



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 4TH FEBRUARY 2019
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

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

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 7th January 2019 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 17/01290/OUT - Outline application (matters of access and scale to be considered) for the development of up to 10 two storey dwellings and alterations of existing access - Land To Rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire - Mr. D. Rickett (Pages 5 - 24)
6. 18/01209/FUL - Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking - Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ - Mr. A. Taylor (Pages 25 - 46)
7. 18/01226/FUL - Use of existing building, incorporating caravan to form part of building, as rest/livestock husbandry and storage facility, including office, in association with existing agricultural and equine activities - Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire, B38 9EH – Mr. K. Moore (Pages 47 - 54)
8. 18/01393/FUL - Two storey side extension, garage and amended drive access - 1 Highfields, Bromsgrove, Worcestershire, B61 7BZ – Mr. S. & Mrs Z. Kitching (Pages 55 - 58)
9. 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

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

25th January 2019

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

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

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

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a summary of the responses received from

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website www.bromsgrove.gov.uk. Recent consultee and third party responses will be reported at the meeting within the Update Report.

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

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

- Confidential / Exempt Business

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

Public Speaking

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

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

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

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

NOTES

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

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the

Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance
3. Any other items listed, or referred to, in the report.

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

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Pauline Ross, Democratic Services Officer, at p.ross@bromsgroveandredditch.gov.uk, or telephone (01527) 881406

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH JANUARY 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), S. J. Baxter, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr S Edden, Mrs. T. Lovejoy, Mr. A. Bhasin (Worcestershire Highways Officer) and Mrs. P. Ross

55/18 **APOLOGIES**

Apologies for absence were received from Councillors M. T. Buxton and C. Allen-Jones.

56/18 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

57/18 **MINUTES**

The minutes of the meeting of the Planning Committee held on 10th December 2018 were received.

Councillor C. A. Hotham highlighted that Minute Number 52/18 on Page 4 of the minutes, was incorrect. Members agreed for the wording to be amended as follows:-

“RESOLVED that planning permission be refused due to poor design and impact on the street scene”.

RESOLVED that, subject to the amendment as detailed in the preamble above, the minutes of the meeting held on 10th December 2018 be approved as a correct record.

58/18 **UPDATES**

The Chairman confirmed with Members that they had received and read the updates to the planning application, which had been published and circulated, prior to the commencement of the meeting.

59/18 **18/01123/FUL - PROVISION OF 19 NO. 1 BEDROOM APARTMENTS, CAR PARKING, EXTERNAL WORKS AND LANDSCAPING - ALL SAINTS GARAGE, 137 BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DN - BDHT**

Agenda Item 3

Planning Committee
7th January 2019

Officers reported on objections to the application received from Councillor L. C. R. Mallett, as detailed in the published Update Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

At the invitation of the Chairman, Mr. I. Tynan addressed the Committee, objecting to the application. Mr. B. Stevens, Director of Asset Management and Development, Bromsgrove District Housing Trust (BDHT) and Mr. J. Adams, the Agent for the Applicant addressed the Committee. Councillor R. Laight, in whose Ward the application site was located, also addressed the Committee.

The Committee then considered the Application which was recommended for approval by Officers. Members expressed concerns with regard to the amount of parking spaces provided and visitor parking, having noted, that no objections were raised by Worcestershire County Council Highways, Bromsgrove; Members referred to the Mott MacDonald Highway consultants comments, which stated that, "if it was the case that there was insufficient capacity for visitor parking on the surrounding road network, an additional four visitor parking spaces should be provided within the development site".

At the invitation of the Chairman, the Worcestershire Highways Officer provided clarification on a number of matters raised, particularly in relation to parking and the vehicular trip rate summary, as detailed on page 2 of the main agenda report.

Members also referred to the comments from the Conservation Officer that, "The roof does appear to be excessively bulky, and it may be preferable to have a flat roof to the Birmingham Road and a parapet detail to try and reduce this bulk".

Having considered the Officer's report and information provided by all of the public speakers, and having conducted a Site Visit; Members were of the view that the proposed application would result in an over-development of the site, with a lack of sufficient parking provision, which could lead to an increase to street parking. The design was also out of character on the streets scene, Members were therefore minded to refuse the Application.

Members asked for it to be noted that they appreciated that there was a real need for suitable, affordable, housing within the district and whilst they supported the Application in principle, they were minded to refuse the Application for the following reasons:

RESOLVED that Planning Permission be refused for the following reasons:

Agenda Item 3

Planning Committee
7th January 2019

- 1) The proposed development by reason of density would represent an over-development of the site contrary to Policies BDP.7 and BDP.19 of the Bromsgrove District Plan (Adopted January 2017);
- 2) The proposed development by reason of its design would detract from the setting of adjacent buildings and would cause harm to the character of the area and street scene, contrary to Policies BDP.19 and BDP.20 of the Bromsgrove District Plan (Adopted January 2017);
- 3) Insufficient visitor parking to serve the development would be provided at the site, contrary to the Worcestershire County Council Streetscape Design Guide 2018 which comments that where existing on street demand or parking restrictions prevents this, off road provision for visitor car parking should be made at a ratio of 1 space per 5 bedrooms. The development would be contrary to Policy BDP.16 of the Bromsgrove District Plan (Adopted January 2017).

The meeting closed at 6.45 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Dan Rickett	Outline application (matters of access and scale to be considered) for the development of up to 10 two storey dwellings and alterations of existing access Land To Rear Of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire,		17/01290/OUT

RECOMMENDATION: That planning permission be REFUSED

Consultations

Highways England

No objection

Worcestershire County Council Countryside Service

Consulted 3rd October 2018 No Comments Received To Date

Ramblers Association

Consulted 3rd October 2018 No Comments Received To Date

Arboricultural Officer

No objection subject to conditions.

- All trees and hedge lines retained
- No storage of plant/materials within the RPAs of any retained trees
- Any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012
- Arboricultural method statement and tree protection plan

WRS - Noise

The submitted noise assessment appears satisfactory and can be applied to the revised site plan. All of the recommended noise mitigation measures relating to glazing, ventilation and acoustic fencing should be implemented.

Leisure Services Manager

The development is under the threshold that would require a contribution

Education Department at Worcestershire

The development is under the threshold that would require a contribution

Worcestershire Archive and Archaeological Service

No archaeological factors that would require mitigation on this site.

North Worcestershire Water Management

No objection subject to surface water drainage condition

Highways - Bromsgrove

The proposed access arrangements are considered to be substandard and as a result fail to ensure a safe and suitable access for all users is provided. The applicant proposes to utilise the existing access which is close to the roundabout with the A441 and B4120, and as a result a ghost lane has been provided to address right turning movements but this does not and cannot comply with the nationally accepted design standard for a junction of this nature.

The matter of existing or potential traffic generation has been considered, the applicant has pointed out that a certificate of lawful development exists for the land covered by this application. The Highway Authority's view is that the fall-back position does not have any weight in this instance as the movement profile is very different. The application will generate new peak hour trips on to an access that is not considered to be suitable which would be detrimental to highway safety.

The application fails to accord with Paragraph 108 and 109 of the National Planning Policy Framework.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would be a detrimental impact and therefore recommends that this application is refused.

Alvechurch Parish Council

The application was considered at the Parish Councils Planning meeting of 5th November 2018, after discussion Councillors unanimously agreed to object to this application.

The Parish Council have prepared a detailed response and conclude the following regarding the site:

This site has always been in the Green Belt, any HLS deficit is irrelevant to this application and the land cannot be deemed to be a 'brownfield'. In addition, the likely formal adoption of the Alvechurch Parish Neighbourhood Plan, supports the Green Belt policy and its Village Envelope criteria. The proposal would be served by an inadequate access to and from the highway. Therefore, for all these reasons, and that there are no very special circumstances, this application should be rejected.

Public comments

13 comments received for the 21 and 10 dwelling schemes, these are summarised as appropriate:

Green Belt

Harm to openness and visual amenity, the site is not brownfield. Previous applications have been refused, no very special circumstances

Highway matters

Safety of access/egress onto the site in the context of prevailing traffic speed
Capacity of the existing roundabout to take additional demand

Other matters

Prematurity due to the review of the Bromsgrove District Plan

Lack of school/healthcare capacity

Anti-social behaviour

Impact on wildlife

Noise, smell and pollution.

