADJ. POOLHOUSE FARM, HOCKLEY BROOK LANE, BELBROUGHTON - A. CULLEN**

At the invitation of the Chairman, Mr. R. Skidmore, agent for the applicant, addressed the Committee and spoke in favour of the proposals.

The Head of Planning and Environment Services reported the receipt of comments from Belbroughton Parish Council.

**RESOLVED:**

- (a) that the Head of Planning and Environment Services be authorised to refuse the application for the reason referred to on page 39 of the report upon the expiry of the publicity period on 20th August 2007; and
- (b) that, upon the refusal of the application in (a) above, the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

58/07 **PI/2006/00220 - 6 BLAKES FIELD DRIVE, BARNT GREEN**

The Head of Planning and Environment Services reported that the applicant had informed him that he intended to demolish the bungalow, and thereby comply with condition no. 3 attached to plan ref. B/2006/0159, within the next month.

**RESOLVED** that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control referred to in the report.

59/07 **APPEAL DECISIONS**

Members considered a report which detailed the decisions of planning appeals which had been determined since the last meeting of the Committee.

**RESOLVED** that the report be noted.

60/07 **B/2007/0539-DMB - EARTHWORKS / SITE REGRADING - PART COFTON CENTRE, GROVELEY LANE, COFTON HACKETT - REDMAN HEENAN PROPERTIES LIMITED**

(The Chairman agreed to the consideration of this item of business as a matter of urgency because a decision was required thereon before the next meeting of the Committee).

The Head of Planning and Environment Services reported that an application for planning permission had been received, under Plan Ref. B/2007/0539, for proposed re-profiling earthworks to allow for the future construction materials associated with the development of the Cofton Centre. It was also stated that the application complements the outline approval at the Committee's last meeting, on 16th July 2007, for the redevelopment of the site for industrial and warehouse units within use classes B1(b) and (c), B2 and B8.

The Head of Planning and Environment Services informed the Committee that no objections to the proposals had been received from a number of consultees, namely Birmingham City Council, the British Waterways, Environment Agency, Cofton Hackett Parish Council, the Health and Safety Executive, Network Rail, Public Rights of Way, the Ramblers Association, the Strategic Planning Officer, Worcestershire County Councils Highways Partnership (Bromsgrove) and Worcestershire County Council (Waste). In addition, he stated that additional comments had been received from the Lickey Hills Society.

**RESOLVED** that permission be granted subject to the following conditions and notes:-

1. C99
2. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
3. The means of vehicular access to the development hereby approved shall be from Groveley Lane only.
4. Before any materials are brought on to the site or any development commenced, the developer shall erect protective tree fencing in relation to retained tree specimens as illustrated by BS 5837:2005 Fig. 2, on a line concurrent with Section 5 of BS 5837:2005. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.

**Notes:**

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

Duty of Care Regulations 1991  
Hazardous Waste (England and Wales) Regulations 2005  
Waste Management Licensing Regulations 1994 (as amended)  
Pollution Prevention and Control Regulations (England and Wales) 2000  
Landfill (England and Wales) Regulations 2002

Only clean, uncontaminated rock, subsoil, brick, rubble and crushed concrete should be used as fill material on site.

The applicant should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.9, CTC.10, CTC.12, CTC.13, CTC.14, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C11, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPG4, PPS9, Circular 06/05, Longbridge Area Action Plan: Issues and Options Report

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.

The meeting closed at 3.10 pm

Chairman

# Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>Bromford Housing Group 'B'</b>	Sustainable affordable housing (outline) - Land at Hinton Fields (off Dale Close) Catshill, Bromsgrove (as amended by plans dated 28.06.2007)	GB	B/2007/0306 26.09.2007

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

## Consultations

WCC(HP) Consulted - Original submission scheme prior to direction - Recommend refusal. Dale Close is a small cul-de-sac with limited road width. Whilst the principle may be acceptable due to the exiting road design and connection back to Stourbridge Road, it would not be suitable for a significant increase in traffic movements. The proposed access arrangements are not acceptable. Dale Close should be extended and the redundant area of the tuning area stopped up. The layout is inadequate. Point of access in a suitable or designed to cater for more than 25 units (including the existing number of houses) - 16.04.2007.

Consulted on revised submission - Raise no objections subject to suitable Section 278 and Section 38 Agreements, and conditions of a maximum of 19 units permissible of this access removal of raised platforms and realignment of access.

Catshill PC Consulted on original submission prior to direction. Recommends application be refused. This area of Green Belt should not be developed. Not in keeping with affordable housing developed by Bromford Housing Group elsewhere in the village - -02.04.2007

Consulted on revised submission:

- The BDLP designated this area as Green Belt hence this proposal is contrary to BDC's own guidance.
- Greatly increase traffic in area - implication on local residential amenity.
- Lead to opening up of area for further development and further erosion of Green Belt.
- 4 bed room house may not be considered affordable.
- Out of context to the area.
- Reduced access for emergency vehicles - 17.07.2007.

CAO Consulted - Request received for information on this site - Awaiting comments.

CEHO Consulted - no objection; suggest conditions in connection with land survey - 05.04.2007.

WWT Consulted - Suggest baseline survey to be carried out for protected species given issues of bats and badgers being raised, survey should be in line with PPS9 - 19.04.2007.

- WWT (cont'd) Amended proposal: Note contents of survey and progress application with suitable conditions and recommendations in report. Hope to see ecological benefit built into scheme. Perhaps SUDS and low carbon housing - 05.07.2007.
- ENG Consulted on original submission prior to direction.
- Storm water disposal shall be by means approved in writing by Local Planning Authority. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer (application incorrectly states Mains).
  - Due to the relief of the land in question there will be difficulties in controlling surface water run off. There is no direct outfall available and protection is required for existing properties on the low side of the proposed development. On site retention will be required and details.
  - Foul sewage shall be to sewer in Stourbridge Road, as sewer in Hinton Fields is private - 13.04.2007.
- Amended submission:
- Storm water disposal shall be by means approved in writing by LPA. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer.
  - Due to the relief of land and the lack of outfall for storm water then a designed discharge is needed. There will be a requirement to protect the existing property.
  - Structures drives and land drainage is to be controlled by an attenuated discharge which could have an outfall to the Stourbridge Road and hence to Battlefield Brook. Doubtful whether a soakaway could contain such a discharge (no FRA required).
  - Foul sewage to Stourbridge Road - 10.07.2007.
- LP Consulted - 1st submission and amended submission - comments awaited.
- Strategic Housing Officer Consulted - in principle, require more affordable housing in Bromsgrove; however, note restraints. Further comments awaited.
- Urban Designer Consulted - Sloping site and rows of houses will have considerable differences in levels. Street scene drawn incorrectly as presently shown on level site. Houses 12-15 would be impossible to build as drawn given level changes. This also applies to the level changes from the front and back of the houses. Rectangular paved area is totally inappropriate in both size and shape. If the cartilage parking was utilised, this would preclude any use of parking in the rectangular area; again; the slope of the land would make this appear most incongruous. Amount of hard surfacing could lead to flooding of house in Hinton Fields.
- House type is rectangular with blank sides suitable for building in rows and terraces. House type 'C' has, therefore, blank gable walls facing the road with a rear garden behind. No windows face the road and are considered unsuitable for a corner plot. The layout should change to

eliminate this isolated plot or there should be a change of house type. This also raises questions about the buffer zone and play area. Especially, the purpose and the location and size of the play area, which would be in shadow after 11.00 hrs.

Application appears to take no account of topography, house type or arrangements. The design of the road and hard surfaces is considered formulaic and unimaginative which would not achieve a satisfactory sense of place - 17.08.2007

#### Publicity

15 Neighbour letters sent for original and revised submission

1st Site Notice posted 02.04.2007; expires 23.04.2007.

2nd Site Notice posted 06.07.2007; expires 27.07.2007.

1st Press Notice posted 28.03.2007; expires 18.04.2007.

2nd Press Notice posted 05.07.2007; expires 26.07.2007.

1 petition received with 21 separate signatures.

- Outlining concerns based on designation of land as Green Belt.
- Increase in Noise.
- Traffic implications.
- Potential for increase in anti social behaviour 11.04.2007.

1 unaddressed detailed response.

44 separate individual detailed responses (please note: this recorded number excludes further representations from the same objectors and further comments made, which take the total over 50; however, comments received are recorded below and reiterated in later responses.

Comments include, in summary, as follows:

- Loss of further countryside.
- Erosion of the space between Bromsgrove and Catshill especially since the limits of Bromsgrove were extended by the Barnsley Hall Development.
- More pollution.
- Concerned about the future and development of further parts of site will be lost from Green Belt if this proposal goes ahead.
- Access off Dale Close and implications for traffic generation and congestion. Access onto Stourbridge Road is already problematic and this will worsen situation. This will be especially relevant at peak times for both vehicular and pedestrian safety, especially with little and no pavement in places in Stourbridge Road.
- Development will have an adverse impact on wildlife and protected species, such as badgers and wide variety of bird life.

- Contact with BBC Springwatch and 'Number 10' in respect to impact on wildlife, especially birds, badgers, etc.
- Potential for more crime / disorder.
- Devaluing properties in local area.
- Loss of village feel of Catshill.
- Concerned that this is a smoke screen for profit rather than affordability.
- Loss of Green Belt, contrary to national policy. Thought this was only to be released in very exceptional circumstances.
- Shouldn't other brown field sites be developed before this site? Government policy indicates that priority will be given to brown field sites.
- Pressure on related services; that is, health, dentists. Availability is already stretched.
- Traffic on Rocky Lane already an issue, with lorries, etc.
- What about the current moratorium of further housing in the district?
- Erosion of rural nature of the area.
- Further encroachment into the countryside causing further intrusions.
- Setting an unwelcome precedent.
- This is not the right way forward for the area, whilst appreciating high prices in the area and local needs.
- Concerned about notification of application. Hope this was not deliberate so less people would object.
- Real and potential danger of flooding given the low lying of the houses in Dale Close and the potential for run off from the development.
- Visually detrimental and blighting view for some distance and local visual amenity.
- Issues of too much development in Catshill already raised at PACT Meeting and issue of unsuitable tenants in properties already managed by Bromford Housing Association in the village.
- Access arrangements will be problematic for emergency services to get access especially at peak times.
- 2 letters from MP requesting further comments on issues raised above by two residents.

### The site and its surroundings

This particular site relates to a parcel of land that is situated north-west of the Stourbridge Road on the outskirts of the village of Catshill. The site is presently bounded by Rocky Lane to the east, Dale Close and Hinton Fields to the south, with Hinton Fields following the remaining boundary. The land is presently utilised in connection with agriculture and

is presently gazed. Towards the southern end of the site is an agricultural barn / shelter / store.

Topographically, the land has significant changes in levels from northwest to south-east. The land clearly slopes up to follow Rocky Lane up to the other entrance of Hinton Fields. Mature hedgerows and trees bound the land. The present agricultural access is made via the turning head in Dale Close where there are now two field gates. In the field are agricultural shelters and stores. Substantial hedgerows border the whole site; however, a hedge line runs along the western boundary of this proposal with a smaller hedge and tree towards the centre of the site.

The land in question is within confirmed Green Belt.

### Proposal

This proposal remains as an outline application for the construction of 19 dwellings with access off Dale Close.

Members will note that the application was originally received on 21.03.2007 and the Council directed the applicant under Article 3 to provide more details in order to formally assess the application. This included access arrangements, scale and layout of the dwellings, not only access to the site. Also included in this request was a baseline phase 1 habitat survey, as the land has never been previously developed. This requested information was eventually received on 21.06.2007 and the application was then revalidated and re-advertised with adjoining neighbours notified accordingly and site and press notice posted.

It should be noted that when this directed information was received, it included changes to the original submission, including a change to the site area, a change to the description of the development, the number of dwellings reduced (possibly in response to Highways comments on the original submission), which also involved a submission of a new application form, new design and access statement (including an assessment of other sites) and the phase 1 ecological survey.

<b>Original submission</b>	<b><i>Revised submission</i></b>
Site area - 0.538 ha.	<i>Site area - 0.520 ha.</i>
Application description- Proposed Affordable Residential Housing Scheme	<i>Application description- Sustainable Affordable Housing</i>
No of Units - 24	<i>No of Units - 19</i>
Layout scale and massing indicative	<i>Alterations to layout scale and massing of buildings elevations provided</i>
Design and Access Statement (including market assessment)	<i>Design and Access Statement (including market assessment) Supporting Statement of other potential sites in Catshill Ecological Survey</i>

## Relevant Policies

RSS	CF2, CF3, CF5, CF6, PA1, QE1, QE3
WCSP	SD.1, SD.2, SD.4, SD.7, CTC.1, CTC.5, CTC.8, D.1, D.2, D.3, D.4, D.6, D.7, D.8, D.9, D.12, D.38, D.39, T.1
BDLP	DS2, DS13, S9, S16, TR11
Other	PPS1, PPG2, PPS3, PPS7, PPS12, PPG13 SPG1, SPG10

## Relevant Planning History

B/2006/0562 Extend Existing Field Access and Gates - Granted 02.08.2006

## Notes

The original submission was an Outline submission with all matters reserved. However, indicative details on siting access were provided. Subsequently, an Article 3 Direction requested additional information regarding the submission proposal. The requested details included scale, layout and appearance; and, also, a Phase 1 habitat survey of the land. These details were considered necessary as the proposal is clearly within Green Belt and it is important to be able to assess the impact of the proposal on this against all the necessary criteria.

These were subsequently provided by the applicant, including details altered as indicated above. As a number of details had been altered, it was necessary to re-consult residents and re-advertise the application both by way of site notices and press notices.

## *Issues relevant to this Proposal*

### **The Development and SPG10**

Members will note the adopted Supplementary Guidance in terms of the management of housing in the District. The existing oversupply of housing is presently at odds with Regional County targets, hence the adoption of the guidance.

This proposal is for the provision of 19 affordable units through a Registered Social Landlord. The proposal is for 100% affordable units and a robust housing survey has been provided. This indicates that there is proven local need and, in this instance, I would find the proposal acceptable in terms on your adopted policy advice.

### **Green Belt / Affordable Housing**

The proposal site is outside the residential area of Catshill in confirmed Green Belt.

The policies particularly relevant to this case are policies S9 and S16 of the BDLP 2004. The land is situated within confirmed Green Belt, outside the residential area of Catshill where the provision of new dwellings outside existing villages would be considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. The proposal is, therefore, considered in relation to provisions of policies D.12 and D.39 of the WCSP, policies DS2, S9 and S16 of the BDLP and the provisions of PPG2. As the development is considered inappropriate, it is therefore necessary for the

applicant to demonstrate that very special circumstances exist to outweigh the harm caused to the openness of the Green Belt. Policy S16 considers proposals for affordable units in the Green Belt. This policy is read in conjunction with policy S9. Explanatory paragraph 9.13 (policy S9) expands this general thought and states:

*In general, planning policy has prevented housing development in open areas of the countryside and restricted it elsewhere in the Green Belt. Nevertheless, there has been an insidious intrusion of dwellings in some traditional semi-rural parts of the Green Belt which threatens to undermine the character of these areas. The District Council seeks, by this policy, to confirm its intention to safeguard all Green Belt areas from continuing pressure for piecemeal residential development*

Both the original and revised submission have been supported by a Housing Needs Survey and has been supported with maps and statistics provided for Catshill and Marlbrook.

The site, as identified, appears to cover the whole of the land, although the site to which the proposal refers only represents a part. The background to, and site description, appear to refer to the whole of the land and not the parcel of land in question and I would therefore question whether the survey concludes that the whole site has been assessed, or just the element of the site currently under review as part of this application.

Policies S9 and S16 are particularly relevant in this instance for assessment for affordable housing in the Green Belt.

Policy S9 cross-refers to policy S16, which expands on the criteria of affordable housing.

Policy S16 identifies a number of provisions

- (a) *The site should be within or adjoining the boundary of the settlement and should be small scale and suitable for the location*

Whilst the site is adjoining the boundary with the settlement of Catshill, I do not consider it to be an appropriate scale and suitable for the location as, by my comments identified within this report, especially in respect to the site layout and local topography.

- (b) *The application on unallocated land should be accompanied by a local need survey which shows conclusively that there is genuine need*

This is not a rural exception site and a local needs survey / housing market appraisal has been provided. This has drawn information from a number of sources. It clearly indicates that there is a requirement for affordable housing in the District. Figures have been provided for Catshill, the type of dwelling set against the number of applications and the number of lettings. It states that there are 56 households waiting for each 1 bedroomed flat which become vacant. I appreciate these figures as provided. These figures have not been clearly broken down to indicate that these applications are for purely Catshill, as the same applicants could be applying for Belbroughton, Hagley or Wythall. The same is true for the house types. It would be unconceivable that someone on a waiting list

for a home would exclude their opportunity for other types of properties so their interests may be recorded in the figures more than once. Therefore, the figures may not, in fact, reflect the true situation. The survey also goes onto to consider the other sites within the residential area of ownership. All have been discounted due to unknown ownership or the potential that these sites may be too expensive for the Housing Association to purchase. Whilst I appreciate these comments, no further assessments of these sites have been provided. There is no proof that these sites will or will not be available or, in fact, affordable. More unusually, there is already an ADR site identified for Catshill. The area is identified in the Bromsgrove District Local Plan as BROME. This site is located off the Stourbridge Road and covers a substantial area. Again, no assessment of this area has been provided.

- (c) *The site should conform with all the environmental and control policies in both the Local and County Structure Plan*

It is clear that the site does not comply with the provisions of Green Belt policy and its related policies in the local and county structure plan and the provision thereof. The scheme would cause harm to the openness and visual amenities of the Green Belt.

- (d) *The proposal must include arrangement to ensure that the benefits of affordable housing are retained for future occupiers*

I note the site is on behalf of a Registered Social Landlord and conditions may be imposed to ensure that the benefits of affordable housing is retained as 100%.

- (e) *The proposal does not involve cross subsidy*

The proposal does not involve cross subsidy in this particular instance.

The very special circumstances put forward by the applicant have been outlined in paragraphs 1 - 3 as follows:

1. There is proven need for affordable housing in Catshill and this housing can be provided without the need for cross subsidy, making a valuable contribution to meeting that need.
2. The site is within Green Belt policies S9 and S16, which provides for the opportunity to permit the development of affordable housing in the Green Belt. Applications should be judged on their own merits.
3. The site contains a number of low grade agricultural buildings and these unsightly buildings will be removed as part of the proposal. The site is not defined as a Site of Special Scientific Interest (SSSI) or Landscape Protection Area (LPA) and, therefore, the environmental impact will be limited. The scheme is well designed with good landscaping and should not be out of keeping with the area.

In conclusion, the report indicates the circumstances justify the development of the site for affordable housing.

In response, Members will note the explanatory paragraph under policy S9 which considers that housing development in the Green Belt has been restricted; nevertheless, there has been an insidious intrusion of dwellings in some traditional semi-rural parts of the Green Belt. Policy S16 expands on this and considers the merits of affordable units for rural exceptions sites. This site lies outside the residential boundary of Catshill in confirmed Green Belt. Whilst the gap between Bromsgrove and Catshill is narrow in this location, the Green Belt performs an important function in contributing to the fundamental aim of Green Belt policy, preventing further encroachment out into undeveloped countryside on the urban fringe. The proximity of the Catshill residential area, and Bromsgrove, which are both the focus for development, could not, in this instance, consider this proposal site as a rural exception site. Annex E of PPG2, nor Paragraph 30 of PPS3, suggest any relaxation of Green Belt policy as set out in PPG2.

Any proven need for affordable housing does not, in my opinion, and in this particular case, amount to very special circumstances necessary to allow the relaxation of Green Belt policy or the justification of inappropriate development within the Green Belt.

I draw Members attention to a recent decision notice on the outskirts of Stafford in confirmed Green Belt (land at Tittensor Road). The Inspector in this case did not consider the release of a further parcel of Green Belt was a very special circumstance in terms of any local need for affordable housing. The land in question was, in this case, not a rural exception, but on the urban fringe similar to this proposal.

I have also considered the public inquiry into the local plan modifications and, in particular, draw Members attention to the report of the public inquiry in 2002 for the BDLP proposed modifications and, in particular, considering the objection to the omission of the site at Hinton Fields (Dale Close) as an ADR (Area of Development Restraint). Members will appreciate this application covers a small proportion of this site.

**The Inspector concluded that the site was "reasonably sustainable. Moreover, its agricultural land quality is not so exceptional as to preclude it from consideration as an ADR."**

**More importantly he went on to add "the site does perform a valuable Green Belt function. It serves to maintain the integrity of the narrow and still largely undeveloped gap between Bromsgrove and Catshill. Further development here would not only encroach into the countryside extending urban influences along the south edge of Catshill, but would be visually intrusive in longer distance. Given the need for less safeguarded land and the availability of better sites elsewhere, I see no reason to identify this site as an Area of Development Restraint."**

The proposed development of this land is clearly not on land previously supported for release from Green Belt protection and, given the Inspectors comments in 2002, and consequently the adoption of your Local Plan, the proposed land clearly plays an important Green Belt function and role. Members will note the significance of this assessment whilst also noting there is already an identified ADR in Catshill (BROM5E), just off the Stourbridge Road. The application has concentrated on the assessment of sites in the Housing Capacity Study within the residential area of Catshill. No consideration of this other ADR site has been offered or discounted from any assessment provided; therefore, I maintain my objection as the main thrust of the objection to the

release of this proposed land from the Green Belt which is contrary to the associated policies and provisions PPG2. The other sites have mainly been rejected on ownership and whether they may or may not be available, but this does not imply will not be available now or in the future.