Flooding/Drainage

Unnatural elevated levels of site

Secure boundary fencing

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2018)

NPPG National Planning Practice Guidance

APNP Draft Alvechurch Neighbourhood Plan

APDS Alvechurch Parish Design Statement

Relevant Planning History

12/1040	Residential development of 21 dwellings (outline)	Refused Dismissed at Appeal	10.01.2014 14.10.2014
08/1038	Nursing home and associated offices - OUTLINE	Refused	26.08.2011
B/2007/0261	Office development (outline)	Withdrawn	30.11.2007
B/2006/0080	Office development (outline)	Withdrawn	10.05.2006

17/01290/OUT

B/1995/0862	Erection of public house and associated Parking and area for social housing and /or public open space	Refused	15.01.1996
B/1991/0966	Proposed B1 development comprising 2 No. blocks of 15,000sq ft each	Withdrawn	09.12.1991
COU/1/85	Established Use Certificate relating to the storage of plant	Granted	06.02.1995

Assessment of Proposal

Members should note that a previous application for 21 residential dwellings (12/0140) was refused by Planning Committee in 2014 and the proposal was dismissed at appeal on the 14th October 2014 (the appeal decision is attached as Appendix 1 for reference). The planning history is relevant to the consideration of the application.

This outline application (17/01290/OUT) has been amended during the application process by the applicant. The original submission proposed up to 21 dwellings on the site, this revised submission now proposes up to 10 dwellings.

The application is submitted in outline form, however, given the Green Belt location and access onto the A441, the matters of scale and access are being considered at this stage. The application is supplemented with proposed streetscenes and a detailed schedule of accommodation.

The application is accompanied by a Design and Access Statement, Planning Statement, Planning Update Statement, Second Planning Update Statement and Third Planning Update Statement, Transport Assessment, Ecology Appraisal update, Noise Assessment and Arboricultural Survey.

Site Description

The application site relates to a 0.9ha parcel of land located to the east side of the A441 Redditch Road adjacent to the roundabout junction with the B4120. The site is predominantly open scrubland although some areas are covered with a thin layer of crushed stone and discarded rubble. The site is bounded by some semi mature tree specimens. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern site boundary and the Woodpecker Close development (B/2007/0495) adjoins the site to the north east. An existing vehicular access is located to the north-west corner of the site leading off Redditch Road. The site is located in the Green Belt as defined in the BDP, is within the Alvechurch Parish Neighbourhood Plan area and is located adjacent to but outside of the defined Village Envelope of Hopwood.

Assessment

The main considerations in the determination of the application are the following:

- Whether the proposal represents appropriate development in the Green Belt; and if not, whether any very special circumstances exist to outweigh the harm caused
- The impact of the proposal in relation to highways and access
- The impact of the proposal on residential amenity

Whether inappropriate development

Paragraph 133 of the NPPF identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, one of which is:

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– *not have a greater impact on the openness of the Green Belt than the existing development;* or
– *not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The starting point is to consider whether the site constitutes previously developed land, which is defined by the NPPF (Annex 2 as: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*

The proposed development does not fall into any of the exceptions which define appropriate development as set out in policy BDP4 of the Bromsgrove District Plan and paragraph 145 of the Framework. Therefore the proposal amounts to inappropriate development, which is, by definition, harmful. The extent of the harm can be established from the plans and supporting documents accompanying the application. The application proposes up to 10 dwellings would comprise a total of 998sqm of floorspace consisting of two storey properties. The scale would have a significant and demonstrable harm to the openness of the Green Belt.

The applicant has put forward a number of considerations in numerous Planning Statements which need to be assessed. There has been reference made to policy

BDP4.4(g) of the Bromsgrove District Plan which allows for the limited infill or complete redevelopment of previously developed land which would not have any greater impact on the openness of the Green Belt. The planning status of the land has been extensively covered in the previous application 12/1040 and the Council accepts that an Established Use Certificate was granted in 1985 allowing for the storage of plant and machinery on the land. During the course of the previous appeal, the Inspector held that:

'In relation to the guidance in the Framework, having regards to the planning history of the site that has been submitted, I find that even if the lawful use is disputed, it is clear that, at least, the site is 'redundant' and the proposal would involve the complete redevelopment of the land. However, within this exceptional category defined by the Framework, it is also necessary to consider whether the new development would have a greater impact on openness'.

Whilst the views of Alvechurch PC are noted regarding brownfield land and it is evident that the extent of the use of the land has varied considerably over time, the Inspector accepted that the site comprised redundant brownfield land. However, he concluded that the proposal for 21 dwellings would significantly detract from the openness of the site to a far greater extent than the established use and therefore breached this criterion of policy BDP4 and paragraph 89 of the NPPF.

Whilst the current proposal has been reduced in scale and now comprises up to 10 dwellings and associated infrastructure. It is considered that there would still be an adverse impact on openness, resulting in inappropriate development in the Green Belt. Therefore, the proposal is unacceptable in principle. However, the decision maker must consider if there are any matters of equal or greater weight which would be required to clearly outweigh the substantial identified harm.

Thereby, notwithstanding the previously developed status of the land, the construction of up to 10 dwellings would have a far greater impact on the openness of the site and the wider area than occurs with the established lawful use. Thereby it follows that the proposal amounts to inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances.

Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that:

Plans and decisions should apply a presumption in favour of sustainable development...for decision making this means:

- *Approving development proposals which accord with an up to date development plan without delay*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁷, granting permission unless:*
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷, or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole.*

An important aspect to note however are footnotes 6 and 7. Footnote 6 notes that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those listed in paragraph 176) and/ or designated as Sites of Special Scientific Interest; land designated as Green Belt....

Footnote 7 notes that:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...

The Council considers that the relevant policies in the adopted development plan are in conformity with the NPPF and should be given significant weight in decision making. However, even if this were a matter of contention, NPPF Policy 11 d) makes provision where such policies may be considered out of date to include land designated as Green Belt in its provision to protect certain assets against the presumption in favour of sustainable development. The Council considers that in principle the proposals would therefore not trigger the presumption in favour of sustainable development and be contrary to national policy including national Green Belt policy even if the adopted Local Plan Green Belt policy was deemed out of date.

Five year housing supply

The NPPF requires Local Planning Authorities to significantly boost the supply of housing and planning decisions should apply a presumption in favour of sustainable development.

If a Council is found to lack a five year housing land supply, the NPPF 'tilted balance' in favour of the presumption in favour of sustainable development would normally be engaged (i.e. paragraph 11(d) of NPPF 2018) this would not be the case in relation to this proposal. As noted in 'Presumption in Favour of Sustainable Development' above the NPPF also stipulates that where restrictive policy is relevant (as set out under footnote 6 of the revised NPPF 2018), the 'tilted balance' does not apply. This position is referred to and supported in the Forest of Dean V SSCLG {2016} EWHC 421 (Admin). It is therefore clear that the NPPFs 'tilted balance' toward the presumption in favour of sustainable development is not engaged in this case because the proposed development is deemed to be inappropriate development in the Green Belt, which, in accordance with paragraph 11(d)(i) of NPPF 2018, is one of the '*...protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*'

The Council has published its 5 Year Housing Land Supply Report with a base date of 1st April 2017. This concludes that the Council cannot currently demonstrate a five year housing land supply being able to demonstrate 4.57 year supply of deliverable land for Housing. This document concludes that the Council falls short of a 5 Year Supply of Land for Housing.

The Council being found to be unable to demonstrate a current five year housing land supply does not constitute very special circumstances to relax the protection of the Green Belt and does not outweigh the material harm that would be caused by the application

site to the Green Belt by virtue of its impact on openness. In any case, it has been made clear in both the Ministerial Statement of 1 July 2013 and paragraph 034 of the Planning Practice Guidance that *'unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt.*

In conclusion with respect to the five year housing land supply, in this case any lack of five year supply neither engages the 'tilted balance' in favour of the presumption in favour of sustainable development nor constitutes very special circumstances to approve inappropriate development in the Green Belt.

Very Special Circumstances

Very special circumstances are required to clearly outweigh the harms identified in this report; however they will not exist unless the material planning considerations advanced by the applicant clearly outweigh both the harm by reason of inappropriateness and any other harm.

Existing Use/Fall-Back

Information has been submitted within supporting planning statements regarding the current use of the site. In this it is argued that the current usage of the site is constrained by the ongoing planning situation and length of lease that has been offered. Therefore the fall-back position against which the application must be assessed is that of a use with substantially greater visual and environmental impact and that the site could be operated on a 24/7 basis. The applicant has referred to specific case law in making this case (*Zurich Assurance v North Lincolnshire Council*).

In order to be a material consideration, a fall-back only has to have *'more than a merely theoretical prospect'*. While the likelihood of the fall-back occurring may affect the weight to be attached to it, its status as a material planning consideration is unaffected. The Council should therefore have regard to the 'unfettered' LDC but afford it such weight as is appropriate in the determination of any future planning application on the site.

As indicated in the planning history, there have been planning applications on this site dating back to 2008 (albeit not by this applicant) and most recently an application for 21 dwellings in 2012 and subsequent appeal (by this applicant). Therefore it is evident that there has been a clear aspiration to redevelop the site and maximise its value through the erection of dwellings or other development for well over 10 years. Furthermore in the interim period between 2012 and the present time, the Local Planning Authority is not aware of the substantial use of the site for storage of plant and machinery on the land. Therefore while the intensification of the site is a material consideration, the likelihood of the fall back occurring and to the extent described by the applicant is considered unlikely, and therefore the weight this can be given is low.

Other Very Special Circumstances

The other matters put forward by the applicant are housing need, the adjoining development at Woodpecker Close, lack of previously developed land in the District, community benefit, harm arising to openness from the existing use of the land and the layout/arrangement of the proposal compared with the existing use, visual amenity, comparative increase in openness, improvement in living conditions, design benefit, highway safety and sustainability. They have also referred to other planning cases in the authority and elsewhere which they consider support their case. In terms of the Bromsgrove cases this includes an appeal decision at Houndsfield Lane (16/0999) which was dismissed at appeal in April 2018 and the redevelopment of Mumbersons Transport Depot on Scarfield Hill, Alvechurch (16/1190), where a delegated planning permission was granted in July 2017 for 9 dwellings following the demolition of the numerous buildings on the site.

However, these matters put forward do not cumulatively and clearly outweigh the substantial harm arising from the proposed development of up to 10 dwellings and I therefore conclude that the very special circumstances do not exist to justify the proposal.

Affordable Housing

NPPF (2018) paragraph 63 requires the provision of affordable housing for residential developments that are major developments (major development definition is outlined in Annex 2 – 10 or more homes or the site has an area of 0.5 hectares or more). The site is 0.9 hectares (without access) and 1.25 hectares with access and therefore under the revised NPPF the site would require to make an affordable housing contribution.

The Council's current affordable housing policy is set out in Policy BDP8 Affordable Housing of the District Plan and establishes that:

Contributions will not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 sq m. Where there is a net increase of 11 or more dwellings affordable housing provision will be expected on-site and will be calculated against the net number of new dwellings as follows:

- *Up to 40% affordable housing (or a higher % if proposed) on greenfield sites or any site accommodating 200 or more dwellings;*
- *Up to 30% affordable housing (or a higher % if proposed) on brownfield sites accommodating less than 200 dwellings*

This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application.

Having regard to the NPPF as a material consideration of significant weight, officers' view is that the continued local evidence of unmet demand for affordable housing (as most recently outlined in Bromsgrove District Plan Review – Issues and Options Document (September 2018)) deserve significant weight in deciding whether, for the purposes of

Section 38(6), the revised Framework policy weigh sufficiently against the Policy BDP8 and whether the threshold for affordable housing should be expanded to assist with meeting this unmet demand for affordable housing. As such proposals for residential development of 10 or more homes or where the site has an area of 0.5 hectares or more should now make a contribution towards the provision of affordable housing.

No provision for affordable housing has been made for this proposal, it is therefore contrary to paragraph 63 of the NPPF and in line with BDP8, there should be provision of affordable housing of 30% of the new dwellings.

Draft Alvechurch Parish Neighbourhood Plan (APNP)

The applicant in their Second Planning Statement outline the reasons which they consider the Draft APNP to be not sound as it fails to show consistency with the Development Plan and the NPPF and that it relies on existing settlement boundaries and consideration should be made of what the development boundary is in reality rather than put forward in an out of date development plan.

In terms of its soundness, it is worthwhile to note that an examination of the Draft APNP has been completed and as outlined in the Examiners Report, (dated 7th November 2018) subject to a number of recommendations to modify policies and text, the plan would meet the Basic Conditions and other legal requirements for neighbourhood plans and that once modified the plan should proceed to referendum. It has now been confirmed that the plan is legally compliant and meets the Basic Conditions, one of which is general conformity with the NPPF.

A referendum was held on the Draft APNP on Thursday 10th January 2019. 97% of residents that voted, voted in favour of the plan being used to in the decision making process. The APNP will now be taken to the District Council's Cabinet and Full Council meetings in February to recommend the neighbourhood plan is formally 'made'. To clarify for Members, the plan is not currently part of the development plan, however given its advanced stage it is considered to carry significant weight.

In terms of the village boundary, the site is within the Green Belt and lies beyond, but immediately abutting the village of Hopwood as defined on the Bromsgrove District Council Proposals Map.

The boundaries of diverse rural settlements such as Hopwood can in many instances be subjective. The applicant has outlined a Court of Appeal decision which it considers relevant. The Court found that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village; further, that he misdirected himself by accepting the Local Plan as being conclusive as to whether or not the site appeared to be in the village (*Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council* [2015]). In this case the boundaries of diverse rural settlements such as Hopwood are in many instances subjective. However, after visiting the site, neighbouring properties and surrounding fields, it is considered that the site does not appear to be in the village envelope.

It is correct that due to the absence of a 5 year housing supply, the policies in the Neighbourhood plan relating to housing are out of date. However, Paragraph 11 of the

NPPF does not state that where relevant policies are out of date, the plan must therefore be ignored. This does not prevent the decision maker giving as much weight as they judge to a proposals conflict with the neighbourhood plan and the shared vision for the area. It does not remove the general presumption against planning permission being granted for development which is in conflict with the draft neighbourhood plan which is considered to carry significant weight.

The proposal is considered to conflict with Policy H2: Housing for Hopwood and Rowney Green of the Draft Alvechurch Parish Neighbourhood Plan. This policy states the following:

New housing developments that are well designed will be supported if they show consideration for the Alvechurch Parish Design Statement, meet the other requirements set out in the APNP and the Bromsgrove DP and where development:

- a) *Is limited to small residential infill development and maintains the continuity of existing frontage buildings, or is on brownfield land within the built up area of the village where the site is closely surrounded by existing buildings*
- b) *Is not considered to be back garden development*
- c) *Is consistent with the character of the locality as outlined in the Alvechurch Parish Design Statement on its pages 29-32*
- d) *Provides at least one small home with two or fewer bedrooms for every one large dwelling with three or more bedrooms*
- e) *Is in suitable locations, on small infill plots giving opportunities for some well-designed self-build homes*
- f) *Is within the built up area and does not involve the outward extension of the village envelope as shown on the adopted Bromsgrove District Plan policies map.*

It is considered that the proposal conflicts with points a) as it is not considered to be within the built up area of the village, where the site is closely surrounded by existing buildings and secondly it conflicts with point f) on the basis that development of 10 dwellings would expand the village envelope in this location.

Policy H6: Providing a Mix of Housing Types and Sizes of the Draft Alvechurch Parish Neighbourhood Plan, outlines that proposal for 10 or more dwellings should seek to achieve the following mix unless viability, market requirements at that time or other material considerations show a robust justification for a different mix:

- a. *Overall up to 10% of new dwellings should aim to have 1 bedroom*
- b. *40% should aim to have 2 bedrooms with an element of ground floor single level dwellings to meet the needs of the elderly and people with disabilities*
- c. *40% should aim to have 3 bedrooms*
- d. *Up to 10% should aim to have 4 or more bedrooms.*

The proposal does not meet this requirement in its illustrative form regarding the mix of housing sizes. However, as the scheme is in outline, it is considered that this element is still to be considered as part of any reserved matters submission.

Highways

Policy BDP16: Sustainable Transport taken from the Bromsgrove District Plan requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

As outlined in the consultation comments above, the proposed access arrangements are considered to be substandard and as a result fail to ensure that safe and suitable access for all users is provided. The applicant proposes to utilise the existing access which is close to the roundabout with the A441 and B4120, and as a result a ghost lane has been provided to address right turning movements. However, this does not and cannot comply with the nationally accepted design standard for a junction of this nature.