Furthermore, Members will note Annex E of PPG2 which expands on affordable housing; however, Circular 11/2005 re-affirms the Government commitment to the principle of Green Belt as set out in PPG2, which indicates that applications for development in the Green Belt should be subject to the most rigorous scrutiny and, consequently, I consider this proposal does not justify the relaxation of the adopted Local, County and National guidance.

The argument put forward by the applicant to justify the development, given the quality of the landscape / low grade agricultural land is, I consider, misplaced. Whilst the quality of the land may not be of high grade in agricultural terms, or provide any visual benefits for the removal of the low grade agricultural building, this again does not in itself justify the setting aside of adopted policy in terms of Green Belt which is, by emphasis, based on openness.

### **The Issue of Precedent**

Furthermore, Members will appreciate the issue of precedent to this site on both a local and wider basis. Objections have been raised in terms of this issue and I share the residents concerns. The release of this land could lead to further proposals and, consequently, further intrusions into the Green Belt. Such approaches could be applied throughout the urban fringe, especially in respect to Catshill and Bromsgrove. This issue is especially relevant given the Inspectors previous comments. Members will appreciate how it will seriously undermine the key aims of Green Belt policy in preventing urban sprawl and maintaining openness.

### **Layout Design / Scale / Density**

The revised and reduced proposal indicates that 19 dwellings will be accessed directly off Dale Close. The route will turn and provide houses to either side of the access, which widens to a turning area. This area will provide pedestrian and vehicular access to all the properties. At the end of the development is a narrow area marked as an environmental buffer zone.

The development would provide a density of development which equates to 37 dwellings per hectare, which may be considered appropriate to this type of location and in line with the guidance in policy D.9 of the WCSP. A basic design and access statement has been offered by the applicant / agent which suggests that the scheme reflects the existing building line of the development of Dale Close with active frontages and natural surveillance, with hard and soft landscaping to create a square arrangement. An area of public open space has been provided in the centre of the development overlooked to provide natural surveillance with an environmental buffer zone recommended from the habitat survey. It goes on to state that the height and form has been taken from the general existing form of the adjacent dwellings - mainly 2-storey with soft neutral materials to blend in to the existing area.

Members will appreciate that the topography of the area is not that of a level site, indicated by the elevations provided. The site slopes considerably from west to east, the lowest point being next to the site entrance from Dale Close. The difference in levels exceeds 5 metres in places. Consequently, there is a substantial difference in levels between the two rows of houses.

The Council's Independent Urban Designer, and objections received, have commented on the scheme and have also raised the issue of ground levels. The street scenes clearly indicate level ground which is not the case for this submission and no levels or sections have been provided through the site to demonstrate how this layout may be achieved. The dwellings could not be built as proposed due to the changes in levels; this refers to both the street scenes and the changes of levels between the front and back of the dwellings.

The Independent Urban Designer has further commented on the central square and associated expanse of hard paving, which does not appear to be justified. The rectangular paved area bears no consideration of the local topography. It would look out of place on a flat site but the slope of the land would increase the impact of this very large area of hard surface. Two parking spaces appear to be provided per house; this would preclude any parking in the square. He has further added that there is no justification for the play area adjacent to the buffer zone. It appears to be a left over space and is in an inappropriate place, shadowed by the hedge after 11.00 hrs. I too share these concerns and note that, whilst the buffer zone depth was requested by the ecological findings, the parking areas appear to encroach on this area, thus reducing its benefit.

I draw Members attention to the Design and Access Statement which indicates that the development fronts onto the public realm and highway to provide active frontages and natural surveillance. Plot 1 is house Type C which has no openings facing the highway. The gable end walls will be blank and the rear garden (and potential enclosure) does not provide any active frontage or surveillance. The applicants design and access statement indicates that unsupervised gable ends have been designed out, when this is clearly not the case in terms of plot 1, as the house types are designed for use as a terrace. I would concur with the Council's Independent Urban Designer and do not consider the house type responds positively to the context of the site and the development as a whole, and does little to respond to provide any sense of place.

The Council's Independent Urban Designer has also commented on the suburban standard layout with road carriageway and pavements to either side. The standard formula reduces the ability of the development to effectively integrate and respond, diminishing its sense of place.

The houses have been designed to lifetime standards; however, I believe this should not be used as a reason to make this, or any, scheme more acceptable. The standards are acceptable but this should be the standard on all submissions rather than being utilised as special. The requirements will become the standard in 2012 anyway.

PPS1 suggests that good design is indivisible from good planning. Paragraphs 34 and 35 consider the design of a development should respond positively and add to the character and quality of the area. This is also reflected in PPS3. I consider the scheme has a number of shortcomings that have not been adequately considered and would be

contrary to the principles of this guidance and policy DS13 of the Bromsgrove District Local Plan.

### **Highways / Access / Parking**

Members will note the original prepared scheme was for 24 units with access off Dale Close. Consequently, Highways objected to the scheme as the access point was considered unsuitable for the number of units, and the scheme was revised to reflect the number of dwellings which could be supported off the turning head and access. This figure was subsequently reduced to 19.

Highways have suggested that the principle of the access arrangements are acceptable and would be subject to the standard highways Agreements including S.278 and S.38.

A number of concerns have been raised by residents in terms of the access and highway safety. I appreciate these concerns; however, the scheme was reduced to the maximum permissible off a turning head. The application has been considered by Highways and no objections have been raised by them in terms of egress onto Stourbridge Road by either vehicles or pedestrians. This includes the number of vehicles using the access, its access onto the Stourbridge Road and the changes associated with these vehicles and pedestrian movements or any detrimental issues in connection with emergency vehicles. It would be difficult in this instance to sustain a refusal based on this aspect alone.

### **Drainage**

The site is sloping predominantly from northwest to southeast. A large number of concerns have been raised in respect to the drainage of the site, especially in respect to the lower lying houses in Hinton Field and Dale Close. The Council's Drainable Engineer has indicated that storm water provision will not be allowed to discharge to the foul water system. Soakaways have been proposed; however, he has indicated that these may not be practical. He has gone on to state that, due to the relief of the land, there will be difficulties in controlling surface water run off as there is no direct outfall available and protection is required for the existing properties on the low side of the development. Retention of water on site is required and further details for this should be provided.

Members will note that the Drainage Engineer has not specifically recommended in this instance to refuse the application, whilst appreciating the local drainage issues in the area. A flood risk assessment is not required for the size of the development and it would be difficult to refuse the application on drainage issues alone as issues may be controlled by conditions. Further details are recommended via the imposition of conditions; this includes the areas of hard surfacing which have not been specified and would have to be permeable to ease any local issues.

### **Wildlife Ecological Issues**

The applicant was requested under the Article 3 direction for details on a baseline ecological survey to be undertaken on the site in line with the guidance contained in PPS9.

The survey focused on the following which mainly concerns the determination of the potential of the area of the proposed development works to support protected species which must be taken prior to, and during, the planned works in accordance with legislation (Wildlife and Countryside Act 1981, NERC 1994, Protection of Badgers and Countryside and Rights of way Act 2000). The survey also aimed to identify habitats and species recognised, and to suggest appropriate mitigations, if required

The Report supplied with the application submitted concluded that the vegetation on the site is not considered to be of significant conservation value; however, there could be opportunities to enhance the biodiversity of the site by incorporating a wildlife friendly scheme in line with PPS9. The main thrust of the recommendation centred around the value of the site for nesting birds (in the hedge) and the potential of the site for roosting bats; whilst no evidence supported bats roosting in the agricultural buildings, the other main consideration was in connection with badgers.

There was evidence of badger activity and, as badgers are protected, licences would be required. Further surveys were also suggested.

I note the large number of objections and concerns raised in terms of the potential for wildlife on the site. Again, I appreciate the number of concerns raised. The Baseline Survey has suggested a number of mitigations and conditions, which may be applied, and it would be unreasonable not to consider the imposition of conditions to ensure the development is acceptable.

### **Amenity**

SPG1 sets out standards for residential development. This includes separation standards. These are embodied to avoid detrimental amenity issues. Standard distance separations are provided between window-to-window walls. A 21 metre standard is normally applied to achieve a degree of privacy. As this site slopes, the distance separations are increased to ensure adequate privacy levels are maintained. This is not wholly clear on this site with the implications from the submission that the site is level; however, this is clearly not the case and the sloping ground requires more consideration. Concerns over views are appreciated; however, this in itself does not represent a reason to protect any individual rights would not amount to a loss of amenity.

### **Other Issues**

A number of concerns have been raised in respect to local services and related access, and to anti-social behaviour. Whilst I appreciate these concerns, I note little weight has been applied to the impact of services in the area.

The issue of anti-social behaviour falls within other legislation outside the remit of Local Planning Authority (that is, the Police). Any issue should be reported to the appropriate party and dealt with accordingly and, if this relates to the Housing Association, it would be internal management of that organisation rather than the Local Planning Authority to control. It would be difficult to refuse an application on these grounds when the issues are not proven, as the development is not in place.

## Conclusion

The proposal represents inappropriate development in the Green Belt. The loss of this parcel of land would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. Any proven need for affordable housing does not, in my opinion, and in this particular case, amount to very special circumstances necessary for the relaxation of Green Belt policy or the justification of inappropriate development in the Green Belt.

The scale, layout and design of the proposal does not effectively respond to the local area. PPS1 suggests that good design is indivisible from good planning. Paragraphs 34 and 35 consider the design of a development should respond positively and add to the character and quality of the area. This is also reflected in PPS3. I consider the scheme has a number of shortcomings that have not been adequately considered and would be contrary to the principles of this guidance and policy DS13 of the Bromsgrove District Local Plan.

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

1. The application site falls within Green Belt as designated within the Bromsgrove District Local Plan. The scheme for 19 affordable dwellings represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. The very special circumstances submitted to justify the setting aside of inappropriate development in the Green Belt exist or outweigh the harm caused. As such, the proposal is contrary to policy QE1 of the West Midlands Spatial Strategy, policies D.8, D.12, D.39 and SD.7 of the Worcestershire County Structure Plan, policies DS2, DS13, S9 and S16 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS3.
2. The layout and scale of the development responds poorly to both the local context of the area or having a positive impact on its character. The land contours of the site are not appreciated in the submission, leading to an inaccurate portrayal of the elevations and layout of the scheme. The proposal is contrary to policy QE3 of the Regional Spatial Strategy (RSS), policies CTC.1 and CTC.5 of the Worcester County Structure Plan, policy DS13 of the Bromsgrove District Local Plan, the guidance in Supplementary Guidance Note 1 and national policy guidance contained in PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.

# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Betel of Britain 'B'</b>	Retrospective fenced car park area - Windmill House, Weatheroak Hill, Alvechurch	GB LPA AGLV	B/2007/0482 24.09.2007

## **RECOMMENDATION:**

- (a) that planning permission be **REFUSED**;
- (b) that enforcement action be authorised to secure the removal of hardstanding area and that authority be delegated to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, to select the most appropriate course of action.

## Consultations

WCC (HP)	Notified 30.07.2007 expires 20.08.2007: No response received to date.
Alvechurch PC	Notified 31.07.2007 expires 21.08.2007: No response received to date.
Wythall PC	Notified 08.08.2007 expires 29.08.2007: No response received to date.
Publicity	Site Notice posted 02.08.2007; expires 24.08.2007 One letter of objection received regarding the following issues: <ul style="list-style-type: none"><li>• This is a Green Belt area.</li><li>• The ground has already been prepared with hardcore where at least eight 3.5 tonne vans are parked there each night / weekend.</li><li>• During winter months these vehicles will be plainly visible from the adjoining property.</li><li>• Proposal represents unwarranted intrusion / loss of amenity.</li></ul>

## The site and its surroundings

The application site relates to a field located south of the main site buildings on the western side of Watery Lane. The boundary fronting Watery Lane is a dense, mature native hedgerow mixed with semi-mature and mature trees. The site is accessed from an existing field gate leading off Watery Lane. The locality is predominately rural and the site is within the recognised Green Belt, a designated Landscape Protection Area and an Area of Great Landscape Value.

## Proposal

Planning permission is sought for the retention of an existing hardstanding area for the parking of vans / tippers / mini-buses used in relation to Betel of Britain. The hardstanding measures some 50 metres long by 18 metres wide and is constructed of largely crushed bricks with some wood-chip surfacing to the north of the hardstanding. The site is served by an existing field access off Watery Lane.

In a supporting letter, the applicant states that Windmill House is occupied by Betel of Britain, a registered charity that provides residential accommodation for disadvantaged members of the community. The house offers accommodation for up to 60 residents and training facilities in furniture restoration, car maintenance and other related skills. In order to run and maintain the centre, a number of small commercial vehicles are required,

which include four 3.5 tonne 'Transit' type vans, three 3.5 tonne tippers and three mini-buses. The vehicles are not in constant use and unused during the daytime between approximately 11.00 hrs. and 16.00 hrs.. The applicant notes that the combination of staff cars and commercial vehicles has made it increasingly difficult to park and safely manoeuvre on the existing car park, hence the application.

### Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.4, D38, D39
BDLP	DS2, DS13, C1, C4
Others	PPS1, PPG2, PPS7

### Relevant Planning History

B/2004/1277 Erection of temporary modular building for use as workshop; granted 07.02.2005  
B/1996/0846 Erection of concrete sectional garage; granted 06.12.1996

### Notes

I consider the main issues with this application to be whether the proposals may be considered as appropriate development within the Green Belt / AGLV / LPA and, if not, whether there are any very special circumstances, which would override the harm caused.

Green Belt / Streetscene:

Policy DS2 of the Bromsgrove District Local Plan and policy D.39 of the Worcestershire County Structure Plan outline types of development that is considered to be appropriate within the Green Belt, which largely reflects national guidance in PPG2. Both policy DS2 and D.39 state that there will be a presumption against allowing inappropriate development, which is by definition harmful to the Green Belt.

The most important attribute of the Green Belt is its openness. Incremental additions, even those that are on land that is screened from public view, increase coverage of land by built development and thereby reduce openness. While I note that the proposal relates to hard standing rather than buildings, this is still considered to have an urbanising effect, encroaching upon the Green Belt's openness. Furthermore, the intended use of this hardstanding area to park large commercial vehicles will exacerbate the visual impact upon openness. The proposal is therefore considered to be inappropriate development within the Green Belt and contrary to the fundamental aims of Green Belt policy.

While I am in no doubt of the merits of the charity work that is carried out on site and the resulting social benefits, I am mindful that applicant's personal requirements for a commercial parking area does not amount to a very special circumstance to outweigh the harm to the Green Belt and the general presumption against development.

The application site is also within a designated Landscape Protection Area and an Area of Great Landscape Value. Policy DS13 of the Bromsgrove District Local Plan requires

development to protect the areas essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect upon the landscape, especially within LPA's. Policy CTC.4 of the Worcestershire County Structure Plan states that within Areas of Great Landscape Value priority will be given the conservation and protection of the key landscape characteristics, which comprise these areas, in particular visual sensitivity.

To create the hardstanding area, the ground has been poorly laid with crushed bricks, which appear uneven and unattractive. Although the site is fairly well screened from the west, there are limited views of the site through the vehicle access gap in the hedge. The applicant notes that the close boarded fence running along the eastern edge of the hardstanding has been erected (under permitted development) to obscure the view of parked vehicles from a distance. I consider that the fence appears out of context with the rural landscape and is largely superfluous to its intended use given that it fails to screen higher vans. The parking area is also relatively isolated from the main cluster of buildings and established parking area creating unnecessary encroachment of the site to the south. The proposal is therefore considered to have a negative impact upon the streetscene and sensitive AGLV and LPA contrary to policies DS13 and C4 of the BDLP and policies CTC.1 and CTC.4 of the WCSP.

Neighbours' Amenity:

I note the adjoining neighbours comments regarding views of the parked vehicles, particularly during winter months when foliage is limited. I do not consider that the limited views of these parked vehicles will be overbearing or cause any significant loss of amenity to the adjoining neighbour. The entrance is some 40 metres from the dwellinghouse, which sits beyond a mature field boundary. I do not therefore consider that the vehicle movements to and from the site would be so significant as to warrant refusal of the application based on neighbours' amenity.

#### **RECOMMENDATION:**

(a) that planning permission be **REFUSED**;

Reasons:

1. The proposal is considered to constitute inappropriate development in the Green Belt and would not accord with Green Belt Policy and the purposes of including land within it. No very special circumstances are considered to exist or have been put forward to outweigh the harm that would be caused. As such the proposal is contrary to Policies DS2 and DS13 of the adopted Bromsgrove District Local Plan 2004, Policy D.39 of the Worcestershire County Structure Plan 2001 and to the provisions of PPG2.
2. The proposal is considered to have a negative impact upon the streetscene and the sensitive Landscape Protection Area and Area of Great Landscape Value it sits within contrary to Policies DS13 and C4 of the adopted Bromsgrove District Local Plan 2004, Policies CTC.1 and CTC.4 of the Worcestershire County Structure Plan 2001 and to the provisions of PPS1.

- (b) that enforcement action be authorised to secure the removal of hardstanding area and that authority be delegated to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, to select the most appropriate course of action.

# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Bromsgrove District Housing Trust 'A'</b>	Erection of 20 no. affordable dwellings - Land at Ash Lane / Smedley Crooke Place, Hopwood (as augmented by extended phase 1 habitat survey received 19.08.2007 and plan received 31.07.2007, and amended by plans received 08.08.2007)	GB TPO	<b>B/2007/0495</b> 23.08.2007

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

## Consultations

- WCC(HP) Consulted - views received 18.07.2007:
- No objection subject to Conditions.
- ENG Reconsulted on amended plans 09.08.2007: views awaited.  
Consulted - views received 11.06.2007:
- The disposal of storm water shall be by means approved by the LPA.
  - This site is bordered by a stream on its northern and eastern boundaries. There are also ditches within the site making this "bottom land" which is unsuitable for development unless ground levels are raised in conjunction with a land drainage scheme if a suitable outfall can be proved.
  - A flood risk assessment is required, especially if the above-mentioned stream is culverted in any way. Any discharge into this watercourse will also need to be attenuated.
- Planning Policy Consulted - views received 19.06.2007:
- The main issue for affordable housing on this Green Belt site is whether or not it complies with rural exception housing policy. The broad principle behind providing affordable housing in rural areas is not in question and such developments are supported wherever possible.
  - Policy S16 of the Bromsgrove District Local Plan is the most relevant to this application. This policy contains five criteria upon which such schemes are assessed. The views of the Strategic Planning Manager have been sought on the proposals and these are given below for your reference following the criteria set out in policy S16 of the BDLP.
    - Criteria (a)  
I accept the site is adjoining the boundary of the settlement, although I do not believe the proposal is small scale or suitable for this location without further justification. The current proposal for 20 dwellings is a significant addition to the village which currently only contains around 60 dwellings and, as such, a specific need for this level of development needs to be proven (see (b) below).

- Criteria (b)  
Currently I do not believe this criteria has been met. The information regarding the housing needs survey undertaken does not appear to prove any local need for Hopwood; rather, it indicates a desire within the Parish of Alvechurch for some affordable housing development. For this local need to be proven, more information is required on the exact nature of the survey, including the questions asked, and also where the responses were received from. Further information will also be required to ascertain whether or not those who expressed a desire for affordable housing were genuinely in housing need. Information from the housing waiting list may also be useful to indicate the number of people currently living in the Hopwood area who are waiting for affordable housing.
- Criteria (c)  
No comment.
- Criteria (d) and (e)  
As the scheme is being put forward by BDHT, I am satisfied both these criteria have been met.
- I also recommend using a lettings criteria to ensure local needs are met first. Some alteration may be required to this criteria to ensure people from Hopwood take precedence over people in other areas of the Parish.

Reconsulted on augmented information 08.08.2007: views awaited.

Planning Policy: Consulted - views received 07.08.2007:

Open Space

- Given the amount of outdoor play space proposed, and that this is in addition to areas of informal open space, together with the scheme relating to affordable housing, we do not seek a commuted sum in this instance.

Tree Officer

Consulted - views received 20.08.2007:

- The Tree Preservation Order imposed on the site relates to a Woodland Order. This Order relates to the value of tree cover, rather than the identification of individual tree specimens.
- The Woodland Order protects fully grown, developing and regenerating trees and will enable the securing of the value of this area as a small coppice-type woodland. The TPO also serves to safeguard the continuity of tree cover and the space in which the tree exists, so that as a tree reaches the end of its life, or is removed, it can be replaced by a young tree which the Order continues to protect.
- There is a direct threat posed by this development to the integrity of this small important coppiced woodland which sits in the Green Belt and provides essential habitat for fauna within the area.
- The site could support some housing without harm to tree cover but the present scheme is too extensive.

NEO

- Incoming residents and demands for removal, and issues over leaf-drop and safety, will lead to additional harm.

Consulted - views received 13.06.2007:

- From aerial photographs, the site appears to be wooded or scrubby. It is therefore likely that there is some biodiversity interest on the site. I recommend that a full ecological assessment be undertaken, if this has not already been done, in order for us to make our decision. This should be undertaken by a suitably qualified professional. In addition to a baseline assessment, the survey should make note of potential for protected species, and where there is a possibility of a species being present, additional surveys should be conducted by a specialist and at the appropriate time of year. Species which could possibly be found include, but are not limited to, bats, badgers and birds.
- The site is in close proximity to the Worcestershire and Birmingham Canal and the River Arrow Special Wildlife Sites (under 1km), and the Bittell Reservoirs SSSI. These should be given full consideration by the application, in line with PPS9 and our Local Plan policy C10. Any negative effects on these sites must be appropriately mitigated against. Thought should be given to run-off from the development, with the use of SUDS being considered.
- If the development could result in biodiversity loss, appropriate mitigation should be included. Any opportunities to provide biodiversity gain through the development should be maximised, as per PPS9.

Consulted on submitted Phase 1 Ecological Survey - views received 30.07.2007:

- The extended Phase 1 Habitat Survey supplied gives an overview of the habitat present, and makes an additional consideration of any protected species which could be using the site. It highlights the potential for bats, great crested newt, grass snake, nesting birds and badger to be on or using the site. The survey is not designed to look into the presence or absence of these species in any detail, and does not consider the population size or the type of use of the site made by any of these species. It recommends that additional surveys are carried out for the species which could potentially be using the site, in order to assess this detail and to ensure that the planning and legal requirements for the protection of these species are met. These additional surveys have not been carried out.
- Without the information from the additional surveys, an informed planning decision cannot be made. PPS9 requires decisions to be based on up-to-date information about the environmental characteristics of their area. It requires developments to maintain, enhance, restore or add to biodiversity interests, a part of which is ensuring appropriate weight is attached to the importance of protected species. The information currently supplied is not enough to meet this requirement. Policy QE7 of the RSS requires that our

decisions encourage the maintenance and enhancement of biodiversity resources, with priority given to sites and species which receive statutory protection. In addition, policy C11 of the Local Plan requires that due regard be paid to the specific requirements of statutorily protected fauna and flora. At present, the requirements of both the RSS and the Local Plan regarding protected species are not being met.

- Although the developer has indicated that they are willing to carry out the further surveys as a planning condition, this is not acceptable. These surveys are needed 'up front' in order to aid the decision making process. If these surveys were carried out as part of a planning condition, and then mitigation were found to be impossible, the planning permission would not be able to be implemented without infringements under the relevant wildlife legislation. The exact species present and their use of the site must be known before it can be determined whether the development will meet the requirements of PPS9, the RSS and the Local Plan, the relevant wildlife legislation, and in order that appropriate mitigation and enhancement measures be included in the development.
- The development scheme does not at present include any mitigation for the species which are potentially on site. Further surveys should be used to inform the design of the development, including a mitigation and enhancement scheme which minimises negative impacts on biodiversity caused by the development and maximises positive gain, in line with PPS9.
- The overall design of the scheme should aim to preserve the most important habitat on site. According to the findings of the survey supplied, this is the woodland and the scattered trees. These habitats should be preserved and preferably enhanced through additional planting to benefit biodiversity. The hedgerow should also be retained and improved as this provides valuable habitat for nesting birds, a linear feature to the benefit of bats, and a cover for the movements of mammals. Although the overall ecological value of the dense scrub and tall ruderal vegetation is stated as moderate and low, this habitat provides valuable cover for reptiles and great crested newt, and mitigation for its destruction must be provided.
- Based on the species which might be present, a mitigation and enhancement scheme should consider the provision of bat and bird boxes, the use of planting to improve linear flight lines for bats, pond creation for great crested newts, leaving small piles of wood and rocks as feeding and hibernation sites for both great crested newts and reptiles, the use of spoil to create south facing slopes for reptile basking and the creation of an artificial badgers sett should one be found on site. The exact scheme will depend on which species are found and in what way they are using the site.
- The species present on site will also have an impact on the timing of works. Construction should take place outside of the bird nesting season, with additional checks made outside of the traditional season prior to work commencing in order to comply fully with the

Wildlife and Countryside Act 1981. Additional time constraints may emerge in light of the additional surveys. It may also be necessary to take steps to keep wildlife out of the site during the construction phase. Again, this would have to be information by the additional surveys.

- Without appropriate mitigation, the development does not meet the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests, attaching appropriate weight to protected species, of the RSS policy QE7, and our Local Plan policy C11 which requires due regard be paid to statutorily protected species. Without full knowledge of the species on or using the site, the developer is running the risk of contravening the relevant wildlife legislation. Both bats and great crested newts are European Protected Species, protected by the Habitats Regulations 1994 and the Wildlife and Countryside Act 1981. Grass snake and nesting birds are afforded protection by the Wildlife and Countryside Act 1981. Badgers are protected by the Badgers Act 1992.
- At present, the information needed to make an informed planning decision has not been supplied and so the development should be refused.

Strategic  
Housing  
Manager

Consulted - views received 04.07.2007:

- The Council's Housing Needs Survey indicates an annual shortfall of affordable housing across the District of 418 units per annum.
- The local Housing Needs Survey carried out by the Rural Housing Enabler and the Parish Council indicates significant levels of local need that is backed up by the Council's Housing Waiting List figures which indicate a strong demand for housing in Alvechurch Parish.
- A large proportion of former council houses have been sold in both Alvechurch and Hopwood which now greatly limits the affordable housing vacancies that become available in the area.
- The joint working that Strategic Housing has carried out with the Rural Housing Enabler and the Parish Council identified a number of sites in the Alvechurch area that had potential for affordable housing.
- A consultation event took place in December 2005, the feedback from which was used to prioritise sites for consideration.
- The Smedley Crooke Place site was ranked 4th out of 11 possible sites. Sites prioritised above (that is, 1st, 2nd and 3rd) have been investigated but negotiations with landowners have, to date, been unsuccessful.
- Affordable family housing at this location would be sustainable and greatly assist in meeting local housing needs.

EHO  
Contaminated  
Land

Consulted - views received 05.06.2007: No objection subject to Conditions

Urban Design

Consulted - views received 29.06.2007:

- The houses proposed facing Ash Lane are very regular in both their

planning and their form and, as such, are rather out of keeping with the irregularity of the existing houses. In general, the exclusive and rather mechanical use of semi-detached pairs of houses in the proposal limits considerably the ability of the built form to enclose space. A more irregular clustering of houses with a greater variety of type, around the north and the south ends of the site, could achieve both a better shaping of space and an increased density.

- The almost total removal of the hedgerow on Ash Lane, in order to achieve parking areas 10 metres wide in front of the houses, would result in a considerable and damaging loss, in both environmental and ecological terms. This too could be avoided by a different and more site-sensitive placement of the houses.
- In principle, the placement of a large (about 40m x 40m) public open space in the centre of the site is a positive proposal. But there is an almost total absence of both surveillance of the space by houses and the enabling of the houses to benefit from views of the space. Only houses 9 and 10 achieve this, and then only obliquely. Instead, the space is bounded on either side by a total of 80 metres of 1.8 metre high brick walls. These would have a deadening effect upon the space. There is no indication on plan of the boundary treatment of the space to the public footpath. It is not clear whether there is access between the two; there should be.
- In general, the whole site plan is mechanistic and unimaginative, and fails to achieve appropriate relationships between the houses, their private outdoor spaces, and the natural environment of the site.

EA

Consulted 02.08.2007 and 22.08.2007: views awaited.

Rights of Way

Consulted 30.05.2007: views awaited.

Ramblers

Consulted - views received 05.06.2007: No objection.

Association

WMC

Consulted - views received 11.06.2007:

- No objection subject to dwellings conforming to Secured by Design Standards.

WWT

Consulted - views received 03.08.2007:

- I agree with the findings of the ecological survey and would support the call for the additional work to be completed. Moreover, I would expect the additional details to be available to you before you determine the application in line with guidance in PPS9 and your duty under the NERC Act 2006. I note the comments in the covering letter relating to paragraph 16 of PPS9 but I do not think that this relates to information gathering, rather it provides guidance on how to implement mitigation / enhancement within the final development. I would tend to go back to Key Principle 1 (i) of PPS9 which states that planning decisions should be based on up-to-date information.
- Given that there may be European protected species involved, I do not think it would be appropriate for the Council to condition survey until after a grant of permission.

WCC(CA)

Consulted 07.06.2007: views awaited.

- Alvechurch Village Society Views received 21.08.2007:
- The AVS supports the District Council's policy of affordable housing and, specifically, its development in the parish of Alvechurch but expresses concern about the development of this site.
  - Concern over scale of proposal in settlement with few facilities and poor access arrangements and due to Hopwood demonstrating a minimal housing need compared to the main settlement of Alvechurch.
- Alvechurch PC Consulted - views received 15.06.2007:
- Alvechurch Parish Council are strongly in favour of building affordable dwellings in the Parish of Alvechurch.
  - The site is one of those considered by the Parish Council and deemed suitable and sustainable.
  - At the public meeting held 12 June 2007, the Members listened to concerns voiced by local residents.
  - Of the concerns raised, it was felt that some regarding safety issues were valid.
  - The Planning Committee therefore suggested that the recommendation be submitted for the plans to be amended for Smedley Crooke Plans to be extended to allow vehicle access to the development.
  - The section of the road shown leading from Plot 10 to the junction with extended Smedley Crooke Place then being made pedestrian access only. Also, if possible, allow a small area adjacent to Plot 10 as a turning area.
  - This would effectively half the traffic flow from the development onto Ash Lane and improve emergency access.
- Publicity Reconsulted on amended plans 09.08.2007: views awaited  
6 letters sent 31.05.2007 (expire 21.06.2007)  
1 letter sent 08.06.2007 (expires 29.06.2007)  
25 letters sent 08.08.2007 in relation to amended plans (expire 22.08.2007)  
2 site notices posted 13.07.2007 (expire 03.08.2007)  
3 press notices published 08.06.2007 (expire 29.06.2007)
- 56 letters received (including responses in relation to amended plans):
- Loss of privacy.
  - The scheme contravenes Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
  - Sensitive area, being a green buffer between Birmingham and Worcester.
  - Spoil rural character and aspect of Ash Lane.
  - Removal of hedgerow would alter visual character.
  - Scale of development is out of proportion to the existing community in Ash Lane and Smedley Crooke Place.

- Destroy local distinctiveness of rural setting.
- The dwellings are more suitable to an urban estate not a rural hamlet.
- There are alternative brownfield sites available for housing development in the Alvechurch area. These should be used before any other site is considered for use.
- Hopwood is unsuitable for future housing growth.
- No identified need.
- Low cost housing runs roughshod over Green Belt policy and will set a precedent for other similar unsuitable schemes.
- There are no amenities in Hopwood - no shops, newsagent, church, doctors or dentist, school, post office and only hourly bus service that ceases at 18.00 hrs.
- Unsustainable location - would lead to excessive journeys by private motor vehicle.
- Confliction with ramblers / walkers / cyclists / horse riders.
- Ash Lane is narrow and not suitable for the amount of traffic proposed, already enhanced with Garden Centre, cricket and rugby club meetings.
- No pavements and parked vehicles often cause difficulty in passing in Ash Lane.
- No street lighting in Ash Lane.
- Already safety issues with the junction onto the A441.
- There is no pedestrian crossing across the Birmingham Road / Redditch Road for family occupiers.
- Wildlife haven, including protected species.
- Damage to tree cover.
- The land currently absorbs air and noise pollution.
- Light pollution issues.
- Building on this marshy site would alter the water table and could lead to flooding.
- Are there sufficient services (gas, electricity and sewers) to cope with such a major development?
- Disturbance during construction phase.
- Collection of waste would be problematic.
- Fear of crime.

1 letter received from Julie Kirkbride MP 09.07.08:

- I understand that there is a need for social housing in Bromsgrove, albeit as far as I am aware Bromsgrove District Housing Trust has not established that there is a need for such a large number of affordable housing in the Hopwood area.

- Hence I think that Bromsgrove District Housing Trust are seeking to create too large a development in a sensitive part of the Green Belt and hope very much that, as a result, Bromsgrove District Council's Planning Department will be minded to turn it down
- I fully understand that we need to provide affordable homes for people, but we also need to be sensitive to the concerns of others as to where they are located

### The site and its surroundings

The application site of approximately 1.1 hectares is located on the southern side of Ash Lane, with the southern aspect of the site located to the east of Smedley Crooke Place. The site is bounded by residential dwellings in Ash Lane, Redditch Road and Smedley Crooke Place to the west. Open land is located to the southern boundary. A public right of way runs to the eastern boundary connecting Ash Lane to the north and Redditch Road to the south. An area of hardstanding that previously contained garaging is located at the head of the Smedley Crooke Place cul-de-sac between the dwellings known as 6 and 7 Smedley Crooke Place. The site is heavily vegetated with semi-mature and mature tree specimens and understorey. A hedgerow runs to part of the Ash Lane frontage. No vehicular access is currently available to access the site. The site is located outside the designated Hopwood Village Envelope and is within recognised Green Belt. All trees are protected with a provisional woodland Tree Preservation Order.

### Proposal

This application relates to a full application for the erection of 20 two and three storey affordable dwellings, with associated access and parking areas to comprise the following:

<u>Social rent</u>		<u>New Build HomeBuy</u>	
2 bed dwellings:	5	2 bed dwellings:	3
3 bed dwellings:	9	3 bed dwellings:	3

Vehicular access would be off Ash Lane. Each dwelling would have two off-road car parking spaces. Pedestrian access would be provided off Ash Lane and Smedley Crooke Place. An outdoor play area of 2200 square metres is located centrally within the site, in addition to areas of informal open space.

A significant number of trees are proposed to be removed, together with a section of hedgerow fronting Ash Lane.

A supporting planning statement, Design and Access Statement, arboricultural survey and a flood risk assessment are available in the planning file should Members wish to view them.

### Relevant Policies

WMSS CF2, CF3, CF4, CF5, PA1, QE1, QE2, QE3, QE6, QE7, QE8, QE9, RR1, RR4, T1, T2, T7

WCSP	CTC.1, CTC.5, CTC.8, CTC.9, CTC.13, CTC.14, CTC.15, D.2, D.4, D.6, D.8, D.9, D.12, D.38, D.39, D.43, RST.12, SD.2, SD.3, SD.5, SD.4, SD.6, SD.7, SD.8, T.1, T.3
BDLP	C4, C5, C10a, C11, C12, C16, C17, C18, C19, DS1, DS2, DS3, DS5, DS6, DS11, DS13, ES1, ES2, ES4, ES6, ES7, HOP1, RAT5, RAT6, S9, S14, S16, TR11
Others	PPS1, PPG2, PPS3, PPS7, PPS9, PPG13, PPG17, PPG24, PPS25, Circular 06/98, Circular 06/05, SPG1, SPG10, SPG11

### Relevant Planning History

B11671	Residential development (outline): refused 19.03.1984
B4925	Erection of four private houses (outline): refused 17.07.1978 Appeal: dismissed
B3617	Residential development (outline): refused 20.06.1977 Appeal: dismissed

### Notes

I consider the main issues with this application to be whether the proposals are appropriate development in the Green Belt and, if not, whether there are any special circumstances which would override the harm caused. The proposals must also be considered in terms of whether there is a local need for affordable housing in Hopwood sufficient to justify the number and type and tenure of affordable dwellings proposed, the issue of design, the affect on residential amenity and character of the locality, the implications for highway safety and egress and the impact on protected tree cover and protected species.

### **Green Belt and Affordable Housing Issues**

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 as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policies 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 PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. This includes limited infilling in existing villages and limited affordable housing for local community needs under Development Plan Policies according to policies with PPG3 (now PPS3).

Affordable housing is defined in PPS3 Annexe B as:

*Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:*

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.*

The terms *affordability* and *affordable housing* have different meanings. *Affordability* is a measure of whether housing may be afforded by certain groups of households. *Affordable housing* refers to particular products outside the main housing market. *Housing need* relates to the quantity of housing required for households who are unable to access suitable housing without financial assistance.

PPS3 states that in providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, local planning authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

The principle of rural exception housing is referred to in PPS3 (paragraphs 30 and 38). This states:

- (a) Fundamentally it enables Local Authorities to grant permission for small sites within or adjoining existing small rural communities which would not otherwise be released for general market housing, in order to provide affordable housing to meet local needs in perpetuity. This may include land covered by a Green Belt designation.
- (b) Whilst it is often the best solution to tackling housing needs in rural areas, it is only intended to supplement overall rural affordable housing provision.
- (c) Local Authorities may allocate rural exceptions sites for 100% affordable housing within Local Development Framework documents.

Policy S9 of the BDLP relates to new dwellings in the Green Belt. Criteria (c) refers to limited affordable housing for local communities in accordance with Policy S16. Policy S16 refers to rural exception sites and lists five criteria against which such an application will be considered. Accordingly I shall consider each criteria in turn:

- (a) *The site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location*

Although the application site is located outside the Hopwood Village Envelope, it does adjoin the defined Village Envelope settlement boundary of Hopwood at Smedley Crooke Place to the west and Ash Lane to the north.

The Strategic Planning Manager has commented that the proposal is not small scale or suitable for this location. The Strategic Planning Manager views the proposal for 20 dwellings to be a significant addition to the village which currently

only contains around 60 dwellings and, as such, a specific need for this level of development needs to be proven.

Policies SD.4 and T.1 of the WCSP encourage development to be located in or adjacent to urban areas in order to minimise the need to travel and to provide access to a number of travel modes as advocated by PPG13, notably the objectives set out in paragraph 4. I am of the view that prospective occupiers will have to travel by car in order to gain access to jobs, schools, shopping and leisure facilities. The physical detachment of the site from such facilities and services would mean that journeys that in a better located site might be made on foot, bicycle or on public transport would be made using the private car. Whilst there are limited footpaths and, to an extent, cycleways in the area, these are unlikely to be used for anything other than leisure purposes and do not provide realistic alternative modes of transport or viable links to frequent public transport services, contrary to Policy T.1 of the Structure Plan. I am therefore of the view that prospective occupiers would be highly dependent upon the private car and that the occupier's lifestyles would be largely car-orientated.

- (b) *Any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings*

Although I note the views of the Strategic Housing Manager, the Strategic Planning Manager is of the view that criteria (b) of policy S16 has not been conclusively met. The information regarding the housing needs survey undertaken does not appear to prove any local need for Hopwood; rather, it indicates a desire within the parish of Alvechurch for some affordable housing development. For local need specific to Hopwood to be proven for the amount of dwellings proposed, more information has been requested on the exact nature of the survey, including the questions asked, and also where the responses were received from. Further information has also been requested to ascertain whether or not those who expressed a desire for affordable housing were genuinely in housing need.

The applicant's Agent has responded to this by stating that the proposed dwellings can be justified on the basis of the local need which is evidenced in the Planning Statement. I enclose a copy of this in **Appendix 1**. The Agent has also stated that the Housing Needs Survey for the Alvechurch Parish was conducted by the Rural Housing Enabler for Worcestershire and Herefordshire in 2004 and provides a strong indication of local need. This concurs with the views of the Strategic Housing Manager. In order to provide specific data for Hopwood to prove a local need, the Agent has provided details of current housing waiting list data and states that within the parish there are 22 applicants from Hopwood requiring an affordable home. However, I am of the view that this information critically relates to a case demand for affordable housing rather than a measure of genuine housing need in Hopwood.

These views have been put to the Strategic Planning Manager. I will update Members at the Committee meeting on this issue.

- (c) *The site should conform with all environmental and control policies in both the Local and County Structure Plan*

The scheme would cause harm to the openness and visual amenities of the Green Belt, be located in an unsustainable location and cause harm to protected tree cover. No evidence has been provided by the applicant to ensure that flooding would occur or be exacerbated by the development. Further surveys are also required to investigate the presence of protected species and to consequently provide mitigation measures for such species. As such, I am of the view the site does not conform to all environmental and control policies contained in the Local Plan and the County Structure Plan.

- (d) *The proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers*

On such rural exception sites, it is necessary to ensure that adequate occupancy controls are in place to reserve the affordable housing for local needs in perpetuity and this may involve the use of conditions or planning obligations. The applicant's Agent has confirmed that it would be standard practice for BDHT to impose a covenant to ensure that the affordable housing is retained for future occupiers for such a scheme as this. I consider this mechanism would achieve retention of such arrangements.

- (e) *The proposal does not involve cross subsidy*

The proposal does not involve cross subsidy. The scheme relates to a scheme of 100% affordable housing.