The matter of existing or potential traffic generation has been considered, the applicant has pointed out that a certificate of lawful development exists for the land covered by this application. The Highway Authority's view is that the fall-back position does not have any weight in this instance as the movement profile is very different. The application will generate new peak hour trips on to an access that is not considered to be suitable which would be detrimental to highway safety.

The application fails to accord with Policy BDP16 and Paragraph 108 and 109 of the National Planning Policy Framework.

The impact of the proposal on residential amenity

The matters of design and layout are reserved for future determination. However, it is evident from the proposed plans will appear to be able to achieve an adequate separation from the rear of the properties on Smedley Crooke Place and Woodpecker Close to the north. It is not considered that the proposal would result in a loss of residential amenity with respect to these adjoining properties.

Other matters

Issues relating to trees, ecology, noise and drainage are all considered to be acceptable.

The Parish Council in their objection also raise the issue of prematurity due to the review of the Local Plan Review. Bromsgrove District Plan Review - Issues and Options Consultation ended on 19th November 2018, however the plan is still in its early stages of review. Paragraph 014 of the Planning Practice Guidance indicates that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.

In terms of other comments received regarding the application, the proposal is too small to require an education contribution and it is considered to be of a scale that would have a significant impact on local healthcare provision. Furthermore a private residential

development is not considered to create anti-social behaviour or create undue smell or pollution. A survey of levels could be undertaken to ensure that that this was satisfactory compared to surrounding site levels and a condition could be added regarding future boundary treatments.

Conclusion

The proposal amounts to inappropriate development in the Green Belt which carries substantial weight in respect of the determination of the application. The matters put forward by the applicant have been fully considered including the absence of a five year housing land supply but these neither singularly or cumulatively clearly outweigh the harm to the Green Belt arising from the construction of up to 10 dwellings.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

- 1) The proposal comprises the erection of up to 10 residential dwellings which would have a significant and demonstrable impact on the openness of the Green Belt and would conflict with the purpose of including land within the Green Belt. Whilst the matters put forward by the applicant in support of the application are noted, they do not amount to very special circumstances which would outweigh the identified harm. Therefore, it is not considered that any very special circumstances exist. The proposal would therefore be contrary to policies BDP1 and BDP4 of the Bromsgrove District Plan 2017 and the provisions of the NPPF.
- 2) The proposed access arrangements (including the proposed ghost lane) are considered to be substandard and as a result fail to ensure a safe and suitable access for all users is provided. The application will generate new peak hour trips onto an access that is not considered to be suitable and which would be detrimental to highway safety. It is considered that as a result, the development would be contrary to policy BDP16 of the Bromsgrove District Plan 2017 and the provisions of the NPPF.
- 3) The proposal makes insufficient provision for affordable housing. In the absence of evidence to justify the reduced provision, the proposal would be contrary to the provisions of policy BDP8 of the Bromsgrove District Plan 2017 and paragraph 63 of the NPPF.
- 4) The application site is neither in the built up area of the Hopwood where it is closely surrounded by existing buildings and is outside the current settlement limit boundaries of the village of Hopwood. A development in this location of the size proposed would therefore be contrary to Draft Alvechurch Parish Neighbourhood Plan Policy H2 criteria a and f.

Case Officer: Mr Paul Lester Tel: 01527 881323
Email: paul.lester@bromsgroveandredditch.gov.uk

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Appeal Decision

Site visit made on 30 September 2014

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2014

Appeal Ref: APP/P1805/A/14/2221767

Land to the rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Bromsgrove, B48 7TP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cawdor Capital Hopwood Limited and Morris Homes Ltd. against the decision of Bromsgrove District Council.
 - The application Ref. 12/1040, dated 22 November 2012, was refused by notice dated 10 January 2014.
 - The development proposed is the construction of 21 new houses.
-

Decision

1. The appeal is dismissed.

Application for costs and procedural matters

2. An application for costs was made by Cawdor Capital Hopwood Limited and Morris Homes Ltd. against Bromsgrove District Council. This application is the subject of a separate Decision.
3. I have specified the appellants as the companies set out in the bullet points above, rather than Mr D Rickett as used in the appeal form, as he appears to be an agent and the appellants' names that I have used are consistent with those listed in the planning application.
4. The Council's decision notice on the application refers to an outline proposal for 21 dwellings but the original application forms specify a full application for 22 dwellings. However, it is evident that during the application process, revised drawings were submitted for 21 dwellings in a detailed site layout and the proposal involves other detailed plans including the elevations of all of the dwellings. I have therefore considered the appeal on the basis of the revised plans and constituting a full application.

Main Issues

5. The main issues are:
 - Whether the proposal constitutes 'inappropriate development' in the Green Belt and the effect on its openness;
 - Whether the Council can demonstrate a five year supply of deliverable housing sites;

- If inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

6. The site, which is said to extend to about 0.8ha, lies on the southern edge of the village of Hopwood which is situated in the Green Belt generally to the south of Birmingham. The site is roughly square in shape and has existing residential development to the north and along the northern part of the eastern boundary while the remaining land to the east and to the south is undeveloped and comprises open paddocks enclosed by hedges or is overgrown scrub land. The site has access to the A441 (Redditch Road) just before a roundabout junction with the Birmingham Road. The site, which is mainly flat, is contained by hedgerows on most of its boundaries although there are no significant and mature trees within the main part of the site.
7. It is proposed to develop the site residentially and construct 21 new dwellings off a new access road leading directly off the roundabout. 14 of the new dwellings would be detached; 2 semi-detached; and 5 would comprise a terrace of five properties.
8. The appellants also refer to the planning history of the site where the Council granted an Established Use Certificate (EUC) in 1985 which certified that at that time the use of the land for the storage of plant was established. The appellants say that the site can continue to be used for the open storage of plant and that this use has not been abandoned.
9. I will deal with this planning history in due course, but for the record, at the time of the accompanied site visit, the site contained some 20 'portacabins' which appeared to be in use as a site office, for storage purposes and for sleeping accommodation. The remainder of the land, which generally had a surface of mixed rubble and loose material, was used in places for the storage of drums/ coils of electricity and other cables/pipes, together with assorted plant and vehicles which I would describe as medium sized.

Whether inappropriate development in the Green Belt and the effect on openness

10. The Council refers to saved policies DS2 and S9 of the Bromsgrove District Local Plan (2004) in the development plan which relate to development in the Green Belt. Policy DS2 indicates that permission will not be given for the construction of new buildings unless the development is one of the specified exceptions. Similarly policy S9 relates to new residential development and this sets out exceptions to the general presumption against new buildings. The criteria specified in both policies generally accorded with the provisions of PPG2 (Planning Policy Guidance 2 – Green Belts) as applying at the time of adoption of the Plan. However, this national guidance has now been superseded by the National Planning Policy Framework (the Framework) issued in 2012. The Framework represents up-to-date government policy and is a material consideration. Accordingly, where there is any inconsistency between the development plan policy and the Framework I have to give the latter greater weight.