Paragraph 9.36 of the Local Plan states that the scale and location of exception site schemes will be examined carefully. Proposals which are of a high standard of design and layout and relate sympathetically to their natural and built surroundings are more likely to be acceptable. Notwithstanding the outstanding views of the Strategic Planning Manager in relation to point (b) of policy S16, I consider the proposal to be currently contrary to points (a), (b) and (c) of policy S16 of the BDLP and thus subsequently contrary to policy S9 of the BDLP. Given these circumstances, I am consequently of the view that the proposal is, by definition, classified as inappropriate development in the Green Belt. On this basis, it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

### **Harm Caused**

Members should now be aware that paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. Specifically, I consider that in this case the erection of new dwellings would, in itself, go against the fundamental aim of Green Belt policy by impinging on the openness of the Green Belt. The erection of 20 dwellinghouses would clearly result in a permanent urban / domestic appearance to the site. The proposed development would also prejudice the purposes of Green Belt policy by not encouraging the re-use of urban land and by not safeguarding the countryside from encroachment. Other harm relates to the impact on protected tree cover and possible harm to protected species and their habitat.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*my emphasis*).

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.

While I note that the proposal is supported by the Council's Strategic Housing Manager, and it is understandable that he should seek to achieve an increase in affordable housing provision throughout the District, the general need for more affordable housing of itself does not amount to the very special circumstances necessary to justify inappropriate development in the Green Belt as such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. Notwithstanding the need for some additional affordable housing in Hopwood, this does not amount to the very special circumstances which need to exist in order to justify setting aside the presumption against inappropriate development in the Green Belt.

As such, I do not consider any very special circumstances exist or have been put forward to outweigh the harm that would be caused to the Green Belt.

### **SPG10 Issues**

SPG10 includes exceptions to this moratorium including (ii) where proposals are for 100% affordable housing to meet a local need. Given no specific proven local need for affordable housing in relation to the settlement of Hopwood has been provided to the Local Planning Authority and I consider the scheme to be currently contrary to Policy (b) of policy S16 of the BDLP and policy S9 of the BDLP, the scheme cannot be treated as an exception to SPG10. As such, I therefore consider the scheme to be contrary to SPG10.

## **Density**

Policy D.9 of the Worcestershire County Structure Plan seeks to ensure that development is provided at a minimum of 30 dwellings per hectare within or adjacent urban areas or rural settlements unless there are local circumstances including the character of the surrounding area which indicate otherwise. Sites within town and local centres, where there is good public transport accessibility and around major nodes along good quality public transport corridors, should achieve densities of about 70 dwellings per hectare net. Increased residential densities also help to secure a mix of size and types of development in order to help meet the needs of different types of households. I am of the view that this approach relates to urban sites and not rural sites in the Green Belt. PPS3 states that in the absence of such guidance a minimum density of 30 dwellings per hectare should be applied.

The current proposals equate to 22 dwellings per hectare. Although I note this density to fall short of the requirement advocated by PPS3, I consider the rural character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable.

## **Form and Layout**

The area is characterised by a mix of period and modern medium-sized detached, semi-detached and terraced dwellings, of predominantly two-storey set in large to medium sized plots.

Members will note the views of the Urban Designer on the form and layout of the development. As a result, the scheme has been amended in relation to Units 1-6 and Units 15-20, greater emphasis on amenity space surveillance and the retention of the majority of the hedgerow along the Ash Lane frontage.

The amount of outdoor play space proposed accords with the guidance in SPG11.

## **Impact on the Amenity of Adjacent Occupiers**

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The guidelines suggest 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.

SPG1 states that a minimum separation of 21 metres is required to achieve a degree of privacy within conventional two-storey dwellings.

Although I note the views of third parties, I am reasonably satisfied the development should not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1.

Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site would not wish to lose this view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

### **Tree Issues**

All trees within the application site are afforded protection by a provisional woodland Tree Preservation Order. The Woodland Order protects fully-grown, developing and regenerating trees and will enable the securing of the value of this area as a small coppice-type woodland. The TPO also serves to safeguard the continuity of tree cover and the space in which the trees exist, so that as a tree reaches the end of its life or is removed, it can be replaced by a young tree which the order continues to protect. The trees have been protected at this stage as the site contains a good example of a small woodland and a number of specimens are under threat of removal or damage as part of the submitted application.

According to the submitted arboricultural report, the proposal will lead to the loss of a number of tree specimens, together with a number of mixed species groups within the main body of the site.

The Council's Tree Officer has raised concern over the loss of tree cover and raises concern that the proximity of the built footprint of the proposed dwellings will compromise the integrity of those specimens to be retained, consequently leading to their decline.

Although I am of the view that future residents would be fully aware of the presence and proximity of the trees prior to occupying the new dwellings, it is apparent that the retained trees will continue to grow in height and spread and thus their impact will increase. Consequently, I am of the view that there will be considerable pressure from incoming residents to undertake work on these trees to alleviate problems from leaf-litter, shading, falling branches and the perceived danger from the trees that would be located adjacent the dwellings.

I am also of the view that should this area be developed in the way proposed, it would cease to be an area in which a viable woodland infrastructure could continue to exist. It is my view that any development on the site will lead to either an area of un-managed pockets of trees or the removal of trees completely and replacement with managed lawned area. The majority of trees shown to be retained would come under such pressure so as to make them unsustainable. There is therefore the likelihood that the remainder of the site would thus come under pressure for development and a strong possibility that the small area of tree cover remaining would be completely lost.

I note the view of the applicant's Agent that less than half of the trees would be lost as part of the development and those trees to be removed are of low quality and value. However, Members will note the views of the Council's Tree Officer on this issue, together with the longevity of retained tree cover. Smedley Crooke Place and Ash Lane permit clear views into the site and thus I am of the view that the proposed development would have a materially detrimental impact upon the visual amenity of the locality and cause a detrimental impact on the character of the surrounding area through the loss of

protected tree cover and comprising of the integrity of existing trees contrary to policies C17, C18 and C19 of the Bromsgrove District Local Plan and policy CTC.1 of the adopted Worcestershire County Structure Plan.

## **Ecological and Biodiversity Issues**

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European Protected Species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on local planning authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981. For clarity, the Great Crested Newt is a European protected species.

PPS9 *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. PPS9 encourages local planning authorities, in making planning decisions, to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment (paragraph 1). PPS9 goes on to state that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused (paragraph 1).

Circular 06/05 *Biodiversity and Geological Conservation* provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy in Planning Policy Statement 9, Biodiversity and Geological Conservation (PPS9).

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98). Circular 06/05 goes on to state that 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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted (paragraph 99).

Circular 06/05 also makes it clear that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before the permission is granted. In appropriate circumstances, the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the appropriate procedure (paragraph 99).

The applicant has commissioned an ecological survey at the request of the Local Planning Authority. This was submitted on 19th July 2007. The Extended Phase 1 Habitat Survey supplied gives an overview of the habitat present, and makes an additional consideration of any protected species which could be using the site. It highlights the potential for bats, great crested newt, grass snake, nesting birds and badger to be on or using the site. The survey is not designed to look into the presence or absence of these species in any detail, and does not consider the population size or the type of use of the site made by any of these species.

The survey recommends that additional surveys are carried out for the species which could potentially be using the site, in order to assess this detail and to ensure that the planning and legal requirements for the protection of these species are met. As such, it recommends such surveys are carried out to assess the presence / absence of great crested newts and the usage and activity of the site by bats, badgers and reptile species (with direct reference to grass snake). These additional surveys have not been carried out.

The NEO has commented that, without appropriate mitigation, the development does not meet the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests. As such, I consider the scheme to be contrary to policy QE7 of the West Midlands Spatial Strategy, policies CTC.12 and CTC.13 of the Worcestershire County Structure Plan and policies C10a and C11 of the Bromsgrove District Local Plan, all referring to the nature conservation and biodiversity and the presence of statutorily protected species in the development control process. These policies reinforce the philosophy of both PPS9 and Circular 06/05.

### **Flooding Issues**

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. Following the views of the Council's Drainage Engineer, a Flood Risk Assessment was requested and an Assessment was duly submitted on 21st August 2007. The EA has been consulted on this document and the views of the EA are awaited. I will update Members at the Committee meeting on this issue.

In the interim period, no conclusive information has been given to indicate that the scheme at present would cause or exacerbate potential flooding problems contrary to policy CTC.8 of the Worcestershire County Structure Plan and policy ES2 of the Bromsgrove District Local Plan, as well as the provisions of PPS25.

## **Traffic and Highway Implications**

Although I note the views relating to highway safety raised by third parties, the WCC(HP) raised no objection to the original scheme subject to the imposition of conditions and the applicant entering into a legal agreement to provide £1,500.00 towards improved and renewed signage on the A441 approaching Ash Lane. This has been requested to enhance the conspicuousness of the junction. Although the applicant's Agent is agreeable to this, I am not in receipt of any such agreement.

The views of the WCC(HP) in relation to the amended scheme are currently awaited and I will update Members at the Committee meeting on this issue.

## **Conclusions**

The scheme for 20 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links or within easy walking distance of facilities such as shops, schools or places of employment. As such, residents of the proposed dwellings would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport. Furthermore, no specific proven local need for affordable housing in relation to the settlement of Hopwood has been provided to the Local Planning Authority.

As such, the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The submitted ecological survey recommends that additional surveys are carried out for the species which could potentially be using the site, in order to assess this detail and to ensure that the planning and legal requirements for the protection of these species are met. As such, it recommends such surveys are carried out to assess the presence / absence of great crested newts and the usage and activity of the site by bats, badgers and reptile species (with direct reference to grass snake). These additional surveys have not been carried out. As such, I am of the view that the applicant has not adequately demonstrated that the scheme would not cause undue harm to protected species and their habitats.

I am also concerned over flooding issues due to the proximity of the new buildings to the Sugar Brook watercourse. Although a Flood Risk Assessment has accompanied the application, the Environment Agency has raised an objection to the scheme on flooding grounds as the application would thus be contrary to policy CTC.8 of the Worcestershire County Structure Plan and policy ES2 of the Bromsgrove District Local Plan.

As such, I find the scheme to be unacceptable.

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

- (a) The application site falls within Green Belt as designated within the Bromsgrove District Local Plan. The scheme for 20 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links or within easy walking distance of facilities such as shops, schools or places of employment. As such, residents of the proposed dwellings would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport. Furthermore, no specific proven local need for affordable housing in relation to the settlement of Hopwood has been provided to the Local Planning Authority.

As such, the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused. As such, the proposal is contrary to policies CF2 and T2 of the West Midlands Spatial Strategy, policies D.8, D.12 and D.39, SD.4, SD.6, SD.7 and T.1 of the Worcestershire County Structure Plan, policies DS2, DS3, DS13, S9 and S16 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS3.

- (b) Sufficient housing has been completed or identified within the District to meet the strategic housing land requirements for the District as set out in policies D.2 and D.4 of the Worcestershire County Structure Plan (1996-2011). To grant planning permission for additional sites would prejudice the aims of the West Midlands Spatial Strategy and the Worcestershire County Structure Plan and would clearly be contrary to the 'Plan, Monitor and Manage' approach to housing provision advocated in Planning Policy Statement 3: Housing and the Council's Supplementary Planning Guidance Note 10 '*Managing Housing Supply in the District of Bromsgrove*'.
- (c) The cumulative effect of the proposed development would have a materially detrimental impact upon the visual amenity of the locality and cause a detrimental impact on the character of the surrounding area through the loss of protected tree cover and the compromising of the integrity of existing trees judged to be worthy of a Tree Protection Order by the Local Planning Authority, contrary to policies QE6 and QE7 of the West Midlands Spatial Strategy, policies CTC.1 and CTC.5 of the adopted Worcestershire County Structure Plan and policies C17, C18 and C19 of the Bromsgrove District Local Plan, and the provisions of PPS1.
- (d) No information has been provided to show that the development would not cause undue harm to protected species and their habitats contrary to policy QE7 of the West Midlands Spatial Strategy, policy CTC.13 of the Worcestershire County Structure Plan, policies C10a and C11 of the Bromsgrove District Local Plan and the provisions of PPS9 and Circular 06/05.
- (e) The application site lies within an area at risk of flooding. No information has been provided to show that the development would not cause or exacerbate potential flooding problems contrary to policy QE9 of the West Midlands Spatial Strategy,

policy CTC.8 of the Worcestershire County Structure Plan, and policy ES2 of the Bromsgrove District Local Plan, as well as the provisions of PPS25.

The application does not include contributions towards the provision of highway improvement works contrary to policy DS11 of the Bromsgrove District Local Plan.

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## **Section 6**

### **Overview of Affordable Housing Needs**

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#### **Local Priority for Affordable Housing**

- 6.1 In consultation carried out in the preparation of the Bromsgrove Community Plan 2003-2013 in 2003, local people identified provision of good affordable housing as an area for improvement. The Plan responded by proposing to carry out a Housing Needs Survey, which has now been completed (see below). The Plan also set a target for the delivery of 35 new units of affordable housing per year.
- 6.2 The Bromsgrove District Council Corporate Plan 2005-2008 sets out a clear message in support of partnership working to improve the delivery of affordable housing. It states that *'The need for affordable homes and restricted land availability is one of the major issues facing the District. The Council will work with a range of Registered Social Landlords in partnership, including Bromsgrove District Housing Trust, by assisting in the provision of affordable homes and improving housing conditions in the public and private sector'*.

#### **West Midlands Regional Housing Strategy (June 2005)**

- 6.3 The Regional Housing Strategy presents up-to-date affordability data for the region which is disaggregated to four Housing Market Areas (HMAs). Worcestershire is included in the Southern HMA where there is clear evidence of an imbalance between house prices and local incomes. Data presented in Appendix 13 of the Strategy indicates that at an income to house price ratio of 3.5, 76% of households in Bromsgrove District would be unable to purchase entry level housing. At a ratio of 4.25, 63.9% of households would still be unable to attain this. Only two other local authority areas in the Southern HMA exceed this (Malvern Hills and Stratford-on-Avon).
- 6.4 The Southern HMA has the second highest requirement of the four for affordable housing over the period 2001-2021 (the highest level requirement is Central HMA which takes into account the acute housing needs of Coventry and Birmingham). The need for social rented housing for locally defined key workers is a specific issue in the Southern HMA. The Strategy states that:

*'In Bromsgrove the adjoining housing areas to the north in South West Birmingham are predominately social housing, set to undergo a process of rebalancing and improvement of the range of choices available. It is important therefore that in future Bromsgrove achieves a balanced continuity with the conurbation housing markets by sustaining that range of housing choices throughout its own housing market' (p 61).*

### **Bromsgrove District Housing Needs Survey (September 2004)**

- 6.5 Using the Basic Needs Assessment Model (BNAM), the District Housing Needs Survey carried out by Fordham Research shows that there is an estimated annual need for 439 affordable homes in the District for the five year period 2004-09. 42% of this need is for social rented housing and 58% for intermediate housing. However, the majority of those in the intermediate category would only be able to access the cheapest form of this housing type. :
- 6.6 A Balancing Housing Markets (BHM) analysis revealed a need for 535 affordable homes per year, of which more than half is for 2 bed properties, as follows:

No. bedrooms	No. units required	%
1 bed	150	28%
2 bed	293	55%
3 bed	63	12%
4+ bed	29	5%
<i>Total</i>	<i>535</i>	<i>100%</i>

- 6.7 Overall, the Survey identifies that 85% of new build will need to be affordable housing and that *'the Council will need to maximise the provision of affordable housing from all available sources'* (p 10). It concludes with the figure of 439 to be provided per annum if all housing needs are to be met between 2004 and 2009.

### **Bromsgrove District Council Housing Strategy 2006-2011**

- 6.8 The District Housing Strategy, which was adopted in March 2006, states that the top housing priority is to address the shortage of affordable housing *'focusing on achieving a well balanced Housing Market and a consistent and appropriate supply of affordable housing to meet urban and rural needs, making best use of planning powers and the resources*

available' (p 3). It goes on to state that *'The District has a significant shortfall in the supply of affordable housing against the needs identified in the recent housing needs survey and the demand from homeless applicants [and] those in need on the Housing Needs Register'* (p 9).

- 6.9 The Strategy identifies that affordability has become an acute problem largely through the in-migration of households from urban areas which has led to an imbalance in the housing market. This has particularly impacted on affordability in the District's villages. House prices in the District are shown to be high when compared with national figures. The closure of the Longbridge car plant is expected to worsen this situation as its full impacts on levels of homelessness are realised. As already stated, Hopwood is affected by all of these factors.
- 6.10 It is especially significant that the Strategy identifies the impact of the moratorium being exercised through SPG10 upon the supply of affordable housing, stating that *the 'planning monitoria currently restricting private development constrains the ability of the Council to negotiate 'on site' provision and unfortunately excludes the cross-subsidy of affordable housing by private developers'* (p 55). It also identifies potential problems arising from the RSS in terms of restricting future housing development to small brownfield sites where the possibility for on site provision or commuted sums do not exist, to which the Council hopes to respond by lowering site size thresholds in the Local Development Framework.
- 6.11 The Council's target is to provide 400 units of affordable housing over the period of the Strategy – an average of 80 per year. The schedule of completed and projected sites included at Appendix 5 of the Strategy indicates that there are a sufficient number of schemes either with planning permission, pending a decision or at the pre-planning stage to deliver the required quantity. The schedule includes the application site within the delivery period 2007/08 (see Appendix A of this Statement).

#### **Parish Housing Needs Survey and BDHT Waiting List**

- 6.12 A Housing Needs Survey for Alvechurch Parish was carried out by the Rural Housing Enabler for the Community First organisation in 2004. Household surveys received a very good response rate of 26%. In response to the question *'would you support a small affordable housing scheme in the village for local people?'* 84% of the respondents were in favour. 105 of respondents reported some sort of housing need.
- 6.13 As summarised below, the results identify an overall housing need for 66 affordable homes in the first five years commencing in 2004. This discounts those who reported a requirement for open market purchase

as this does not demonstrate an affordable housing need. The full results are included at Appendix B of this Statement.

Tenure	No. units required immediately	No. units required within 2 years	No. units required within 2-5 years	Total	%
Social rented	20	9	13	42	64%
Shared ownership	7	8	9	24	36%
<i>Total</i>	<i>27</i>	<i>17</i>	<i>22</i>	<i>66</i>	<i>100%</i>

- 6.14 Current data from BDHT's housing waiting list indicates that 699 applicants have requested a home in Alvechurch. This is broken down as follows:

House type	No. units required	%
1 bed	405	58%
2 bed	172	25%
3 bed	122	17%
<i>Total</i>	<i>699</i>	<i>100%</i>

### **New Affordable Housing Provision**

- 6.15 The Council's Housing Strategy identifies that, during 2005/06, 75 new affordable homes were provided. This is close to the Strategy's annual target of 80 and represents a significant improvement on the average of the previous four years, of 23 per annum. It is important that sufficient land is released in order that this delivery rate can be sustained over the duration of the Housing Strategy, including the application site, which is identified for delivery in 2007/08 (see Appendix A).
- 6.16 However, against the target of 439 per annum identified in the Housing Needs Survey, a deficit of 364 has accrued for the period 2005/06. This is in addition to the existing deficit against this target of 413 units which occurred in 2004/05 – giving a total backlog in the Survey period to date of 777 affordable homes.

## Land Registry Data

- 6.17 Land Registry data shows that the average house price in Bromsgrove District during the quarter October to December 2006 was £234,885. This exceeds the regional average of £172,152; national average of £184,924; and county average of £206,113. It represents an increase of 66% since the fourth quarter of 2003 when the average house price was £156,886 according to the Joseph Rowntree Foundation (*Affordability differences by area for working households buying their homes – 2003 update*).
- 6.18 It is stated in the National Housing Federation's leaflet entitled '*The West Midlands Housing Timebomb*' (2006) that, based on latest housing market forecasts, the average house price in the region will have reached £240,443 by 2011. This will be '*over 50% higher than 2005*' (page 7). Current data shows that house prices in Bromsgrove are already close to this level.

## Relationship between Incomes and House Prices

- 6.19 Data from the New Earnings Survey reveals that average earnings increased by 35% between 1999 and 2003. This clearly indicates that increases in earnings have not kept pace with house prices which increased by 151% over the same period. The Annual Survey of Hours and Earnings (ASHE) shows that the mean gross weekly pay of residents of the Bromsgrove District in 2005 was £485.50. The Council's AMR 2006 indicates that although this is higher than the county and regional means, this can largely be attributed to the large number of high earners who live in Bromsgrove but work in locations outside the District.
- 6.20 A survey by the Joseph Rowntree Foundation (*The Geography of affordable and unaffordable housing, 2006*) reveals that the ratio of house prices to household gross income in Bromsgrove is 4.24. The research indicates that mortgage advances rarely exceed 4 to 1 when based on a single earned income and 3.5 to one when based on multiple earned incomes, indicating that a significant number of households on below average incomes would not be able to afford to purchase a property on the open market in Bromsgrove.

## Affordable Rural Housing Commission Final Report (Defra, 2006)

- 6.21 The findings of the Commission reveal a number of startling statistics about the extent of housing need in rural areas, and the drivers of this which includes restriction of supply by the planning system. It states that '*this restriction on supply, together with the limited availability of*

*suitable sites for development and the pressure from people wanting to move to the countryside have all contributed to house prices which have risen faster, and to higher levels, in rural areas than in the towns' (p 2). Other cited factors are summarised:*

- There has been a 73% increase in average house prices between 2000 and 2005 in rural areas as compared to a 68% increase in urban areas.
- There has been a 6% decrease in houses built in rural areas as opposed to a 29% increase in urban areas.
- New affordable housing has been built at a rate of 3% in rural areas compared to 22% in urban areas. Stock has been eroded at a faster rate than it has been replenished.
- Data on average rural incomes is heavily skewed by the effect of people commuting to work in urban areas. This often hides the lower income households which are most affected by affordability issues in these areas.
- 45% of newly forming households cannot afford to set up home in the rural ward in which they currently live.