11. Clearly, the erection of new buildings in the Green Belt beyond a village would normally constitute 'inappropriate development', however, the Framework recognises as an exception, development which would involve "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use...which would not have a greater impact on the openness of the Green Belt than the existing development".
12. The appellants and the Council dispute whether the continuing use of the land for open storage is lawful and whether the land constitutes a 'green field' site or a 'previously developed' brownfield' site. Although the site does not contain any buildings at the moment, the actual land itself displays the characteristics of having been previously developed even if that use did not involve buildings or permanent structures.
13. In relation to the guidance in the Framework, having regards to the planning history of the site that has been submitted, I find that even if the lawful use is disputed, it is clear that, at least, the site is 'redundant' and the proposal would involve the complete redevelopment of the land. However, within this exceptional category defined by the Framework, it is also necessary to consider whether the new development would have a greater impact on openness.
14. In order to assess this, at the site visit I looked at the present environs of the site from the public realm to the east, south and west and also considered the proposed layout for the 21 dwellings from these points. At the moment, the open storage of plant and equipment is not prominent and the generally low temporary buildings, materials, vehicles and equipment are visually contained by the roadside hedge along the southern and western boundaries of the site.
15. No doubt at other times in the past, the open storage of plant on the land may have been more conspicuous especially in the winter. Nevertheless, it appeared to me that notwithstanding some variation of impact in the open storage use, the land has the fundamental characteristic of being mostly open and this contrasted sharply with the permanent housing development around Smedley Crooke Place and Woodpecker Close, and the ribbon frontage development on the western side of Redditch Road.
16. In my judgement, the redevelopment of the site with housing as proposed would result in a fundamental change to the open character of the land and harm its contribution to the Green Belt. While there would be harm to openness itself, this change would also be very apparent in the views of the land from the Redditch and Birmingham Road, and I do not consider that the retention of some of the roadside hawthorn hedge would make the presence of the buildings much less conspicuous.
17. Overall on this issue, I conclude that the proposal would constitute 'inappropriate development' in the Green Belt as it would not fall within the category of exceptional development set out in the Framework, through the redevelopment of a previously developed site, as it would have a greater and harmful impact on the openness of the Green Belt compared with the existing (or previous) development associated with an open storage use. I therefore find the proposal does not accord with the relevant part of the Framework, to which substantial weight should be given, and to the less up to date relevant part of the development plan.

Other material considerations – Housing land supply

18. The formal reasons for refusal refer to saved policies DS2 and S9 of the Bromsgrove District Local Plan (2004). The appellants' agent says that the Council cannot demonstrate a five year supply of deliverable sites for new housing development (HLS) in accordance with paragraph 47 of the Framework and that paragraph 49 applies. This advises that policies in the development plan regarding the supply of housing should not be considered up to date in the context of the presumption in favour of sustainable development.
19. The Council says that the appellant's submissions relate to a previous position regarding HLS and that the latest position statement dated April 2014 demonstrated a 5.03 year supply with a 5% buffer, when set against the target in the emerging Bromsgrove District Plan. Nevertheless, the Examination into that new plan is ongoing and I understand that the examining Inspector has asked the Council to produce further evidence about the objectively assessed housing need. This was submitted by the Council on the 1 September 2014 so that the examination can progress. Given that the Council's assessment of the objectively assessed housing need has not yet been included in a local plan which has been found to be 'sound', I cannot place much weight on the indicated target at this stage or the consequential analysis of housing supply to meet this target.
20. Notwithstanding these factors about HLS, it appears to me that while the formal reasons for refusal quote policies from a local plan which is of some age, they relate to the issue of new buildings in the Green Belt rather than being primarily concerned about restricting the supply of general new housing land. I therefore find that these are not relevant policies to which paragraph 49 of the Framework should apply.

Other considerations

21. Concerns have been raised by some local residents about the access to the site and the lack of a crossing in Redditch Road for the residents of the new houses to be able cross the local road system in a safe manner. It is apparent from the committee report that the Highway Authority had initial concerns about the proposal but the amended plans submitted regarding the layout overcame these concerns subject to some form of financial contribution towards highway improvements. There is therefore no clear evidence before me to show that the proposed development will not have a satisfactory access and it is likely that improvements to pedestrian safety stemming from the new housing development could reasonably be secured by a condition.

Planning Balance

22. Bringing together my conclusions on the main issues, I have found that I should not give much weight to the relevant development plan policies DS2 and S9, but this is because of their compliance with the now cancelled PPG2 rather than the current Framework, and not because they restrict the supply of housing if there is no demonstrated HLS.
23. The development is more properly assessed in relation to the more recent guidance in the national Framework which is a material consideration. While this seeks to boost significantly the supply of housing, the Framework also makes clear that the protection of the Green Belt is a core principle and that

'inappropriate development' should not be approved in the Green Belt except in very special circumstances.

24. In this case, the use of the land is a material consideration. While the nature of the lawful use is disputed by the parties, even if the land was at least a redundant 'previously developed' site, the evidence suggests that this use still resulted in a mainly open character with temporary buildings, materials and plant. This accords with my observations at my site visit. The Framework indicates that such temporary buildings should be excluded from consideration and I consider that the housing development proposed would have a fundamentally different built character in comparison and this would materially harm the 'openness' of the Green Belt. As such, the proposal does not constitute an exceptional case in accordance with paragraph 89 of the Framework but conflicts with it and substantial weight has to be given to this harm.
25. The proposal would have some positive benefits. It would add to the supply of housing locally and make provision for affordable housing, however these benefits would be of a general nature and the number of units involved would not be significant. Although the appellants contend that the removal of a 'non-conforming use' would benefit local amenity and neighbouring residential occupiers, the extent of the lack of 'conformity' or the environmental problems associated with it have not been shown to be substantial, nor corroborated by the local community or my own observations at my site visit. I can therefore not give these aspects much weight. In total, I find that these positive general benefits do not outweigh the harm caused by being inappropriate development and the harm to openness in the normal planning balance. I therefore do not need to consider whether special circumstances apply.
26. I conclude that in these circumstances the proposal does not accord with the Framework when read as a whole, and does not constitute sustainable development as the harm to the Green Belt means that the environmental dimension is not fulfilled even though there are elements of the proposal that support the economic and social roles.
27. The Parish Council refers to the emerging Neighbourhood Plan, but I have not been able to give this document much weight at this stage in its preparation and because its context has not yet been established through the adoption of the Bromsgrove Local Plan. Nevertheless, my conclusions do not conflict with the emerging plan, as far as I have been made aware of its provisions.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Adrian Taylor	Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ		18/01209/FUL

RECOMMENDATION:

- (a) Minded to APPROVE PLANNING PERMISSION
- (b) That DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
- (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
 - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
 - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care

Consultations

Waste Management

Access for the proposed bin store area is satisfactory. The 67 apartments would require a total of 32,160 litres of waste storage. This equates to 29x 1100ltr Euro bins, with a recommended split of 13x recycling and 16x domestic waste.

NWWM

No objection to the proposed development subject to conditions regarding

- Foul and surface water drainage

Housing Strategy Consulted 27.09.2018

No Comments Received To Date

Conservation Officer

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of

S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

I would agree that this is a much improved scheme and the applicant does appear to have taken on board not only the comments made in respect of the previous scheme but also the detailed comments made by the Inspector.

I do have some areas of concern which are as follows

1. I welcome the choice of different red bricks to break up the elevations. I am not so convinced by the proposed use of stone which with the exception of the Church is generally used for detailing rather than for entire facades. I would also object to the use of the proposed timber, which does not sit comfortably in this form with the local vernacular.
2. I have concerns about the proposed balconies, which do not have the appearance of a detail which is integrated with the scheme, but look more like an add on.

Subject to the clarification of the above points I would hope that this scheme will comply with the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment policies in the Bromsgrove Local Plan.

Updated Comments 24th January 2019

1. I welcome the use of slightly different coloured bricks, and this will provide some variety to the appearance of the building. It is however difficult to assess the actual final appearance of the bricks from the photographs provided. The appearance will also depend on the colour of the mortar, and this would not yet appear to have been decided upon. I therefore think that it would be appropriate for sample walls to be constructed on site with the choice of mortar, before a final decision is made. This element of the application could therefore be conditioned.
2. I have concerns about the use of shot blasted masonry rather than using render. The applicant has correctly identified that render and painted brick are used in

Bromsgrove, however as I said in my earlier comments, stone is not used except in the Church. The shot blasted masonry appears to be constructed in concrete blocks, and I have concerns that over time this element of the building will lose any uniform appearance it might have had when newly constructed and will look like a concrete block building. I would have no objection to a rendered finish, for this element, in an appropriate colour.

3. I do feel that using a different brick bond to stretcher bond adds interest to the appearance of the building, and I consider that this has been successful not just with the Waitrose building but also in the new library extension. I would like to see the applicant reconsider this point.

I note that the applicant has not altered the design of the balconies. I would reiterate that I would prefer to see a design which is integrated with the building, rather than appearing as a bolt on.

Bromsgrove Strategic Planning

Whilst the proposal is contrary to the application site's intended use in Policy BDP17 of the adopted District Plan, the application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

In combination with the social, and to a lesser extent economic, benefits to be delivered to Bromsgrove from the proposed residential use, it could be argued the departure from Policy BDP17 is outweighed by these material considerations.