6.22 The Commission recommends that rural areas should share in the growth planned following the Barker Review. It considers that six new houses should be built each year in every rural ward, and considers that these can be delivered in a way that meets local housing needs while protecting the character of the countryside. It goes on to recommend that while it considers exception sites to be a useful tool in the delivery of affordable housing, these should be complemented by the allocation of housing sites in LDDs.

# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>The Laurel Pub Company 'A'</b>	Pavement barriers, 2 sets of letters, 2 poster cases and 1 retractable awning (Advertisement Consent) - 126-130 High Street, Bromsgrove	PSS CA TCZ LB	<b>B/2007/0594</b> 07.08.2007

**RECOMMENDATION:** that advertisement consent be **GRANTED**.

## Consultations

WCC(HP) Consulted - views received 24.07.2007

"Recommends that any permission which the Local Planning Authority may wish to give include the following conditions:-

### CANOPIES / SIGNS / PROJECTIONS OVER HIGHWAY

#### H23

The underside of any projection, sign or canopy hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway / verge.

#### H24a - ILLUMINATION OF SIGNS, CANOPIES AND FLOOD

All lights on the underside of the canopy hereby approved shall be fully recessed so that no part projects below the lower surface of the canopy. No such light source shall be visible from outside the extremities of the application site or produce more than 2 Lux horizontal or vertical illuminance at any adjacent property boundary (Note: 1 Lux if property is residential and has windows at boundary).

REASON: in the interests of highway safety."

#### Note to Planning Officer

Noting that the application is for a canopy, a standard condition is recommended. However, the drawings indicate a table and chair under the canopy which will require a licence under Section 115E of the Highway Act 1980. The granting of any consent does not permit the siting of tables and chairs in the Highway.

CO Consulted 13.06.2007. View received 05.07.2007. Comments:

"I consider that the proposed colour scheme of brown with cream lettering is inappropriate for this building, as it is constructed in blue brick with decorative cream brick diaper work. The scheme would work better with a grey / blue background and cream lettering, or a cream background with dark grey lettering. Having had a quick look at the 'Slug and Lettuce' website, it would appear that other pubs have similar schemes to these.

CO (cont'd) I would prefer not to see internally illuminated letters on the fascia, as proposed, but maybe consideration could be given to some external lighting, as with a number of other buildings along the High Street.

I have no objection to the canopy and the external seating, again in a more appropriate colour scheme as suggested above."

Publicity Site notice posted 12.07.2007 - expires 02.08.2007  
Press advert published 22.06.2007 - expires 13.07.2007

### The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre. The public house is currently known as the Hogs Head and is run by a national chain, The Laurel Pub Company. This application is in association with the transfer from a 'Hogshead' to a 'Slug and Lettuce.'

The building is Grade II Listed and within the Town Centre Conservation Area.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass and is of a modern design.

### Proposal

This application relates to the addition of Pavement Barriers, two sets of letters, two poster cases and one retractable awning to part of the front elevation of the building.

The main shop frontage is made up of three compositions of glass doors. The proposed pavement barriers are to be situated around the middle of the three sets of windows. They each measure 1.9 metres in length.

Above the area to be enclosed by the barriers, the applicant proposes to attach a canopy or awning to the building. The applicant states that this is retractable but no details have been submitted to confirm whether they will be retracted outside opening hours.

The canopy is in the same design as the banners on the barrier, brown background with cream coloured lettering. It measures 4 metres in length and will therefore cover the area enclosed by the proposed pavement barriers.

Also proposed are two main advertisement signs to replace the current wording "Hogs Head" with "The Slug and Lettuce". These two signs will be above the other two sets of glass doors, either side of the proposed canopy. The background of these signs will be brown, to match the pavement barriers and canopy and the lettering will be cream in colour. It is proposed that the individual letters will be internally illuminated.

Also proposed are two poster frames on pillars. These are to replace two existing poster cases currently situated on the building. In addition, all areas currently painted burgundy are to be repainted brown to match the proposed advertisements.

This application is for 'advertisement consent' only. An associated planning application for the proposed seating area, which will be created by the canopy and pavement

barriers, has been submitted under plan reference B/2007/0767 and there is an associated application for Listed Building Consent for the proposed canopy under plan reference B/2007/0768. Both of these applications are to be considered later at this meeting of the Committee.

### Relevant Policies

WMSS QE1  
WCSP CTC.19, CTC.20  
BDLP S35A, S39, BROM22  
Others PPG15, PPS6

### Relevant Planning History

B/2007/0515 Provide new canopy and tables and seating to front of building - Listed Building Consent. Application withdrawn.  
B/2007/0514 Provide new canopy and tables and seating to front of building. Application withdrawn.  
B/2004/1111 Tables and chairs on pavement. Refused 01.11.2004.  
B/2004/0192 Decorations to front ground floor. Listed Building Consent granted 08.04.2004.  
B/2004/0164 Projecting sign. Granted 06.04.2004.  
B/2002/1017 Proposed external seating with bollards. Listed Building Consent Permitted Development 07.10.2002.  
B/2002/1016 Proposed external seating with bollards. Refused 28.10.2002.  
B/2000/0741 Listed Building Consent - change of use of units from A1 / residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended by plans received 09.08.2000 and 04.09.2000 and letter received 23.10.2000). Granted 20.11.2000.  
B/2000/0739 Advertisement Consent - Fascia and projecting signs (as augmented by drawings received 09.08.00). Granted 20.11.2000.  
B/2000/0738 Change of use from A1 / residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended and augmented by plans received 09.08.2000 and 04.09.2000). Granted 20.11.2000.

### Notes

The two main considerations for this application will be the impact on the special character of the Town Centre Conservation Area and the impact on the character of this historic building, for which I will draw on the guidance contained within Planning Policy Guidance Note 15.

Although illumination may be considered unacceptable within Conservation Areas, the illumination proposed in this instance is minimal in relation to the size of the overall signs. In addition, the lettering proposed is a light cream colour on a dark brown background, which will lessen the effect of the illumination. Supplementary Planning Guidance Note 2 "Shopfront and Advertisement Design Guidance" Paragraph 4.6 states that where fascias or projecting signs require illumination, individual lettering illumination may be appropriate, as proposed in this instance.

In relation to the new shopfront as a whole, the guidance set out in Supplementary Planning Guidance Note 2 "Shopfront and Advertisement Design Guidance" Paragraph 2.4 states that "good design need not necessarily be traditional and there are many locations where a well designed modern shopfront will be acceptable, but it should be sympathetic to the building above."

In this instance, the building above this shopfront is of a particularly attractive and unusual historic design. The current shopfront is particularly harmful to this Listed Building and has an intrusive impact on the Town Centre Conservation Area. I am therefore of the view that although a modern design is proposed in this instance, it is more in-keeping with the building above and the colour scheme is more sympathetic to the Town Centre conservation Area.

Looking at the guidance contained in Planning Policy Guidance Note 15, which states that the Local Planning Authority must seek to preserve and enhance buildings within the Conservation Area, I am of the view these new advertisements are of a more sympathetic design to the Listed Building than the existing ones currently in place. Therefore, to grant permission will enhance the current character of the Listed Building and be in line with the guidance set out in Planning Policy Guidance Note 15. In addition, I believe the adverts will not have an intrusive or harmful impact on the Town Centre Conservation Area.

**RECOMMENDATION:** that advertisement consent be **GRANTED**.

1. The underside of any projection, sign or canopy hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway / verge.
2. All lights on the underside of the canopy hereby approved shall be fully recessed so that no part projects below the lower surface of the canopy. No such light source shall be visible from outside the extremities of the application site or produce more than 2 Lux horizontal or vertical illuminance at any adjacent property boundary. (N.B. 1 Lux if property is residential and has windows at boundary.)

Reasons:

1. - 2. In the interests of highway safety.

Notes

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

WMSS    QE1  
WCSP    CTC.19, CTC.20  
BDLP    S35A, S39, BROM22  
Others   PPG15, PPS6

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

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# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. P. Grove 'A'	Two-storey side extension - 6A Blakes Field Drive, Barnt Green	RES	B/2007/0611 13.08.2007

**Councillor Mrs. A. E. Doyle has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WCC (HP)	Consulted - Views received 04.07.2007: No objection
Lickey and Blackwell PC	Consulted 19.06.2007, expires 10.07.2007: No response received
Publicity	Neighbours notified 20.06.2007 Additional notification 29.06.2007 Additional notification 03.07.2007, expires 25.07.2007 Site Notice posted 25.06.2007, expires 16.07.2007 Five letters of objection raising the following concerns: <ul style="list-style-type: none"><li>• Overdevelopment of the site.</li><li>• Further development will be outrageous / visually damaging.</li><li>• Overshadowing, loss of light, loss of view and loss of privacy.</li><li>• Proposed development is out of keeping with surrounding area.</li><li>• Proposed extension is not in scale with the original building and detrimentally affects the street scene and locality.</li><li>• Plans make reference to two separate plots / will bungalow be demolished.</li><li>• Permission already exists for a detached two-storey garage.</li></ul>

## The site and its surroundings

The application site relates to a recently constructed detached dwellinghouse. Blakes Field Drive rises in level from Plymouth Road to the south and the property is located at the head of a cul-de-sac north-east of the highway turning area. The area is residential in character and the application site is bounded by residential gardens.

## Proposal

Planning permission is sought for a two-storey side extension to a house approved under B/2006/0159. The extension will consist of a double garage to the ground floor with a bedroom and en-suite to the first floor. The extension will measure 8.5 metres deep by 6.6 metres wide by 8 metres high. The extension will replace a conservatory approved under the original scheme. Under the proposal permission, a detached garage approved under B/2006/0159 will also be revoked.

### Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10
Others	SPG1, PPS1

### Relevant Planning History

B/2006/1203	Amendment to previous approval re-siting garage with bedroom and ensuite over: Withdrawn 22.12.2006
B/2006/0756	Amendment to B/2006/0159: Addition of first and second floor windows: approved 05.04.2006
B/2006/0159	Replacement dwelling and detached garage, demolition of existing dwelling and detached garage (as amended by plans received 21.03.2006 and 22.03.2006): approved 05.04.2006

### Notes

Design / Impact upon the street scene:

Policy S10 of the BDLP relates to extensions to dwellings in non-Green Belt locations. This policy states that extensions should be in scale with and well related to the host dwelling. To comply with SPG1, it is suggested that the proposed 2-storey side extensions are set down from the height of the roof of the original dwelling, set back from the front wall and set at least 1 metre off the common boundary (although greater distances can be requested in more spacious settings).

Set down: The ridgeline to the extension will be set 2.1 metres down from that of the main house.

Set back: The extension is set 2 metres back from the front wall of the main house.

Set off: The extension will be set 2.6 to 3.0 metres off the boundary with no.14 Denehurst Close.

I am therefore satisfied that the proposed extension will be subordinate to the main house and will not create a terracing effect in accordance with SPG1.

While I note neighbours' concerns regarding over-development, and acknowledge that the extension will be sited in a prominent position at the head of the cul-de-sac, I am of the opinion that the extension has been well designed and will not detract from the character of the host dwelling or the visual amenity of the surrounding area.

The proposed extension will replace a 9.7 metre wide by 7.9 metre deep detached triple garage, which was approved under the original B/2006/0159 application set against the common boundary with number 7 Blakes Field Drive. I am of the view that if the triple garage was to be constructed together with the extension proposed under this application it would lead to the overdevelopment of the site. As such, permission for the detached triple garage approved under B/2006/0159 is recommended to be revoked under a legal

agreement, as the combined built form of both elements would be excessive and likely to have a negative impact upon the character of the development and the visual amenity of the street scene. The applicant's agent has agreed to deal with the revocation of the detached garage through a Section 106 agreement attached to the current application.

#### Fallback Position:

I note that Permitted Development rights were not removed from the original permission and up to 115 cubic metres of extensions may therefore be added to the property without the need for planning permission under the restrictions set out in Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995. Although the current proposal adds an additional 137.4 cubic metres to the dwelling's approved design, I am mindful that the applicant has a considerable fall back position to build up to 115 cubic metres of extensions without planning permission. I therefore consider that it is desirable to approve a slightly larger extension (a modest 22.4 cubic metres) that the Council may control by condition.

#### Residential amenity issues:

The proposed extension will bring the property closer to 14 Denehurst Close. In relation to the rear windows to this property, the proposal would appear to comply with the 45-degree code as specified in SPG1. 14 Denehurst Close has no side windows. As such, it is my view that the proposal will not be overbearing or cause any significant loss of light or amenity to this property. Given that the distance between the extension and the boundary with this property is some 3 metres, any first floor windows inserted under permitted development at a later would overlook the garden. This may be prevented by way of a condition. The boundary hedge will prevent views from any ground floor doors or windows, which may be inserted at a later date.

The extension is set a sufficient distance from 5 Denehurst Close and I do not consider that the extension will affect the level of light received by this property. SPG1 advises that the main windows to a new development overlooking existing private spaces should be set 5 metres per storey from the site boundary where it adjoins private gardens. The windows to the rear elevation of the proposed extension will be set 18.4 metres from the common boundary with 5 Denehurst Close and therefore comply with the guidance given in SPG1. Whilst I acknowledge that the occupiers of 5 Denehurst Close are concerned about the proposal overlooking their property, I am of the view that any loss of privacy would be minimal and would not detrimentally harm the amenities to their property. I note that adjoining occupiers have no right to a view over adjoining properties land.

I do not consider that the proposed extension will have any significant impact upon other surrounding properties.

#### Other matters / relevant history:

I note residents concerns regarding the sub-division of the plot on paper and the continued retention of the original dwelling scheduled for demolition. The fact that the applicant has chosen to outline parts of the site in red and blue is immaterial to the determination of this application. The plans show the blue line site as garden land within the applicant's ownership. The removal of the original dwellinghouse was conditioned

under application B/2006/0159 and I note that the Committee authorised enforcement action for demolition on the 13.08.2007 given that the timescale for demolition had been exceeded.

**RECOMMENDATION:** that permission be **GRANTED**.

1. C99 (Time: 3 years)
2. C38 (materials to match)
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), no windows or other openings shall be inserted at first floor in the northwestern elevation of the extension (facing No.14 Denehurst Close) without the prior written approval of the Local Planning Authority.

**Reason:**

3. To protect the residential amenities of adjacent dwellings in accordance with policy S10 of the Bromsgrove District Local Plan 2004.

**Notes:**

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

WMSS QE3  
WCSP CTC.1,  
BDLP DS13, S10  
Others PPS1, 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 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. J. Dalman</b> <b>'A'</b>	Demolition of existing dwelling and erection of new dwelling and detached 3-car garage (as amended by plans received on 06.08.2007) - Woodcote Green Farm, Woodcote Lane, Upton Warren, Bromsgrove	GB LPA AGLV	<b>B/2007/0663</b> 14.08.2007

**Councillor B. Lewis F.CMI has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

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

## Consultations

Dodford PC	Consulted on 22.06.2007. No response.
WCC(HP)	Consulted on 22.06.2007. Comment received on 31.07.2007; no objection subject to the inclusion of conditions H8d, H6, H9, H.Note No. 5, H.Note No. 1.
ENG	Consulted on 22.06.2007. No response.
LP	Consulted on 22.06.2007. Comment received on 09.07.2007.
Publicity	1 letter posted on 22.06.2007 (expired 13.07.2007). Site notice posted on 22.06.2007 (expired 13.07.2007).

## The site and its surroundings

The application refers to a small agricultural holding which is located in a designated Green Belt, Landscape Protection Area and Area of Great Landscape Value. The site comprises of an existing dwelling which is currently vacant along a series of agricultural farm buildings, some of which have already been demolished.

## Proposal

This application refers to the proposed demolition of the existing dwelling and erection of a new dwelling and detached 3-car garage.

## Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.4, SD.5, D.1, D.2, D.3, D.4, D.9, D.38, D.39, T.1
BDLP	C1, C4, DS2, DS13, S1, S4, S9, S12, TR11
Others	PPS1, PPS3, PPG2, PPS7, SPG1, SPG7, SPG10

## Relevant Planning History

B/2007/0106	Demolition of existing dwelling and outbuildings and erection of new dwelling, workshop and detached 3-car garage. Withdrawn: 01.05.2007.
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## Notes

The main issue to take into consideration are whether the proposals represent 'inappropriate development' in the Green Belt and, if so, whether any 'very special circumstances' exist to outweigh the harm caused to the openness / visual amenity of the Green Belt.

In addition, the site falls within both a Landscape Protection Area and an Area of Great Landscape Value, and it will therefore be necessary to establish whether the proposals would entail any material harm to the landscape.

This application will be dealt with in two parts: the replacement dwelling and the triple garage.

### ***The proposed replacement dwelling***

Policy S9(e) of the Bromsgrove District Local Plan states that a replacement dwelling in the Green Belt will be considered where it complies with the relevant Structure Plan policies and Local Plan policies, and reference is drawn to policy S12 of the Bromsgrove District Local Plan.

Policy S12 of the Bromsgrove District Local Plan states that a replacement dwelling in the Green Belt will be considered on the site of an existing building providing the proposal is for a similar scale and character of the original building. The two relevant extracts from this policy state that a replacement dwelling would not be acceptable where:-

- (a) it significantly enlarges the original dwelling by increasing the volume and / or floor area. The proposal would be significantly larger than the original floor space area and would not therefore comply with this aspect of the proposal.
- (b) It has a demonstrable and adverse impact on the character and purpose of the Green Belt. The proposal would be significantly larger than the existing and by virtue would entail greater material harm to the openness / visual amenity of the Green Belt which would be contrary to this aspect of the policy.

SPG7 for Extensions to Dwellings in the Green Belt states that a dwelling could be extended up to a maximum of 40% of the original floor space area, or a total of 140m<sup>2</sup> including the existing and proposed. Therefore, on the basis of this information, it would not be unreasonable for a replacement to be up to a maximum of 40% greater than the original floor space area of the original dwelling and significant weight should be attached to this.

It is considered that the original floor space area of the dwelling would be approximately 114m<sup>2</sup>. In addition, it is considered that the outbuildings No. 1 (listed on the plans), which lie adjacent to Woodcote Lane, would also be original and, because they lie within five metres of the original dwelling, they could also be used as part of the original floor space area, creating an additional floor space area of approximately 48m<sup>2</sup>. These are the only buildings that the Council will consider the application against when determining the original floor space area calculations. It is therefore considered that the original floor space area was approximately 162m<sup>2</sup> and all calculations will be based on this figure.

The floor space of the proposed dwelling would be approximately 246m<sup>2</sup> and this would create an approximate percentage increase of 52% in relation to the original floor space area. Therefore by virtue of additional size, the proposal would constitute a disproportionate addition in relation to the original dwelling and would cause greater material harm to the openness / visual amenity of the Green Belt. The proposed replacement dwelling would therefore constitute inappropriate development in the Green Belt and no very special circumstances have been put forward which clearly outweigh the harm caused which would justify the refusal of the application.

### ***Proposed triple garage***

The proposed triple garage would be located on a piece of land which would be more than five metres from the main dwelling and, as such, would not constitute part of the forty percent calculation for the proposed replacement dwelling, and would be treated as a separate entity.

By virtue of size and scale, the proposed triple garage would project as a dominant, obtrusive and uncharacteristic feature on a site which is an agricultural small holding. This would unduly harm the openness / visual amenity of the Green Belt and would lead to further erosion of both the Green Belt and Countryside. Therefore, by definition, the proposal would constitute inappropriate development in the Green Belt, and it will be necessary to see if any 'very special circumstances' exist to outweigh the harm caused.

### ***Very Special Circumstances***

Circumstances have been put forward by the Applicant's Agent stating that the proposed replacement dwelling and garage would have a positive impact on the Green Belt. Clearly, a replacement dwelling would be acceptable in principle subject to the limitations indicated in Council Policy and Guidance, and the demolition of the agricultural buildings would lead to greater openness of the Green Belt. However, whilst the demolition of dilapidated agricultural buildings would have a positive impact on the Green Belt, the construction of a domestic building such as a triple garage would not be acceptable in principle and it is not permissible to trade floor space of existing agricultural buildings to be replaced by domestic buildings.

Therefore, whilst it is considered that circumstances have been presented, the Council does not consider these to be 'very special circumstances' which clearly outweigh the harm caused to the openness / visual amenity of the Green Belt and, for the following reasons, permission should be refused.

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

- (i) The proposed replacement dwelling would not be of a size, scale or character in relation to the original dwelling and would project as a large, dominant and obtrusive feature within its existing setting, leading to further erosion of the Green Belt and countryside. Therefore, by definition, the proposal would constitute inappropriate development in the Green Belt and no very special circumstances have been submitted to the Local Planning Authority to clearly outweigh the harm caused to the openness / visual amenity of the Green Belt which would be contrary to policy QE3 of the West Midlands Spatial Strategy, policy CTC.1 of the

Worcestershire County Structure Plan, policies DS13, S9 and S12 of the Bromsgrove District Local Plan, and the general provisions of PPG2 - Green Belts.