North Worcestershire Economic Development and Regeneration

Whilst it is clear that the proposal is against the adopted policy position (BDP17), the information contained in the retail statement, coupled with our experience of the retail market and involvement in the other sites in the town centre, would suggest that their conclusions are relatively sound.

Despite the proposal being against policy it is considered that it would offer a number of benefits, as follows:

- The proposal would result in residential development within close proximity to Bromsgrove town centre. This increase in population within this area will help to support all of the businesses and services within the town, which is an important economic benefit;
- Provide the redevelopment of a largely vacant site with the resulting development providing an active use and a more attractive site for the town, which is important for investor confidence;

NHS/Medical Infrastructure Consultations

Redditch & Bromsgrove CCG is aware of the increasing number of care homes opening across Worcestershire and the extra strain that this puts on GP surgeries. To counter

this, the CCG is encouraging practices to work together to provide strengthened resilience and sustainability.

Despite the above, Redditch & Bromsgrove CCG will not be seeking a contribution from the developer of this care home.

NHS Hospital Trust

Consulted 18.01.19 comments awaited.

Public Health

Public Health have assessed the proposal and make a number of recommendations to the developer in relation to site traffic, access to health facilities, noise, access to green space, air quality, renewable energy, crime and disorder. They have also requested a Health Impact Statement be provided by the applicant.

Senior Community Safety Project Officer

No objection, but makes a number of recommendations that the applicant should consider regarding car park, external lighting, perimeter, building access control, security, mail delivery and noise nuisance.

Hereford & Worcester Fire and Rescue

No objection

Highways - Bromsgrove

No objection

The site has been subject to several previous planning applications for care facilities which have been revised in part for transportation reasons and the proposals subsequently dismissed at appeal. This application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable overall, but minor modifications are needed to bring the proposal in line with the current streetscape design guide but these can be address through the use of a suitably worded planning condition. The matters for the applicant to address either as part of this application or as part of the condition discharge process are. The number for cycle parking spaces falls below the required levels, a provision of 19 spaces (10 Sheffield racks) is needed across the site either through external provision with shelter or designed into the building.

The travel plan is acceptable subject to registration with www.starsfor.org and the details uploaded, a welcome pack being provided for residents and staff, and a shower / changing facility with lockers being provided for staff.

The applicant has shown that the proposed car parking levels are suitable and the evidence presented is considered to be acceptable. The access is existing and given the low traffic generation that care homes produce is does not require any modification. Finally the Highway Authority has previously raised concerns about the refuse vehicle waiting on Stratford Road, this matter has been considered in the previous appeal and the inspector concluded that it was acceptable.

Finally the application generates fewer trips than the previous uses, so in that light it is not necessary or appropriate to require any financial contributions to be made.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- Conformity with Submitted Details
- Existing access closure
- Construction Environmental Management Plan
- Electric vehicle charging point
- Accessible Parking Provision
- Motorcycle Parking Provision
- Cycle Parking
- Employment Travel Plan

Mott MacDonald Highway Consultants

Mott MacDonald (MM) have been commissioned by BDC to provide a review of this planning application.

MM agrees with the transport statement and accepts the principle that the proposed development will generate fewer traffic trips than the extant use.

MM conclude that the data shows that there is sufficient parking provided within the site to accommodate the expected demand with a low risk that demand will exceed supply resulting in parking overspill. MM are satisfied that a suitable level of parking provision is proposed. MM are satisfied with the strategy to manage refuse collection with vehicles stopping on street from Stratford Road. The pedestrian provision provides connections to Bromsgrove Centre, Windsor Road and Stratford Road and as such is accepted by MM.

MM propose that the applicant should provide more information on the design of the site access junction with Stratford Road, prior to their approval on highway matters.

Worcestershire Archive and Archaeological Service

No objection subject to conditions.

1. Written scheme of investigation
2. Completion of written scheme of investigation

WRS - Contaminated Land

No objection subject to a tiered investigation condition.

WRS - Noise

No objection subject to conditions

1. Specification of windows
2. Details of extraction for kitchen

WRS – Lighting

No objection subject to lighting condition

Urban Designer

The development is supported with some areas needing to be addressed prior to approval. It is felt that the scale, massing and design of the built form is acceptable and supported to where this would benefit and respond to its surrounding context. The amended development proposal is positively developed in light of the previous refusal.

Arboricultural Officer

No Objection subject to conditions

- Tree protection measures
- Landscaping Plan

Leisure Services Manager

The landscaping appears to be of good quality and is appropriate for the nature of the development for those requiring different levels of care providing good access linkage throughout the scheme along with areas for informal and formal contemplation.

Should this development fall short of providing the onsite requirements for open space provision, Leisure Services would seek contributions to improve the facilities and provision for the appropriate age range/s (55+) at the nearest park (Sanders Park, Kidderminster Road):

Of site contribution would be used for improvements to the Bandstand infrastructure which currently provides a variety of popular bandstand events specifically aimed at 55+ age ranges within the community. We propose improved circular pathway/s with seating surrounding the bandstand which would improve access for elderly, less mobile residents to enjoy the events and facilities within the park. This will be constructed of block paving as shown on the attached plan for a guided cost of £11,000. The completed circular pathway would include 6 benches which would provide seating for enjoyment of the facilities at estimated £600 per bench - total £3,600.

Publicity:

103 letters sent on the 27th September 2018 (expired 21st October 2018)

1 site notice posted on the 8th October 2018 (expired 1st November 2018)

Press Advert published in the Bromsgrove Standard on the 5th October 2018 (expired 22nd October 2018)

Neighbour Responses

5 responses have been submitted. 1 of these supports the proposal and makes the following comments:

- Current state the site is very unattractive and there is a desperate need for it to be developed
- Careful consideration has been given to all areas of the development

1 Representation was made raising the following issues:

- Parking for construction and contractor vehicles
- Following the operation of development whether an assessment of whether adequate parking provision has been provided.

- Highway improvements as the result of development

3 letters of objection were received stating the following:

- Too many retirement developments in the vicinity of this site
- Site could be used for an alternative use, such as a cinema
- Access via Stratford Road is extremely flawed due to busy road
- No improvement from previous scheme
- Negative impact on the attractiveness of the town due to the number of older residents
- Impact that the development could have on bar and restaurants in the area due to noise complaints
- The apartments should be available to all the community
- Overlook and dominate the rear aspects of the houses along Stratford Road, resulting in loss of privacy

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP10 Homes for the Elderly
BDP16 Sustainable Transport
BDP17 Town Centre Regeneration
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2018)
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History

16/0191	Demolition of existing buildings and erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking and affordable housing. Resubmission	Refused (Appeal Dismissed 14.12.16)	10.05.2016
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of application ref 15/0836

15/0836	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments	Refused (Appeal Dismissed 14.12.16)	10.12.2015
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Assessment of Proposal

The Site and its Surroundings

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consists of Bromsgrove library, the former fire station building and associated offices. The site has 2 separate accesses; one off the Stratford Road serving the library and the other off the Stratford Road serving the fire station building. An car repair is located to the north of the site with residential properties located to the east on the Stratford Road. The High Street is located to the west with the current fire station facing the rear of a number of High Street units. The Bromsgrove United Reformed Church (URC) is positioned on the southern boundary and Weldron House and Day Centre are located to the south east.

The Proposed Development

This is a full application that seeks residential accommodation with care for 67 self-contained apartments (Class C2) for persons aged 55 years and over who are in need of care (following assessment). The development has extensive communal facilities including a lounge, coffee bar, restaurant, assisted bathroom, guest suite, hair salon, activities and therapy suite, mobility scooter store, 41 car parking spaces and outside landscaped amenity space. The breakdown of accommodation is as follows; 24 x one-bed units, 35 x two-bed units and 8 x three-bed units arranged predominantly over 4 storeys. The development will create 16-20 full time equivalent jobs as well as further jobs in the supply chain for the development.

Background on Developer and Care Offer

Gladman Retirement Living has built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age in need of some form of care package. The applicant indicates that the average age of occupants to be 81, with

the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The Planning Statement says that the model of care to be offered promotes independent living, is suitable for residents with dementia, could attract residents from existing care homes, maintains those who are self-funding their care and has the potential to reduce the financial burden on the Councils Adult Social Services. The accommodation, circulation space, internal and external communal areas are specifically designed to meet the needs of residents who have a variety of care needs. Overall, it complies with the overarching requirements of the Care Quality Commission.