- (ii) The proposed domestic triple garage would project as a dominant, obtrusive and uncharacteristic feature on a site which is an agricultural smallholding. This would unduly harm the openness / visual amenity of the Green Belt and would lead to further erosion of both the Green Belt and Countryside. Therefore, by definition, the proposal would constitute inappropriate development in the Green Belt and no very special circumstances have been submitted to the Local Planning Authority to outweigh the harm caused which would be contrary to policy QE3 of the West Midlands Spatial Strategy, policy CTC.1 of the Worcestershire County Structure Plan, policies DS13, S9 and S12 of the Bromsgrove District Local Plan, and the general provisions of PPG2 - Green Belts.
- (iii) By virtue of size, scale and appearance, the proposed domestic dwelling and triple garage would lead to further erosion of the countryside and would materially harm and undermine the purposes and provision of including the land within the Landscape Protection Area and Area of Great Outstanding Value which would be contrary to policies CTC.1 and CTC.4 of the Worcestershire County Structure Plan, policies DS13 and C1 of the Bromsgrove District Local Plan, and the general provisions of PPS7 - Sustainable Development in Rural Areas.

# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
D. C. Lambe Limited 'B'	New industrial units for B1, B2 and B8 use - Land at Sugarbrook Mill, Buntsford Park Road, Bromsgrove - (as augmented by ecological information received 14.08.07)	EMP	<b>B/2007/0704</b> 26.09.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WCC(HP)	Consulted - views received 19.07.07: No objection.
ENG	Consulted - views received 09.07.07: No objection subject to Conditions.
Natural Environment Officer	Consulted - views received 09.07.07: <ul style="list-style-type: none"><li>• Objection</li><li>• The resubmission of this application includes this original Phase 1 habitat survey report, with the addition of a bullet point list of ecological mitigation which will be included in the site.</li><li>• The original report noted the potential for numerous protected species on site. Species noted as likely to be on or using the site were otter, bats and kingfisher, with the possibility of white-clawed crayfish, grass snake and slow worm, and habitat suitable for water vole being noted. These species are afforded varying degrees of protection under the Wildlife and Countryside Act 1981, with bats and otters being European Level Protected Species, protected by the EC Habitats Directive 1992.</li><li>• The original report recommended that further surveys be carried out to establish the presence of protected species and their use of the site and in order to evaluate any implications for the development and possible mitigation measures to ensure their protection. The report specifically recommended further surveys for bats, otter, white-clawed crayfish and water vole. These have not been carried out.</li><li>• Without having these more detailed surveys, there is no evidence to prove that the protected species will not be compromised by the development. While the implementation of the buffer zone should ensure that the aquatic and riparian species are protected, further evidence is needed to prove that the development will not impact upon bats and reptiles, and to prove the effectiveness of the suggested mitigation.</li><li>• Without a detailed bat survey, it is impossible to know what species are present and what their use of the site is. Therefore, providing the right mitigation and enhancement becomes very difficult. For example, the type of artificial roost provided will be dependant on the species of bat present, and boxes may not be suitable for all. Although the report states that there is no potential for bat roosts, no detailed surveys have been carried out. Trees to be affected by the</li></ul>

development should be surveyed to make sure that no roosts are disturbed or damaged, and thus ensure compliance with the relevant wildlife legislation and planning guidance. These checks should be carried out by a suitably qualified and experienced professional, and at the appropriate time of year. The proposed bat and bird boxes should be included in the development, with the type and numbers to be informed by a more detailed bat survey and to be approved by the Local Planning Authority through a condition. The low level lighting proposed should be implemented through a planning condition in order to minimise disturbance to bats.

- Carrying out further surveys for reptiles should also be considered, in order to ensure compliance with the Wildlife and Countryside Act 1981. The Act makes it illegal to intentionally kill or injure both slow worms and grass snake. As the original report considered it probable that these species are present, causing their death or injury would be considered to be intentional under the provisions of the Act, and would therefore be a prosecutable offence.
- Without the information provided by these surveys, the development does not meet the requirements of national, regional and local planning policies. PPS9 requires decisions to be based on up-to-date information about the environmental characteristics of their area. It requires developments to maintain, enhance, restore or add to biodiversity interests, an integral part of which is ensuring appropriate weight is attached to protected species. Policy QE7 of the RSS requires developments to encourage the maintenance and enhancement of biodiversity resources, with priority given to sites and species which receive statutory protection. In addition, policy C11 of the Bromsgrove District Local Plan requires that due regard be paid to the specific requirements of statutorily protected fauna and flora.
- The surveys recommended are needed 'up front' in order to aid the decision making process. If they were carried out as part of a planning condition, and then mitigation were found to be impossible, the planning permission would not be able to be implemented without infringements under the Habitats Directive 1992 and the Wildlife and Countryside Act 1981.
- At it stands the proposed development will result in the loss of a valuable habitat which could support several protected species. The loss of this habitat and the species which it supports has significance outside of the site boundaries, as it could result in the degradation of the functioning of the existing wildlife corridor and Special Wildlife Site. Although the provision of a buffer zone should protect the existence of the wildlife corridor, the development may still affect protected species and this will have an adverse effect upon the successful functioning of the wildlife corridor and the SWS. The recommendation for further surveys of protected species has not been followed. Without these surveys to back this up, the mitigation proposed can not be proved to offset the loss of this habitat and to adequately protect the species on site. Therefore, the requirements

of the Local Plan policies C10, C11 and C12, the RSS policy QE7 and PPS9 have not been met and the development should be refused.

Reconsulted on additional information - views received 24.08.2007:

- The justification as to why further protected species surveys have not been carried out is valid.
- It is felt that while the existing mitigation proposal goes some way towards meeting the requirements of the relevant planning policies, a more varied scheme which is in line with the recommendations of the Countryside Consultants Ltd. Ecological Survey supplied by the applicant would take better account of the variety of species potentially using the site, and their habitat requirements. These measures should not be difficult or costly to include, and could be easily accommodated within the proposed buffer zone or the surrounding landscaping. Information on this could be supplied through the suggested landscape design scheme and Nature Conservation Management Plan. It may be possible to agree these features as a planning condition, but that is for the case officer to decide.
- Provided that the landscaping scheme and NCMP are satisfactory at implementing the mitigation measures proposed by Betts Ecology on 21st June 2007, with the addition of some of the other measures recommended by the Countryside Consultants Ltd. Ecological Survey, the development should be in compliance with PPS9, policy QE7 of the RSS and Local Plan policies C11 for statutorily protected species and habitats and C12 for wildlife corridors.

Tree Officer

Consulted - views received 20.08.2007:

- All retained trees to BS5837-05.
- Conditions C9-C19.

EHO

Contaminated  
Land  
EDO

Consulted - views received 26.07.2007: No objection subject to Conditions.

Consulted - views received 06.07.2007:

- Economic Development supports the application.

EA

Consulted - views received 30.07.2007:

- No objection subject to conditions.
- We understand that the application is a revised submission of planning application B/2006/1032.
- The application resolves the flood risk issues that were raised on our letter of 10th November 2006. We are therefore now in a position to remove our objection to the proposals on flood risk grounds.
- Built development is now 8 metres from the top of the bank of the Sugar Brook. This has been achieved by losing 131 square metres of built development / altering the design of Unit C.

- The applicant has made a commitment to comply with our comments in our letter of November 2006 on the surface water drainage strategy and use of sustainable drainage techniques at the site.
- We are encouraged by the proposed use of rainwater harvesting (from 1140 square metres of roof area), permeable paving and other proposed techniques including soakaways and swales that will ensure greenfield runoff rates (including climate change) are not exceeded.
- With regard to the planting of native species within the 8 metre easement, we encourage the planting of the native species as they will help to improve bank stability and also the local biodiversity but they should not impede access for maintenance vehicles.

Worcestershire  
County Council  
Rights of Way  
Ramblers  
Association

Consulted 20.06.2007: views awaited

Consulted - views received 10.07.2007:

- Objection - views as per B/2006/1032.
- The proposed development is on the area of untended land between the brook and footpath. If it proceeds, the footpath will be hemmed in by the wall and industrial units and an embankment on one side and the proposed units on the other side, the existing green and open outlook will be lost and in places the path will almost be in a tunnel.
- If I have interpreted the drawing correctly, the space allocated to the right of way appears to be less than 2 metres in many places. At one point, it seems to be pinched into about a metre, considering the nature of the surrounding this would make the path feel claustrophobic.
- It may be possible to look at changing the route of the path from the point where it leaves the brook so that it follows the course of the brook to rejoin the existing route beyond the development. The development could provide an opportunity to increase the amenity of this valuable route to the countryside.

WWT

Consulted - views received 02.08.2007:

- Objection.
- The WWT would reiterate the views expressed by the Natural Environment Officer.

Stoke PC

Consulted - views received 18.07.2007:

- This is a floodplain which regularly floods.
- The storm water from roofs is likely to enter the brook and cause more problems downstream.

Publicity

1 letter sent 29.06.2007: no response received (expires 20.07.2007).  
2 site notices posted 13.07.2007: no response received (expire 03.08.2007).  
1 press notice published 06.07.2007: no response received (expires 27.07.2007).

## The site and its surroundings

This application relates to an area of land measuring some 0.43 hectares located on the eastern side of Buntsford Park Road and to the north of Buntsford Hill. A public right of way runs to the western boundary of the site connecting Buntsford Hill to Buntsford Park Road. The site is located to the east of the existing commercial units within the Buntsford Park Road development and is set at a lower level than these units. A watercourse runs to the eastern boundary. The undeveloped site is densely vegetated with scrub growth and a number of immature and mature trees within the main body of the land in addition to the watercourse edge. The site is located within a recognised Employment Zone.

## Proposal

The proposals relate to the clearance of the site and the erection of three industrial units for B1, B2 or B8 uses. Unit A has dimensions 28.4 metres by 17.6 metres with a maximum height of 9 metres (due to site height differentials). Unit B and Unit C are joined with maximum dimensions 48.2 metres by 13.5 metres with a height of 7 metres. The site is proposed be accessed from a continuation of one of the access spurs serving the existing industrial units located on Buntsford Park Road. The scheme proposes 34 car parking spaces. A landscaping belt is proposed to all boundaries, with an enhanced area to the eastern boundary adjacent the watercourse.

A Design and Access Statement, Flood Risk Assessment and Ecological Survey and Mitigation Summary Report have accompanied the application.

## Relevant Policies

WMSS	QE1, QE2, QE3, QE6, QE7, QE9
WCSP	SD.2, CTC.1, CTC.10, CTC.12, CTC.13, CTC.14, T.1
BDLP	C10a, C11, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPS7, PPS9, PPG14, PPS23, PPG24, PPS25, Circular 06/05

## Relevant Planning History

B/2006/1032	New industrial units for B1, B2 and B8 use: refused 08.12.2006
B/1998/0192	Industrial units (outline): approved 15.06.1998

## Notes

The main issues to consider in the determination of this application are:

- (i) The appropriateness of the development in this location;
- (ii) Amenity issues and highway safety and egress;
- (iii) Flooding issues;
- (vi) Environmental and ecological effects.

Policy E4 of the Bromsgrove District Local Plan sets out a number of criteria that proposals for the expansion, consolidation or expansion to existing commercial uses in non-Green Belt locations should meet. These relate to issues such as the

appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences. Paragraph 11.5 of policy E4 states that such schemes can offer an increased source of employment and thus contribute to a more sustainable pattern of land use. Such schemes, however, must not conflict with other land use objectives. Policy E9 of the Bromsgrove District Local Plan reflects the guidance contained in policy E4 for new employment development.

### **Amenity and Highway Issues**

The site is located in a designated employment zone and is bounded by the Buntsford Park Road development comprising commercial B1, B2 and B8 premises to the west and north-west boundary. Sugarbrook Mill comprising a number of commercial and industrial uses is located to the southern boundary. The locality is, therefore, predominantly commercial and industrial in context. As such, it is my view that in principle the erection of commercial units for B1, B2 or B8 uses would not be so demonstrably harmful in this location. The functional design of the buildings would be reflective of the commercial buildings located on Buntsford Park Road.

The WCC(HP) has raised no objection to the scheme. The EHO has also raised no objection subject to the imposition of suitable conditions.

### **Flooding Issues**

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. A Flood Risk Assessment has accompanied the application and the EA has raised no objection to the scheme, subject to conditions.

### **Ecological Issues**

A baseline phase 1 habitat survey was previously submitted to the Local Planning Authority for consideration in relation to B/2006/1032. The applicant has resubmitted this report, together with the addition of a bullet point list of ecological mitigation which will be included in the site. A response to the views of the NEO was submitted to which the NEO has responded.

For the reference of Members, the Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European Protected Species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on local planning authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981. For clarity, the Common Otter, Horseshoe Bat and Typical Bat are European protected species. The Water Vole, Barn Owl and Kingfisher are protected under Schedule 5 and Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) respectively.

Policy QE7 of the West Midlands Spatial Strategy, policies CTC.12 and CTC.13 of the Worcestershire County Structure Plan and policies C10a and C11 of the Bromsgrove District Local Plan all refer to the nature conservation and biodiversity and the presence of statutorily protected species in the development control process. These policies reinforce the philosophy of both PPS9 and Circular 06/05.

The NEO considers that while the existing mitigation proposal goes some way towards meeting the requirements of the relevant planning policies, a more varied scheme which is in line with the recommendations of the Countryside Consultants Ltd. Ecological Survey supplied by the applicant would take better account of the variety of species potentially using the site, and their habitat requirements. These measures should not be difficult or costly to include, and could be easily accommodated within the proposed buffer zone or the surrounding landscaping. Information on this could be supplied through the suggested landscape design scheme and Nature Conservation Management Plan (NCMP).

Provided that the landscaping scheme and NCMP are satisfactory at implementing the mitigation measures proposed by Betts Ecology on 21st June 2007, with the addition of some of the other measures recommended by the Countryside Consultants Ltd. Ecological Survey, the development should be in compliance with PPS9, policy QE7 of the RSS and Local Plan policies C11 for statutorily protected species and habitats and C12 for wildlife corridors. On this basis, the NEO raises no objection to the scheme on ecological or biodiversity grounds, subject to the imposition of suitable conditions.

## **Conclusions**

Members will note that this site contains a now expired consent for the redevelopment of the site. I am of the view that, since that approval, planning policy has altered to deal with planning issues arising from such sites. This is with direct reference to flooding and ecological issues advocated by PPS25 and PPS9 and policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan and the Bromsgrove District Local Plan.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The development in principle is acceptable in this employment zoned location. In this resubmitted application, I am of the view that the application has been sufficiently redesigned to reflect the environmental sensitivities of the site and to have adequately mitigated for the presence of protected species. The issue of potential flooding has also been overcome.

**RECOMMENDATION:** that permission be **GRANTED**.

1. Time
2. C39
3. No development approved by this permission shall be commenced until a scheme for the provisions of surface water drainage works has been submitted to an

approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
5. There must be no new buildings, structures (including gates, walls or fences) or raised ground levels within 8 metres of the top of any bank or watercourse inside or along boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
6. Prior to the commencement of works, a desk top study shall be carried out and approved in writing by the Local Planning Authority. This study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The desk top study shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminant sources, pathways and receptors.
7. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
  - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
  - (b) refinement of the conceptual model, and
  - (c) the development of a Method Statement detailing the remediation requirements.

The site investigation shall be carried out in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.

8. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
9. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
10. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

11. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
12. H13
13. The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the Local Planning Authority a travel plan that promotes sustainable forms of access to the site. This plan thereafter will be implemented and updated in agreement with Worcestershire County Council's Travel Plan Co-ordinator.
14. Notwithstanding the scheme drawing site plan (SHDC/06/01/03D), a scheme of landscaping to include (a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed and (b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate shall be submitted to, and approved by the Local Planning Authority in writing. The approved scheme shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. Any trees / shrubs / hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
15. All trees including conifers over 90cm in height shall from the time of planting be properly secured to a suitable stake with one or more flexible tree ties. Deciduous trees to be planted as part of the landscaping scheme shall be planted as standard trees (as defined by British Standard BS.3936 part 1 1965).
16. The new trees and / or shrubs and / or hedges shall be protected to prevent them being damaged by grazing and by vermin.
17. The existing trees / hedges / shrubs shall be retained and shall not be felled, lopped or topped, or otherwise removed without the previous written consent of the Local Planning Authority. Any trees / hedges / shrubs removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees / hedges / shrubs of such size and species as may be agreed in writing with the Local Planning Authority.
18. Before any materials are brought on to the site or any development commenced the developer shall erect protective fencing as illustrated by BS 5837 :2005 Fig 2 on a line concurrent with Section 5 of BS 5837:2005 subject to the approval of the Local Planning Authority. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed. The level of the land within the fenced areas shall not be altered without the prior written permission of the Local Planning Authority.

19. The destruction by burning of any materials shall not take place within 10 metres of the furthest extent of the canopy of the trees to be retained on the site or on land adjoining.
20. No materials whatsoever shall be stored, or temporary buildings for use in connection with the construction of the development erected, beneath the canopy of any tree, which is to be retained.
21. No oil storage tank or concrete mixing plant shall be emptied or otherwise allowed to drain on to land beneath the canopy of any trees to be retained.
22. Where trees to be retained are subject to tree surgery, damage by machinery or damage which results in a part of the bark of the tree being cut away, then the resultant wound shall be treated with a fungicidal sealant.
23. Where it is necessary to carry out excavations beneath the canopy of any tree to be retained on the site or on adjoining land, none of the trees roots of a diameter of one inch or more shall be severed. The excavation shall be hand dug and backfilled with good quality topsoil. All works will be in accordance with NJUG 10 + BS5837:2005.
24. Notwithstanding the mitigation and enhancement proposals set out in the Betts Ecology Mitigation Summary Report (June 2007) and the Countryside Consultants Limited Ecological Survey (October 2006), prior to the commencement of the development hereby permitted a scheme for wildlife mitigation and enhancement of the site (to include annotated plans) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the installation of bird and bat boxes, and the creation of an appropriate matrix of habitat types, to be agreed with the Local Planning Authority. The approved mitigation and enhancement measures shall be implemented in full and maintained as such in perpetuity with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
25. Prior to the commencement of the development hereby permitted a Nature Conservation Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
26. Before the commencement on site of any works which are the subject of this permission, full details of any external lighting to serve the development, to include positioning and lux value of such lighting, shall be submitted to and approved in writing by the Local Planning Authority. No further lighting other than that detailed shall be erected on the site without the prior written consent of the Local Planning Authority.

### **Reasons**

3. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
4. To prevent the increased risk of flooding.
5. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
6. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.

7. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
8. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
9. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
10. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
11. To prevent pollution of the water environment in accordance with policies ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
13. To reduce the number of trips to the site in conformity with the sustainability objectives of the Worcestershire County Structure Plan.
14. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
15. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
16. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
17. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
18. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
19. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
20. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
21. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan

- January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
22. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
  23. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 / C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
  24. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policies CTC.12 and CTC.13 of the Worcestershire County Structure Plan and policies C10a and C11 of the Bromsgrove District Local Plan.
  25. To enhance the wildlife value of the site in accordance with policies C11 and C12 of the Bromsgrove District Local Plan and policy CTC.13 of the Worcestershire County Structure Plan.
  26. To ensure a well planned development in accordance with policies E4 and E9 of the Bromsgrove District Local Plan.

## Notes

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Sugar Brook, designated a main river.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The developer should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. Pollution prevention guidance can be viewed at:

<http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

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

WMSS QE1, QE2, QE3, QE6, QE7, QE9

WCSP SD.2, CTC.1, CTC.10, CTC.12, CTC.13, CTC.14, T.1

**B/2007/0704-DMB** - New industrial units for B1, B2 and B8 use - Land at Sugarbrook Mill, Buntsford Park Road, Bromsgrove - D. C. Lambe Ltd.

**BDLP** C10a, C11, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12  
**Others** PPS1, PPS7, PPS9, PPG14, PPS23, PPG24, PPS25, Circular 06/05

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

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# Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Worcestershire Care Group 'A'</b>	Rear extension to enhance specialised dementia care accommodation and meet latest care standards act requirements - 656 Birmingham Road, Bromsgrove	GB LPA AGLV	<b>B/2007/0717</b> 05.09.2007

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

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

## Consultations

Catshill PC	Consulted on: 13.07.2007. No response.
WCC (HP)	Consulted on: 13.07.2007. No response.
ENG	Consulted on: 13.07.2007. Comment received on: 07.08.2007. recommending that condition(s) be implemented.
Publicity	1 letter posted on: 13.07.2007 (expires on: 03.08.2007). Site notice posted on: 20.07.2007 (expires on: 10.08.2007). 2 Objections received. Summarised as follows: concerned about loss of light, visual intrusion, drainage issues.

## The site and its surroundings

This application site refers to an existing nursing home which is located in a Green Belt, Landscape Protection Area and an Area of Great Landscape Value.

## Proposal

Rear extension to enhance specialised dementia care accommodation and meet latest care standards act requirements.