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

- The principle of the proposed development
- Residential Amenity
- Street Scene & Character Impact
- Access, Highways & Parking
- Ecology
- Landscape and Trees; and
- Planning Contributions

The Principle of the Proposed Development

As identified on the Proposals Map the site is located within the Town Centre Zone. The site is allocated by Bromsgrove District Plan Policy BDP17.13 (TC6) as a major mixed use development opportunity which has the ability to enhance and expand the town's retail offer. The proposed development is therefore contrary to the development plan and should be refused unless material considerations indicate otherwise. The applicant has provided supporting information (within their Planning Statement and the Retail Market and Town Centre Policy Statement) which seeks to demonstrate that material considerations exist which outweigh the departure from the development plan.

The application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

The proposal directly responds to the need for specialist accommodation for the older residents. There is a pressing need for this form of development across the country and in Bromsgrove. The Worcestershire Extra Care Housing Strategy (2012-2026) has identified a significant need for Extra Care accommodation. In 2017 the strategy identified a provision of only 92 units in Bromsgrove, with a need of 792 by 2026. This clearly demonstrates a significant need for specialist extra care accommodation in the District. The strategy breaks this down as an additional 680 extra care/enhanced sheltered units, 151 dementia housing units, and 53 units for those diverted from residential care, all by

the 2026. Combined, this equates to a need of approximately 56 units of extra care housing per year to 2026. This ensures that it complies with BDP10 Homes for Elderly. Concern has been raised regarding the number of retirement developments in the vicinity of this site. While there have been a number of recent development in Bromsgrove town centre, as outlined in BDP2 Settlement Hierarchy, Bromsgrove is the principal preferred location for growth with the Authority and proposal and other retirement development are in the correct location based upon this policy.

A key issue in consideration of the principle of the proposal is the nature of the residential accommodation proposed. If the proposal was considered to fall within the C3 Use Class, the provision of affordable housing would be required by BDP8. The applicant has adequately justified that the proposal is a C2 use. There is a number of pertinent points to consider in this matter, which are as follows:

- This kind of development offers much more than a C3 use.
- The Independent living accommodation is one element of the scheme, but that would be provided alongside a range of communal facilities that are inextricably linked.
- The scheme/apartments are designed to meet the needs of the occupants. This includes a range of specialised features and adaptations such as wheelchair accessible doors and electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features would not necessarily be found in other housing stock and facilitate assisted living as well as social well-being.
- Care would also be provided, specifically tailored to the needs of the occupant who having been assessed by the care manager, are deemed to be in need of personal care. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care need at any one time and those with limited need may well require additional care in the future.
- The service charges for this type of development are very high (around double that of standard older persons development development). Residents are paying a premium for this type of development this would deter prospective occupants who are not in need of such facilities and can be further control by planning condition or planning obligation as is proposed by this applicant restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

There are also a large number of appeal decisions where other Councils have considered this type of development to be C3. These appeals have been dismissed and this adds significant weight to the justification that the use class is C2 and not C3.

Therefore it is clear that the residential development proposed would provide accommodation and care for residents in need of care and is therefore considered to fall within the C2 Use Class, for which affordable housing provision is not required.

The restriction of the use of the proposed development within the C2 Use Class and a restriction of occupation of the proposed accommodation for residents who would be at least 55 years old and in need of care and would be controlled by way of a legal agreement.

Residential Amenity

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to: 'e) *Compatibility with adjoining uses and the impact on residential amenity*'

The development is bounded by built form on all sides. However, the only residential development is located to the north east on Stratford Road. The application site shares a boundary with No's 4, 6 and 8 Stratford Road.

The proposed location of the development on the site, orientation and size of windows and reduced height from 4 storeys to 3 storeys is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed apartment block.

For developments of 3 storeys or more a minimum separation distance of 27.5m is recommended to 2-storey dwellings. There will be two balconies on the north east corner of the development and 3 windows on the front elevation of the third floor where this distance is not quite achieved. These are all main habitable windows serving bedrooms and living room where distances of between 25m and 26m are achieved. However, the shortfall is not substantial. This level of visual separation is considered to be acceptable to maintain levels of privacy for the occupiers of No's 4, 6 and 8 Stratford Road.

The existing library building is located closer to the properties on the Stratford Road. However, due to its current use it does not create the same level of overlooking. The library and offices would only be occupied during the daytime and most importantly is only 2-storeys high close to the residential properties.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed development. The 67 individual private apartments would have sufficient access to natural light as well as a communal lounge, other communal facilities and garden areas throughout. This would provide a pleasant private space for residents to enjoy.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy BDP1.

Design & Character Impact

The site is located in Bromsgrove Town Centre in area that has a number of designated heritage assets. The site is adjacent to the United Reformed Church (URC) Chapel (Grade II), Sunday School (Grade II) and Bromsgrove Town Centre Conservation Area. It is also in close proximity to Wendron House (Grade II). It is necessary to consider whether the proposal retains or enhances the character and setting of the adjacent listed buildings and Conservation Area in accordance with policies S35A and S39 of the BDLP and the Conserving and enhancing the Historic environment section of the NPPF.

Windsor Street runs parallel with the High Street, with the rear elevations and service buildings of the High Street premises, fronting the west side of Windsor Street. The High Street itself sits slightly lower than Windsor Street, and comprises buildings of varying heights, generally two to four storeys. South west of the site on the corner of Windsor Street and Chapel Street is the listed URC Church. On the other corner is the associated Sunday School. Further up Chapel Street there are some two storey Victorian buildings. The High Street and Chapel Street both fall within the Bromsgrove High Street Conservation Area. East of the site the land rises quite steeply through a carpark to Wendron House another listed building, and the residential area around College Road. To the north of the site is the Stratford Road where there are two storey houses, as well as a car repair workshop on the corner of Stratford Road and Windsor Street.

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church and its Sunday School, together with the other Victorian buildings in Chapel Street comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site.

The proposal seeks to construct a predominantly four storey linear building with a staggered frontage facing Windsor Street, with sections at either end of three storeys. The south west end is more definitively set back. To the rear is a further wing, at right angles to the Windsor Street elevation which is partly four storey with a three storey section at the rear. The building is proposed to be flat roofed, and the elevations are broken up into bays with use of different materials and the use of setbacks, creating the staggered appearance. In addition there are projecting metal balconies. Access to the scheme will be from Stratford Road, where a new access road will be constructed, this road will also give access to Wendron House to the rear.

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

Overall it is considered by the Conservation Officer to be a much improved scheme. The officer has highlighted some concerns regarding the design of the building (use of balconies) and the choice of materials. However, in terms of the NPPF any harm which is considered to occur would amount to less than substantial harm and would have to be weighed against the public benefits of the scheme in accordance with Paragraph 196. The significant public benefits in this case include:

- Efficient and effective re-use of a brownfield site in a sustainable area of Bromsgrove.
- Contributing to the Council's 5 year land supply and towards the housing allocated to Bromsgrove in the adopted development plan.
- Releasing existing housing stock to the open market.
- Helping to meet the need for Specialist Accommodation for the elderly
- Reducing the financial burden on Adult Social Care and NHS budgets.
- Creating 16-20 full-time equivalent jobs as well as job in the supply chain.
- Economic benefits through the construction phase and once completed.
- Social Benefits through 67 apartments with care.
- Environmental benefits of providing increased green infrastructure on site and a net gain in terms of biodiversity

Taking into consideration the impact of the scheme on heritage assets, by virtue of the developments location, layout, design and scale, any harm to the significance of the heritage asset is considered to be outweighed by the significant public benefits identified.

The Urban Designer comments that the proposed layout responds well to pre-application discussions as well as taking on board feedback for the previously refused schemes for this site. The layout, positioning and offsets from both Windsor Street and the listed Chapel are acceptable and relate back to both the urban grain and site constraints. The busy arrangement in terms of layout and elevation creates a building which responds to its context.

In terms of the elevations, the varying breakdown of the buildings elevations is supported in principle. The application of flat roofs and varying heights provides a strong character to the development which responds to its direct context. Concern had been raised regarding the use of timber for part of the development. This has now been removed from the proposal.

In terms of street scene and offset from Windsor Street provides enough open space to contribute positively to Windsor Street. The combination of building offset, high quality boundary treatment and tree planting will all aid in the success of the development, both of these can be conditioned.