## Relevant Policies

WMSS	QE3
WCSP	SD.2, CTC.1, D.38, D.39, T.1
BDLP	DS2, DS6, DS13, C4, TR11
Others	PPS1, PPG2

## Relevant Planning History (4 most recent only)

- B/2001/1349 Minor additions and alterations to nursing home. Granted: 14.01.2002.
- B/2001/0668 Rear extension for ancillary palliative care plus elevational improvements. Granted: 09.07.2001.
- B/1992/0509 Extensions / alterations to existing nursing home, 7 bedrooms, associated bathrooms / suites, treatment Room, staff room, laundry and owners living accommodation. Granted: 14.09.1992.
- B/1991/0371 Extension to nursing home. Refused: 17.06.1991.

## Notes

The main issue to take into consideration is whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether any 'very special circumstances' exist to clearly outweigh the harm caused.

**Previous history:** The existing building has been previously extended on a number of occasions and its current size and scale is already substantial and I attach substantial weight to these previous additions which have resulted in a further erosion of the countryside and the Green Belt. This application would involve a ground floor extension measuring approximately 68m<sup>2</sup> and a first floor extension of approximately 363m<sup>2</sup> which I consider to be a substantial, additional structure.

**Green Belt Policy:** Paragraph 3.4 of PPG2 states a number of criteria for what is considered to be appropriate development in the Green Belt and this proposal would not fall within any of these acceptable categories and, by virtue of size and scale, the proposal would lead to a cumulative bulk which would be significantly greater than the existing building. This would create a large, dominant structure which would constitute inappropriate development and would unduly harm the openness / visual amenity of the Green Belt to a much greater extent than the existing building. The applicants Agent has submitted a supporting statement to try and justify the proposal by stating that such works would be necessary to ensure that the home would comply with the latest environmental standards set out in the Care Standards Act.

However, whilst I do not dispute such comments, the main policy to take into consideration is PPG2 - Green Belts which aims to protect the countryside from further encroachment of urban sprawl. Therefore, whilst I acknowledge the comments from the Agent's supporting statement, I do not consider these to be 'very special circumstances' to clearly outweigh the harm caused to the openness / visual amenity of the Green Belt and the harm caused by this further development of the site would justify the refusal of the application.

**Harm to neighbouring occupiers:** The proposed two storey extension would result in additional light being lost and further unnecessary visual intrusion for the occupier of no. 658 Birmingham Road at the rear of the house and garden which is considered to be unacceptable. Clearly there is already some degree of light loss which has resulted from the previous extensions of the nursing home and, given the orientation of no. 658 and its easterly (rear) facing windows, the proposed first floor extension would further exacerbate this loss of light which would justify the refusal of the application.

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

- (i) The existing building has been subject to previous additions and the culmination of this and the proposed extensions would lead to a cumulative bulk which would be significantly greater than the existing building and would unduly harm the openness / visual amenity of the Green Belt. No very special circumstances have been put forward to the Local Planning Authority to clearly outweigh the harm caused to the openness / visual amenity of the Green Belt and by virtue the proposal would be contrary to policy QE3 of the West Midlands Spatial Strategy, policies SD.2, CTC.1, D.38, D.39, T.1 of the Worcestershire County Structure

Plan, policies DS2, DS6, DS13, C4, of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.

- (ii) The proposed implementation of a two storey rear extension would result in further light being lost for the occupier of no. 658. This loss of light would be further exacerbated by the easterly orientation of no. 658 of the rear of the house and garden and would also result in further unnecessary visual intrusion. It is therefore considered that the proposal would unduly harm the amenities of this occupiers and by definition would be contrary to policy DS13 of the Bromsgrove District Local Plan.

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# Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. S. Nash 'A'	New 1800 mm high boundary fence - 47 Linthurst Road, Barnt Green	GB CA	B/2007/0759 04.09.2007

**Councillor Mrs. A. E. Doyle has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Lickey and  
Blackwell PC

We object to the fence -

1. It does not replace a hedge as stated in your letter. The hedges still exist behind the fence.
2. The fence we believe encroaches on to the highway as it now includes the speed limit sign within its boundary.
3. It is against the Village Design Statement Section 11.4 on retaining hedges and trees as boundaries (12.07.2007).

Further comments received 17.08.2007

Lickey and Blackwell Parish Council object to this retrospective planning application, and request that the Planning Committee consider it for the following reasons:

1. It is against our Village Design Statement, which has been adopted by Bromsgrove District Council as SPG9. Section 11.4 states "trees and hedges should be retained as boundaries in preference to brick walls, wooden or metal fencing," and Section 11.7 states "any tree / hedge lost should be replaced whenever possible. Key locations are village entrances, distance view points..." The Parish Council believes that this site, especially in its prominent position, fulfils these criteria.
2. It is against the guidance in the Barnt Green Conservation Area, which again emphasises the rural character of the area, and the need to retain hedges and trees rather than fences and railings (paragraphs 3.1.6, 3.5.2.3 and 3.7.4).

It should not be used as a precedent that there are other such fences nearby, as these fences pre-date both the Village Design Statement and the Barnt Green Conservation Area designation. Indeed, it was examples such as these that led to the impetus for such designations.

Barnt Green PC

Barnt Green Parish Council would like the above application to be considered by the Planning Committee for the following reasons:

This is a retrospective application for a close-boarded fence replacing what was a 1 metre high wire mesh boundary treatment that was almost invisible, being embedded in a substantial laurel hedge. The fence is unsightly and damaging to the setting of the Barnt Green Conservation Area at a critical entry into Barnt Green from Bromsgrove. The

Conservation Area was designated on 25th September 2000 and Peter Bassett, Conservation Officer for the District at that time, drew up a draft appraisal. In that appraisal, he commented on the 'setting of fields and woodland' (Barnt Green Conservation Area Character Appraisal [BGCACA] paragraph 2.2.1); the 'rural character' of the Conservation Area (BGCACA, paragraph 3.1.2); 'groups of mature trees, avenues and hedges' that 'limit views', and 'characteristic winding roads' that 'give serial vistas with hedges and trees' (paragraph 3.1.6). Paragraph 3.5.2.3 points out that 'trees and hedges dominate the landscape contributing significantly to the rustic character of the area'. Concern is also expressed about the threat of 'loss of traditional hedges and replacement with ... fences and railings' (BGCACA, paragraph 3.7.4); that is, precisely what the applicant is threatening in this case.

This fence is clearly totally out of keeping with the Conservation Area and it should be dismantled before the laurel hedge behind it is seriously damaged (07.08.2007).

Highways Partnership	No objection (31.07.2007).
Conservation Officer	No objection (13.07.2007).

### The site and its surroundings

This application relates to a detached bungalow, located in a large plot on the corner of Linthurst Road and Shepley Road. The property has mature gardens to the front, side and rear. There is a 1.2 metre high close-boarded fence to the front boundary of the property, and a 1.8 metre fence running the full length of the side boundary, along Shepley Road.

### Proposal

This is a full application seeking approval for the retention of the 1.8 metre fence running the length of the side boundary along Shepley Road.

The 1.2 metre high fence to the front boundary of 47 Linthurst Road has recently been granted retrospective planning permission - under planning application number B/2007/0547.

### Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39, CTC.19, CTC.20
BDLP	DS2, DS13, S25A
Others	PPS1, PPG2, PPG15, Lickey and Blackwell Village Design Statement

### Relevant Planning History

B/2007/0547 New 1200 mm high boundary fence: approved 18.07.2007

## Notes

This application has come as a result of an enforcement query, and relates (retrospectively) to a 1.8 metre fence erected along the side boundary of the property, which runs along Shepley Road.

It is understood that part of the fence is a replacement. One of the Council's Enforcement Officers has confirmed that the section of fence from the corner of Shepley Road and Linthurst Road as far as a pedestrian gate (approximately one-third of the side boundary) was previously a similar two metre close-boarded fence. The other two-thirds of the fence was post and wire fencing, through which the hedge behind had grown. The post and wire fencing was approximately 0.8 metres in height. This information came from the contractor who erected the replacement fence now the subject of this application.

The property is located within, but on the edge of, the Green Belt and adjacent to the defined Residential area of Barnt Green, with the properties located on the opposite side of Shepley Road and Linthurst Road falling within the Residential area. The property also falls within the Barnt Green Conservation Area.

Although the Bromsgrove District Local Plan and the guidance in PPG2 is unclear as to whether the erection of fencing represents appropriate development in the Green Belt, I would suggest that, provided the fencing does not unduly harm the openness of the area, the development would not prejudice the purposes of Green Belt policy. I am of the opinion that the 1.8 metre fence running along the side boundary of this established residential property would have limited harm upon the openness of the Green Belt, especially as the opposite side of the road falls within the defined Residential area, and features fences of a similar nature. It is also important to acknowledge that the applicant is able to exercise his Permitted Development Rights and erect a wall, gate or fence in this location up to 1 metre in height (0.8 metres lower than proposed) without the need to apply for planning permission.

## **Barnt Green Conservation Area**

Policy CTC.20 of the WCSP and Policy S35a of the BDLP and seeks to preserve or enhance the character or appearance of the Conservation Area. Criteria (b) of Policy S35a requires new development in or adjacent to such areas to be sympathetic to the character of buildings in the detailed treatment of matters of design including the form, scale and materials. Policy CTC.19 of the WCSP states that any development which would adversely affect those features and areas of historic and / or architectural significance which contribute to the character of the urban or rural parts of the County will not normally be allowed. Such features and areas include Conservation Areas and their settings.

Around the large junction formed by Linthurst / Shepley / Twatling / Fiery Hill / Cherry Hill Roads there are a number of side boundaries fronting onto the highway, presenting a blank façade to the highway. On the corner opposite 47 Linthurst Road is another two metre close-boarded fence, and the view along Shepley Road from the corner shows the application fence on the left, and another two metre close-boarded fence on the right. The Conservation Officer has raised no objections to the proposal, and I conclude that this small part of the Conservation Area is fairly neutral in appearance, and the retention

of this close-boarded fence would have little impact upon the character and appearance of the Conservation Area.

### **Impact on street scene**

The fence is visible in the street scene, and I acknowledge the comments made by both Lickey and Blackwell Parish Council and Barnt Green Parish Council. However, point 11.4 of the Lickey and Blackwell Village Design Statement states that 'Trees and hedges should be retained *in preference* to brick walls, wooden or metal fencing' (my emphasis). As there are other examples of wooden fences around the junctions of Linthurst, Shepley, Fiery Hill and Twatling Roads (as described above), I do not consider the weight attached to guidance in the Lickey and Blackwell Village Design Statement sufficient to warrant refusal when there are examples of similar types of fencing in the immediate vicinity, and it could be argued that a precedent has been set.

### **Residential amenity issues**

The property has one immediate neighbour at 45a Linthurst Road, but the fence is located on the opposite side of the property, and therefore the retention of the fence would have little or no impact upon the amenities of those neighbouring occupiers.

### **Conclusions**

Overall, I conclude that the proposals would not have an unduly detrimental impact upon the openness of the Green Belt, upon the character and appearance of the Conservation Area, nor on the amenity of neighbouring properties.

**RECOMMENDATION:** that permission be **GRANTED**.

No conditions required.

# Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>The Laurel Pub Company 'A'</b>	Tables and chairs to front of building - 126-130 High Street, Bromsgrove	PSS CA TCZ LB	<b>B/2007/0767</b> 12.09.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WCC(HP) Consulted - views received 23.05.2007

"Recommends that any permission which the Local Planning Authority may wish to give include the following conditions:-

CANOPIES / SIGNS / PROJECTIONS OVER HIGHWAY

H23

The underside of any projection, sign or canopy hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway / verge.

REASON: In the interests of highway safety.

Note to Planning Officer.

Noting that the application is for a canopy a standard condition is recommended. However the drawings indicate a table and chair under the canopy which will require a licence under Section 115E of the Highway Act 1980. The granting of any consent does not permit the siting of tables and chairs in the Highway."

CO Consulted 09.05.2007 - views awaited.

EH Consulted 23.05.2007 - comments received 23.08.2007 relating to the "Smoke Free (Premises and Enforcement) Regulations 2006" which states that "the canopy must not create an area which is enclosed or substantially enclosed."

WMC Consulted PC Stan Baker - comments received 23.08.2007.

Does not object but asks that conditions are imposed:

- "1. Whilst the police do not object to pavement seating we request two planning conditions should this application be granted.
2. Firstly, that no alcohol be consumed in this area as it fall within the area of The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007. This order was granted under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.
3. Secondly, that all free standing screens and removable furniture be cleared away from the site by 20.30 hrs. This is in order to

reduce the fear of crime and discourage groups from gathering when the bar is closed. There is a risk that the screens and furniture may be damaged or used to cause damage.

4. I fail to see the requirement for this application as there is already a suitable beer garden at the rear of the premises."

Publicity

Site notice posted 01.08.2007 - expired 24.08.2007.

Press Advert 27.07.2007 - expires 17.08.2007.

Neighbour notification letters sent to numbers 124 and 132-134 High Street, Bromsgrove 20.07.2007 - expired 10.08.2007.

### The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre and the site falls within the designated Town Centre Conservation Area.

The public house known as the Hogs Head and is run by the national chain The Laurel Pub Company.

To one side of the public house is a Bank Class Use A2 and to the left hand side is a premises currently used for A1 retail. The building on this side is set back from the building line of the public house. Thus, as you enter the High Street, this building is particularly visible as it protrudes out and because also of its distinctive character.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass, giving the frontage an open feel and it is of a modern design.

### Proposal

This application relates to the addition of tables and chairs to the front of the building, on the main pedestrianised High Street. There are associated applications for Listed Building Consent for a new canopy, under planning application reference number B/2007/0768 and Advertisement Consent for various new advertisements, under planning application number B/2007/0594.

The front elevation of the building is made of up three elements and it is the middle section of the front elevation where it is proposed to place the tables and chairs. This is therefore approximately a third of the front elevation of the building, with adequate space left either side, and both entrances to the establishment are left clear. The floor plan shows that the area in which it is proposed to place tables and chairs is 4 metres in length and 1.7 metres in depth, making a total ground floor area of 6.8 square metres.

### Relevant Policies

WMSS QE1

WCSP CTC.19, CTC.20

BDLP S35a, S39, BROM22  
Others PPS6, PPG15

### Relevant Planning History

- B/2007/0515 Provide new canopy and tables and seating to front of building - Listed building Consent. Application withdrawn.
- B/2007/0514 Provide new canopy and tables and seating to front of building. Application withdrawn.
- B/2004/1111 Tables and chairs on Pavement. Refused 01.11.2004.
- B/2004/0192 Decorations to front ground floor. Listed Building Consent Granted 08.04.2004.
- B/2004/0164 Projecting sign. Granted 06.04.2004.
- B/2002/1017 Proposed external seating with bollards. Listed Building Consent Permitted Development 07.10.2002.
- B/2002/1016 Proposed external seating with bollards, refused 28.10.2002.
- B/2000/0741 Listed building consent - change of use of units from A1 / residential to A3 including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended by plans received 09.08.2000 and 04.09.2000 and letter received 23.10.2000). Approved 20.11.2000.
- B/2000/0739 Fascia and projecting signs (as augmented by drawings received 09.08.2000). Approved 20.11.2000.
- B/2000/0738 Change of use from A1 / residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear. (as amended and augmented by plans received 09.08.2000 and 04.09.2000). Approved 20.11.2000.

### Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of outdoor seating. However, National Planning Policy Statement 6 "Town Centres" states that local planning authorities must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the county's town centres. I am of the view that external seating area would add interest and vitality to the town centre. However, there are other considerations to be addressed with regards to determining this application.

### **Conservation Issues**

The proposed new seating is proposed not only on a pedestrian shopping street but also on a public viewpoint for the Town Centre Conservation Area. In addition, the building is Grade II Listed and of a special and distinct historic character. This is my primary concern for determining this application.

Policy S35a of the Bromsgrove District Local Plan and policy CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area and this guidance is supported by Planning Policy Guidance Note 15.

Outdoor seating may add unnecessary clutter and therefore deter away from the historic buildings which are contained within the Conservation Area and in this instance the Listed Building it will be outside.

However, the amount of seating proposed in this instance is minimal and I am therefore of the view that it will not cause significant harm to the Conservation Area.

The addition of tables and seating will add vibrancy to this Listed Building and is therefore in line with policy S39 of the Bromsgrove District Local Plan and policy CTC.19 of the Worcestershire County Council Structure Plan and the guidance set out in Planning Policy Guidance Note 15.

### **Access Issues**

The Worcestershire County Council Highways Partnership have been consulted and raise no objections to the granting of planning permission, subject to a condition being attached. They also advise that the proposal requires a separate licence from them, even if this proposal is to gain planning permission. They comment that the "establishment of tables and chairs for Public Amenity benefit in principle is acceptable" but they would object to the seating being enclosed by barriers, which is not proposed on the application form in this instance. However, on the floor plan included as part of the application there is some sort of barrier shown to enclose the seating area.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal, being small scale, will not significantly reduce access for these groups of people.

### **Crime Issues**

Another major concern with this proposed development is any affect it may have on anti-social behaviour should it be approved, as it will introduce the consumption of alcohol in a public area.

When assessing the issue of anti-social behaviour, I sought advice from West Mercia Constabulary's PC Stan Baker whose comments are reported. While not objecting to the application, he has asked that conditions are attached to control that "no alcohol be consumed in this area as it fall within the area of The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007.

The second condition suggested is that all free standing screen and removable furniture be cleared away from the site by 20.30 hrs. This is in order to reduce the fear of crime and discourage groups from gathering when the bar is closed.

Although I appreciate PC Stan Baker's compromise of not objecting to this application and controlling any anti-social behavioural issues by these conditions, I have concerns with regards to enforcing them.

### **Other Issues**

I note that planning permission was previously refused under application number B/2004/0111 for 'table and chairs on pavement' for the same establishment. However, the proposal considered under this previous application was for an area of 50 square metres to allow external seating on the pavement. I agree that a scheme of this size may have a negative effect on the Town Centre Shopping Environment. In addition, a larger scale scheme may harm the visual openness of the Conservation Area and this Listed Building. However, this scheme is of a proportional size to the size of the building and will introduce minimal street furniture to the Town Centre High Street. It is due to this scheme being small scale that I am of the view it is acceptable.

### **Conclusions**

I accept that the introduction of seating onto the High Street may add to the vibrancy of the Town Centre. Furthermore, as the amount of external seating proposed, in this instance, is small scale, I am of the view that its impact, being minimal, on the shopping environment will not result in sufficient enough harm to warrant refusal.

In addition, I am of the view, the placement of a small amount of tables and chairs on the pavement in this location will not harm the character of this Listed Building or the Town Centre Conservation Area.

**RECOMMENDATION:** that permission be **GRANTED**.

1. C099
2. Prior to the commencement on site of any works which are the subject of this consent, full details of the design of the table and chairs, with regards to colour and materials, to be submitted to and approved in writing by the Local Planning Authority.

### **Reasons**

1. Required.
2. To protect the historical integrity of the Listed Building in accordance with policy S39 of the Bromsgrove District Plan and policy CTC.19 of the Worcestershire County Structure Plan.

### **Notes**

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

WMSS    QE1  
WCSP    CTC.19 CTC.20

BDLP S35a, S39, BROM22  
Others SPG1, PPS1

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 justified reasons to refuse planning permission.

# Agenda Item 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>The Laurel Pub Company 'A'</b>	Provide new canopy to front elevation of site - 126-130 High Street, Bromsgrove - Listed Building Consent	PSS CA TCZ LB	<b>B/2007/0768</b> 12.09.2007

**RECOMMENDATION:** that Listed Building Consent be **GRANTED**.

## Consultations

WCC(HP) Consulted - No objections received 15.08.2007

Consulted 19.07.2007 - views received 15.08.2007

"The proposed canopy will be located beneath the fascia and therefore well clear of the oriel window and its decorative corbelled support immediately above. I therefore do not think it will be visually intrusive in respect of the decorative and imposing upper floors of this listed building."

CO Site notice posted 01.08.2007 - expired 24.08.2007

Publicity Press advert published 27.07.2007 - expired 17.08.2007

## The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre. The public house known as the Hogs Head is run by a national chain, The Laurel Pub Company.

The building is Grade II Listed and the site falls within the Town Centre Conservation Area. The building as it stands now is a composition of three previously separate buildings. The centre building is the most prominent, being significantly higher, at three storeys, and the two either side of it being only two, with converted attic space.

The buildings are made from white, grey and yellow brick with a tiled roof. The two smaller buildings have attic windows which are 'arrow slit' design. The middle building has a prominent window at first floor level, being of an oriel design with stone dressings.

The composition of the three buildings, the largest and most prominent being the centre one, the features such as the "arrow slit" and 'oriel' design windows and the detailed stone decoration, give the building an overall appearance of gothic character.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass and is of a modern design.

To one side of the public house is a Bank - Class Use A2 - and to the left hand side is a premises currently used for A1 retail. The building on this side is set back from the building line of the public house. Thus, as you enter the High Street, this building is particularly visible as it protrudes out and also because of its distinctive character.

## Proposal

This application relates to the addition of a new canopy to part of the front elevation of the building. This proposal was previously considered under planning application B/2007/0515 which was withdrawn by the applicant. This was due to the application being reported to Planning Committee with a recommendation of refusal due to insufficient detail being submitted.

This application relates to the addition of a new canopy to part of the front elevation of the building. The front elevation is made of up three elements and it is the middle section which it is proposed the canopy be attached to. The canopy will project out from the building by 2 metres, be 3.3 metres high where it attaches to the building and will be approximately 3.5 metres wide across the front of the building.

The applicant also proposes to place a table and seating under the proposed canopy, on the pedestrianised High Street, and this is to be considered under an associated planning application under reference number B/2007/0767.

## Relevant Policies

WMSS	QE1
WCSP	CTC.19, CTC.20
BDLP	S35a, S39, BROM22
Others	PPG15, PPS6

## Relevant Planning History

B/2007/0515	Provide new canopy and tables and seating to front of building - Listed Building Consent. Application withdrawn.
B/2007/0514	Provide new canopy and tables and seating to front of building. Application withdrawn.
B/2004/1111	Tables and chairs on pavement. Refused 01.11.2004.
B/2004/0192	Decorations to front ground floor. Listed Building Consent Granted 08.04.2004.
B/2004/0164	Projecting sign. Granted 06.04.2004.
B/2002/1017	Proposed external seating with bollards. Listed Building Consent Permitted Development 07.10.2002.
B/2002/1016	Proposed external seating with bollards. Refused 28.10.2002.
B/2000/0741	Listed building consent - change of use of units from A1 / residential to A3 including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear. (as amended by plans received 09.08.2000 and 04.09.2000 and letter received 23.10.2000). Approved 20.11.2000.
B/2000/0739	Fascia and projecting signs (as augmented by drawings received 09.08.00). Approved 20.11.2000

B/2000/0738 Change of use from A1 / residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended and augmented by plans received 09.08.00 and 04.09.00). Approved 20.11.2000.

### Notes

Policy S39 of the Bromsgrove District Local Plan and policy CTC.19 of the Worcestershire County Structure Plan states that development must not be permitted if it would adversely affect the settings of listed buildings. These policies will therefore be my basis in determining this application for Listed Building Consent, for which I will also draw on the guidance in Planning Policy Guidance Note 15.

The oriel window is a particularly prominent feature of this Listed Building and, as such, it should be protected. It is underneath this central window that the new canopy is proposed. The previous planning application, which was withdrawn by the applicant, did not contain sufficient information as to how and where the proposed new canopy would be attached to the Listed Building and, in particular, in relation to the oriel window.

However, for this resubmission, the applicant has provided full details of how the canopy will be attached to the building. With regard to its proposed positioning, the applicant has also confirmed that the canopy will be fixed beneath the shop front fascia and therefore will not affect the oriel window or, indeed, the upper floors of the Listed Building and is therefore in line with policy S39 of the Bromsgrove District Local Plan, policy CTC.19 of the Worcestershire County Structure Plan and the guidance in Planning Policy Guidance Note 15.

Policies S35a of the Bromsgrove District Local Plan and policy CTC.20 of the Worcestershire County Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area. This building stands in a particularly prominent position within the Town Centre Conservation Area, as it is near the one gateway to the main pedestrianised High Street and it also protrudes out from the main building line.

This revised application has reduced the size of the proposed canopy and it now covers only a third of the full front elevation of the building. The brown and cream colour scheme proposed is to match the rest of the new shop front, which is in association with the refurbishment of this establishment. This brown and cream colour is a more sympathetic colour scheme for this location within the Conservation Area, than the current red shop front.

I am therefore of the view that this canopy will not be visually intrusive on the appearance of the Conservation Area and is therefore in line with policy S35a of the Bromsgrove District Local Plan and policy CTC.20 of the Worcestershire County Structure Plan.

**RECOMMENDATION:** that Listed Building Consent be **GRANTED**.

1. C099
2. Prior to the commencement on site of any works which are subject to this consent, samples of the canopy colour and material will be submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. Required
2. To protect the historical integrity of the Listed Building in accordance with Policy S39 of the Bromsgrove District Plan and Policy CTC.19 of the Worcestershire County Structure Plan.

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

WMSS	QE1
WCSP	CTC.19, CTC.20
BDLP	S35a, S39, BROM22
Others	PPG15, PPS6

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 justified reasons to refuse planning permission.

# Agenda Item 15

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
David Lloyd Fitness Centre 'A'	Single storey rear extension - David Lloyd Fitness Centre, Slideslow Drive, Bromsgrove	RES	<b>B/2007/0809</b> 17.10.2007

**RECOMMENDATION:** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 13th September 2007 (minded to approve).

## Consultations

WCC(HP)	Consulted - views received 03.07.2007: <ul style="list-style-type: none"><li>• No objection</li></ul>
EHO	Consulted - views received 24.07.2007: <ul style="list-style-type: none"><li>• No objection</li></ul>
EDO	Consulted - views received 27.07.2007: <ul style="list-style-type: none"><li>• Economic Development supports the application</li><li>• This is a very minor extension within the overall footprint of a large leisure and employment site</li><li>• The David Lloyd Centre provides significant local employment</li></ul>
Worcestershire County Council Rights of Way	Consulted 13.08.2007: views awaited
Ramblers Association	Consulted 13.08.2007: views awaited
Publicity	6 letters sent 23.07.2007: no response received (expire 13.08.2007) 2 letters sent 26.07.2007: no response received (expire 16.08.2007) 1 site notice posted 09.08.2007: no response received (expires 30.08.2007) 1 site notice posted 21.08.2007: no response received (expires 11.09.2007) 1 press notice published 27.07.2007: no response received (expires 17.08.2007) 1 press notice published 23.08.2007: no response received (expires 13.09.2007)

## The site and its surroundings

This application relates to the David Lloyd Leisure complex located on the southern side of Slideslow Drive, with the eastern boundary running along the A38 and the southern boundary to residential dwellings in Blackwood Road.

The site consists of a substantial building housing a number of leisure uses and activities, with an outdoor swimming pool and outdoor tennis courts. The western boundary runs alongside the North East Worcestershire College campus. The site is within a recognised residential area.

## Proposals

The scheme relates to the erection of a single storey flat roof extension located centrally within the complex to form an adults lounge area (currently an external terrace area). The building is proposed to be constructed in external render and glazing to match the existing building. A flat roof overhang to provide a covered walkway to the external tennis courts is proposed to the west and south elevations.

The building is flanked by the tennis courts to the west and south.

## Relevant policies

WMSS QE1, QE2, QE3  
WCSP SD.2, CTC.1, T.1  
BDLP DS3, DS13, E4, E9, S28, S29, TR11  
Others PPS1, PPG17

## Relevant planning history

B/2000/0848 Erection of David Lloyd Leisure Centre (D2), Travel Inn (C1) and Brewers Fayre (A3), relocate college car parking, together with new car parking to serve the leisure development, new roundabout access off A38 and internal roads/landscaping: approved 07.02.2001

## Notes

I consider the main issues whilst considering this particular application relate to whether the proposal is appropriate for this location and whether the proposal complies with the policies identified in the Bromsgrove District Local Plan. The proposal must also be considered in terms of impact on the amenity of the area and on the adjacent occupiers.

## Design

The scheme has been approached sensitively to reflect that of the modern design of the compound building. I therefore consider the scheme to be acceptable in design terms and the modern architectural approach will complement the existing leisure complex.

## Amenity

The extension will be seen obliquely from the existing dwellings in Alder Way but will have no impact on residential amenity given the backdrop of the existing building. The structure will remove the external seating area and thus will contribute to a reduction of noise in this location. The EHO has raised no objection to the scheme.

## Conclusions

The WCC(HP) has raised no objection to the scheme. As such I find the scheme to be acceptable.

**RECOMMENDATION:** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 13th September 2007 (minded to approve).

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**Bromsgrove District Council  
Planning Committee**

**Committee Updates  
10 September 2007**

<b>Application Ref No</b>	<b>Update</b>
<b>B/2007/0306/SW</b>	<p>Addendum Under subtitle of Recommendation. Refusal reason one should read “do not outweigh”</p> <p>Catshill ADR should read BROM5E not BROME</p> <p>Members will note that the application report refers to an Article 3 direction. The matters requested in detail were scale, layout and appearance. The details received are not indicative but represent the proposed detailed scheme for consideration</p> <p>1 further e-mail neighbour objection received objecting to the scheme outlining concerns in respect to loss of habitat for birds and wildlife and loss of open countryside.</p>
<b>B/2007/0482/LD</b>	<p>WCC (HP) views received 06.09.07 Alvechurch PC views received 04.09.07: No objection</p> <p>The application was withdrawn on 10.09.07. Members are requested to pursue item B of the recommendation.</p>
<b>B/2007/0495/DMB</b>	<p>Page 45. Report should read: (f) The application does not include contributions towards the provision of highway improvement works contrary to Policy DS11 of the Bromsgrove District Local Plan</p> <p>EA – views received 06.09.07:</p> <ul style="list-style-type: none"> <li>• Following appraisal of the Flood Risk Assessment we have no objections to the proposed development as submitted.</li> <li>• The proposed site is located in Flood Zone 1 (low annual probability of flooding). The site area is greater than 1 hectare and therefore in line with paragraph E9 of PPS25: Development and Flood Risk (December 2006) a FRA has been submitted to support the application.</li> <li>• The FRA produced by Couch Consulting Engineers states that “surface water drainage will be via soakaway, dependent on Site Investigation infiltration tests, or to the nearest available outlet.” We support the adoption of Sustainable Drainage Systems (SUDS)</li> </ul>

as part of the development as this in accordance with the requirements of PPS25. The LPA may wish to impose a condition, if permission is granted to secure SUDS as part of the development.

**On this basis, reason for refusal (e) detailed on your Report (page 44) is formally withdrawn.**

Letter and attachments (appeal decision relating to land at Tittensor Road, Barlaston, Stoke on Trent, neighbourhood statistics for Alvechurch Parish and extract of the West Midlands Regional Housing Strategy) received from applicant's Agent 29.08.07:

- Reference to appeal decision at Barlaston, near Stoke on Trent and differences of characteristics of Bromsgrove District and the location of the appeal site
- Reiterate that a housing need is demonstrated for Hopwood firstly be the Parish Housing Needs Survey which was carried out by the Rural Housing Enabler using the same methodology as applied and accepted by housing and planning authorities across Herefordshire and Worcestershire and secondly by current housing waiting list data for Alvechurch including Hopwood.
- The Strategic Planning Manager has suggested that the latter merely indicates the "desire" of some in mobile homes in Hopwood to move to a house. However we strongly dispute that a mobile home is a decent home
- The definition of unsuitable housing in Government guidance, most notably practice guidance on Strategic Housing Market Assessments, includes housing with insecure tenure, lacking in amenities and in substandard condition, all or some of which are likely to apply to the mobile homes in question.

In response to this your Officer has consulted the Council's Housing Standards Officer. The Housing Officer has commented as follows:

- In order to determine whether a dwelling house (which includes mobile homes) are to a Decent Standard an assessment must be made under the new Housing Act 2004 and more specifically the Housing Health and Safety Rating System.
- Mobile Home sites also have the benefit of requiring Licensing and further monitoring of property standards as determined under the Caravan Sites & Control of Development Act 1960.
- I have checked both the license file and the site file on the public protection system, neither of which highlights

	<p>any concerns regarding insecure tenancy, lack of amenities or substandard conditions of the units.</p> <ul style="list-style-type: none"><li>• If the agent can prove the units are substandard then this information would be gratefully received as we are then potentially able to offer a series of grants to bring the properties up to a Decent Standard and/or take action against the Licensee to undertake works on site.</li></ul> <p>Additional letter received from applicant's Agent 07.09.07:</p> <ul style="list-style-type: none"><li>• Concern over determination process</li><li>• The application does meet an identified local need, meeting the requirements of Policy S16 of the Local Plan for rural exception housing and is exempt from the moratorium on new housing in relation to SPG10</li><li>• The site is located in a sustainable location</li><li>• The trees to be retained are of moderate quality and value and the scheme also seeks to retain trees of much poorer quality at the boundaries in order to screen the site</li><li>• The trees to be removed are of poor quality</li><li>• The hedgerow will be retained along much of Ash Lane and this will assist in providing an effective screen along the main frontage</li><li>• A Grampian condition could be attached in relation to tree retention</li><li>• Reasonable evidence has been provided that the site does not host protected species and further surveys will confirm this. A Condition could be imposed relating to further survey works prior to the commencement of works</li><li>• Flooding issues (<b>now resolved as detailed above</b>)</li><li>• A Section 106 agreement can resolve the monetary contribution issue</li></ul> <p>Additional memo received from Strategic Planning Manager received 30.08.07:</p> <ul style="list-style-type: none"><li>• This memo is in response to further information submitted by the applicants in relation to displaying a local need for 20 affordable units in Hopwood.</li><li>• The further information in my view does not satisfy a need for 20 affordable units in this location, simply providing a list of people on the waiting list does not demonstrate need.</li><li>• It is my understanding that anyone can apply to be on the housing waiting list, and therefore this list does not constitute a measure of housing need, but rather a measure of housing demand. Further to this the fact that the vast majority of those people on the waiting list are from Waterside orchard, a Caravan Park where many of the residents are automatically entered onto</li></ul>
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	<p>the waiting list once taking up a property, does not demonstrate a genuine need for affordable properties in Hopwood.</p> <ul style="list-style-type: none"> <li>• In my view a rural housing needs survey of Hopwood should have been carried out, or the Alvechurch survey designed in such a way that it was possible to ascertain exactly where the need arises from and whether or not that need is genuine.</li> <li>• As I have still not been provided with the methodology behind the current Alvechurch housing needs survey I cannot accept this as evidence of need for housing in the whole of Alvechurch, let alone evidence of housing need specifically in Hopwood.</li> </ul> <p>1 letter received 31.08.07</p> <ul style="list-style-type: none"> <li>• Wildlife issues (as detailed in report)</li> </ul> <p>Alvechurch Parish Council – views received in relation to amended plans 04.09.07:</p> <ul style="list-style-type: none"> <li>• Similar to previous comments.</li> <li>• Alvechurch Parish Council are strongly in favour of building affordable dwellings in the Parish of Alvechurch. The site is one of those considered by the Parish Council and deemed suitable and sustainable.</li> <li>• It was noted that the planners have moved positioning of the houses to afford more privacy to existing homes.</li> <li>• The Housing Survey identified a need for 22 in Hopwood and this development meets the need, only a percentage of the site is Greenfield &amp; some Brownfield Affordable Housing Development is one of the exceptions to Green Belt development.</li> <li>• It was suggested that the Clerk write to the Office of the Deputy Prime minister (cc Julie Kirkbride MP) and ask for the application to be called in 800 people are on the waiting list for Alvechurch, through Bromsgrove District Housing Trust.</li> </ul>
<b>B/2007/0594/SMC</b>	Councillor Dent has requested this application is determined by Planning Committee and not dealt with under delegated powers (verbal request 02.08.07)
<b>B/2007/0717/DI</b>	<p>In response to the only two objections, the Agent has submitted the following information which has been summarised: -</p> <ol style="list-style-type: none"> <li>1. <u>The waste drainage</u> will continue to be discharged via the present system, which includes serving the neighbouring house at <u>no</u> expense to the immediate neighbouring occupier.</li> <li>2. <u>As for the neighbour's natural light</u> to his windows; the proposal would make no difference, as the proposal would be <u>inset</u> from the common boundary where the</li> </ol>

	<p>applicant replaced a dilapidated screen wall for mutual benefit.</p> <p>2.1 <u>In regard to sunlight</u> on the neighbour's garden, there are already conifers across it that far exceeds the height of the proposal.</p> <p>2.2 <u>In respect of height</u>, the proposal would not exceed the existing ridge, which you approved before.</p> <p>2.3 It is a fact that the applicant has improved the neighbour's privacy by reducing the ground level and preventing overlooking on that previously higher ground. The former boundary wall was about 1.8m higher, so the neighbour has been given considerable improvements. The applicant intends to continue this considerate approach.</p> <p>3. <u>The phases of construction</u> over the years are not a planning issue.</p> <p>4. <u>The landscaping</u> of the previous approval was implemented. As you can appreciate, the banks are difficult for plants to grow on, but a lot of shrubs have taken. The current proposal would be further landscaped to your approval, after taking specialist advice.</p> <p>5. <u>The lay-by provides 3 extra car spaces</u>, which is off the carriageway. Mr Butterworth similarly benefits in front of his house, on what is a very little used, wide stretch of road. You have the design and assessment whereby vehicles are shared, and no increase in car use is necessary.</p> <p>Additional information received 07.09.07  Further covering letter and 2 photos received labelled 1 and 2 which are available for Committee presentation.  Photos show boundary with neighbouring property.</p>
<b>B/2007/0759/VN</b>	<p>Letter received from Barnt Green Parish Council via email 29.08.07</p> <ul style="list-style-type: none"> <li>• The Parish Council feels particularly strongly about this application.</li> <li>• If approved the application would have serious consequences for the future of a major part of the Conservation Area.</li> </ul>
<b>B/2007/0663/DI</b>	<p>Councillor Lewis requested this application to be taken to Committee on: 12/08/2007.</p> <p>Members should note that this is a small agricultural holding which is served by a dwelling, orchard and agricultural buildings to the rear. It is proposed to turn this mixed agricultural smallholding to domestic house and garden. Member will also note that whilst a field access exists into the orchard there also appears to be a new driveway shown on the plans across the orchard area to serve the dwelling. However</p>

	<p>this drive has been excluded from within the red line of the application site.</p> <p>The areas presently on site include the house and small garden area to front and rear, the fenced orchard area and the yard to the rear containing the agricultural buildings. The application consolidates them into a domestic residential use. It is also proposed that the floor space area of the agricultural buildings would be used as a means of 'trading off' for a larger domestic floor space area on the proposed new domestic dwelling. Whilst buildings are proposed to be removed the large pole barn on the north west boundary appears to be retained as it is not being shown as demolished.</p>
<p><b>B/2007/0767/SMC</b></p>	<p>Councillor Dent has requested this application is determined by Planning Committee and not dealt with under delegated powers (verbal request 02.08.07)</p> <p>WMC – views received 04.09.07:</p> <ul style="list-style-type: none"> <li>• As a representative of West Mercia Constabulary and having taken advice in relation to this application I submit a formal objection.</li> <li>• If this application were successful it would exempt persons from drinking alcohol in the High Street within the area of the application being prosecuted under The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No 1) that came into force on 31/01/2007. This order was granted under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.</li> <li>• Our concern is that this will encourage disorderly behaviour and increase the fear of crime for those pedestrians in the High Street</li> </ul> <p>Community Safety Officer – views received 05.09.07:</p> <ul style="list-style-type: none"> <li>• At a meeting of Police and Community Safety Joint Tasking Group today we discussed the above planning application. The group were very concerned that the application would affect what is currently a designated Alcohol Free Zone. Such a precedent, I am led to believe, would enable all the other pubs in the High Street to set out tables/chairs which would turn the High Street from an alcohol free zone into an area where outdoor drinking on a large scale occurs the whole length of the Street.</li> <li>• We feel sure this will have a significant impact on Fear of Crime for those residents/visitors who want to use the High Street for other than drinking. I would remind you that Section 17 of the 1998 Crime &amp; Disorder Act puts a duty on a Local Authority to ensure any Planning decision must consider the impact on Crime &amp;</li> </ul>

	<p>Disorder.</p> <p>Economic Development Officer – views received 06.09.07: There is serious concern regarding this application and therefore I object to the scheme</p>
<b>B/2007/0768/SMC</b>	<p>Councillor Dent has requested this application is determined by Planning Committee and not dealt with under delegated powers (verbal request 02.08.07)</p>

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## BROMSGROVE DISTRICT COUNCIL

### PLANNING COMMITTEE

10TH SEPTEMBER 2007

#### APPEAL DECISIONS

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

#### 1. SUMMARY

- 1.1 To note the results of planning appeals which have been received since the last meeting of the Committee.

#### 2. RECOMMENDATION

- 2.1 Members are requested to note the report.

#### 3. BACKGROUND

	<b>Name of Applicant</b>	<b>Plan Ref. / Proposal</b>	<b>Decision / Date</b>
3.1	Mr. D. Courtney	B/2006/0815 - Proposed replacement garage to existing house at Stapleford, Victoria Road, Dodford, Bromsgrove, B61 9BU	Appeal dismissed
3.3	Mr. and Mrs. T. Yarnold	B/2006/1163 - Proposed alteration to first floor side extension over garage to form dormer roof to form part of master bedroom at 100 Fordhouse Road, Bromsgrove, B60 2LR	Appeal dismissed

#### 4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications directly related to this report.

#### 5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications directly related to this report.

#### 6. COUNCIL OBJECTIVES

- 6.1 This report does not directly relate to the Council's Corporate Objectives.

7. **RISK MANAGEMENT**

7.1 There are no identifiable risk implications directly related to this report.

8. **CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and / or diversity implications directly relating to this report.

10. **OTHER IMPLICATIONS**

10.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	None
	Policy	None
	Environmental	None

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. **APPENDICES**

12.1 None

13. **BACKGROUND PAPERS**

13.1 Appeal decision letters received from the Planning Inspectorate, dated 31st July 2007 and 2nd August 2007

**CONTACT OFFICER**

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