Overall it is considered that the submitted streetscene plans and site elevations demonstrate that the development can assimilate well with the surroundings. I am of the view that the proposal responds well to the appearance of the street scene, which has a varied architectural character and a range of style and scale of buildings. A palette of facing materials has also been submitted and additional soft landscaping would further aid the appearance of the proposal within the street scene. The design is therefore considered acceptable and complies with BDP19.

Access, Highways & Parking

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: *'Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic'*. Policy BDP16: Sustainable Transport taken from the requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

A single vehicular point is proposed to be taken from Stratford Road (A448) in the location of the former library access. This will serve the whole development and will provide access for vehicular traffic, pedestrians, and cyclists. The access road also provides a secondary access to the south of the site to the Wendron House and Day Centre which provides Council led social services. The primary vehicular access to Wendron House and Day Centre which is taken from Chapel Street will remain unaffected.

The site is within the town centre and therefore offers an alternative to the use of the car by walking and cycling. There are a number of bus stops in the vicinity with the nearest being located on Stratford Road.

The pedestrian access provides connections to Bromsgrove Centre, Windsor Road and Stratford Road, the approved access is considered to be a benefit of the scheme.

WCC Highways consider that the application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable, subject to planning conditions. The access is existing and given the low traffic generation that care homes produce it does not require any modification.

WCC Highways have confirmed that no objections are raised to the proposals in terms of highway safety. Mott MacDonald (MM) have been commissioned to independently assess the merits of the application in terms of highway impact. They raise no objection subject to the applicant providing more detail regarding then site access junction with Stratford Road.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed and consented Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in

need of care. The restrictions result in an average age of residents being over 80. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons, including awareness of other modes of transport, health issues precluding car usage and increased use of onsite facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on existing off-site parking.

Both WCC Highway and MM has assessed this work and conclude that the evidence presented is acceptable and sufficient parking will be provided. MM go onto say that there is a low risk that demand will exceed supply resulting in parking overspill.

It has been concluded that parking to be provided for the development would comply with policy requirements having regard to the sustainable nature of the location and the availability of on-street parking opportunities within the vicinity of the site. The requirement for motorcycle and cycle parking can be accommodated within the scheme if users demand.

Subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken an Extended Phase 1 habitat survey which considered the potential for presence of a variety of protected species including bats, birds and badgers.

The submitted Ecology Appraisal concludes that the development would have no adverse impact on any statutory or non-statutory designated sites, Habitats present on-site were overall considered to be of very limited conservation value, comprising mainly hardstanding and building habitat with areas of species-poor amenity grassland. The loss of such habitats from the site is not considered to comprise a significant biodiversity loss and can be mitigated for within the scheme for example via the inclusion of flowering shrubs and spring bulbs within raised beds in areas of public space.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

Landscaping and Trees

A Landscaping Strategy accompanies the application. This show a series of pathways leading to formal sitting out areas including a gazebo, and garden seats within grassed areas, flowers beds and tree and shrub planting. The Strategy also shows the proposed boundary treatments, which include a mix of brick walls, railings, and close boarded fencing. Boundary treatment will be critical to the overall success of the scheme and can

be appropriately conditioned to ensure good detailing, good quality copings and high quality materials. The landscaping is considered acceptable subject to relevant planning conditions.

The application proposes the removal of a number of small trees but these are of minimal amenity value. The footprint of the proposed building falls close to the line of mature trees just outside the south-east boundary of the site. The root system of these should be protected from damage by the retention of the existing retaining wall but some pruning back of the canopies will likely be required to accommodate the building. The Tree Officer raises no objection to the removal of the small trees and the pruning back subject to a number of conditions including a scheme of replacement tree planting.

Flood Risk and Drainage

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage strategy has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to condition.

Planning Contributions

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

The obligation in this case would cover:

- Contributions towards off-site open space enhancement at Sanders Park, Bromsgrove, due to increased demand from future residents, required in compliance with SPG11.
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

Conclusion

This is a brownfield site in a sustainable location. The provision of accommodation in this central location for persons aged 55 years and older and in need of care would contribute to the recognised and growing need for this type of specialised accommodation in the District and this represents a considerable social benefit of the scheme. There would undoubtedly be economic benefits arising during construction, from the creation of jobs once operational and from additional spending power in the local economy. The proposal would clearly result in the regeneration and environmental improvement of this prominent site. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. The proposal would deliver sustainable development within the terms of the NPPF.

RECOMMENDATION:

- (a) Minded to APPROVE PLANNING PERMISSION
- (b) That DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
 - (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
 - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities is secured
 - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Plan references to be inserted here

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls, balconies, bin store, hardstanding, windows, window frames, doors, door frames, rainwater goods and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) Notwithstanding the approved plans, details of all walls to be erected along Windsor Street and Stratford Road shall be submitted to and approved in writing by the Local Planning Authority their installation. Prior to first occupation or use of the development prior to installation of the new boundary walls shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 5) The Development hereby approved shall not be occupied until the existing vehicular pedestrian access onto Windsor Street has been permanently closed.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 6) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Site operation hours
- The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 7) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 09996-P1-103A-SITE PLAN.

Reason: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be occupied until 4 electric vehicle charging spaces and points have been installed. Thereafter such spaces and power points shall be kept available and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 9) The Development hereby approved shall not be occupied into use until 4 accessible car parking spaces have been provided in a location to be agreed in

writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all.

- 10) The Travel Plan hereby approved, dated September 2018 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

- 11) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 12) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 13) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being

undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 14) Prior to the occupation of the development , equipment to control the emission of fumes and smell from the restaurant shall be installed in accordance with a

scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 15) Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the LPA in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the propose development.

- 16) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of infiltration and SuDS, and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 17) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. Any such external lighting as approved shall be installed in accordance with the approved drawings.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 18) Prior to their first installation, sample panels of brickwork demonstrating the colour, texture, bond and pointing of the brickwork have been constructed on site. The Local Planning Authority shall approve in writing the colour, texture, bond and pointing of the brickwork. The development shall then be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ken Moore	Use of existing building, incorporating caravan to form part of building, as rest/livestock husbandry and storage facility, including office, in association with existing agricultural and equine activities. Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire B38 9EH	01.01.2019	18/01226/FUL

Councillor Hotham has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers

RECOMMENDATION:

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism to ensure that the building is not capable of being sold separately from the land which it serves.

Consultations

Alvechurch Parish Council

The Parish Council objects to this Planning Application because the Planning Application doesn't specify what is being applied for. Is it a retrospective Application or change of use?

Kernon Countryside Consultant

Summarised as raising no objection, acknowledging the building design does not function well in agricultural terms but is well sited and evidenced to be in agricultural use.

Publicity

Site Notice posted 6th November 2018 expired 30th November 2018
2 Neighbour Notification letters sent 6th November 2018

Representations Received

Twelve representations have been received 6 in objection and 6 in support of the application:

6 objections, summarised as follows:

- Previous reports to the Council in relation to occupation as a private dwelling;
- The nature of materials used on the windows of the building;

- Panels erected to obscure the view of windows in the building resulting in a loss of visual amenity;
- Domestic paraphernalia within the yard area i.e. child's play equipment;
- The planning history of the site (as shown above);
- Assertion that the building is illegal;
- Allegation of residential occupation of the building;
- Noise from works undertaken at Thornborough Farm and dogs barking;
- Loss of privacy;
- Recognising the need for agricultural use but raising concern if development were to spread across fields resulting in a loss of view;
- Concern that approval may lead to future development;
- Providing link to Company House data for business registered at Thornborough Farm

6 representations in support of the application are summarised as follows:

- Support for local small business;
- Provision of employment;
- Provision of staff and client welfare in association with agricultural and equine use;
- Concern for animal welfare if the facility were not present;
- Observation the building is separated from the nearest dwelling by boundary treatment and not visible from highway or to other dwellings;
- Confirmation the land is being used as a working farm;
- Additional security to immediate area provided by presence of business.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2018)

SPG1 Residential Design Guide

Alvechurch Parish Neighbourhood Plan (APNP)

Alvechurch Parish Neighbourhood Plan

This plan has now been through its referendum with a positive result of 97% of those who voted on 10th January 2019, voting in favour of the plan being used in the decision making process. This now means that the APNP can proceed to full council to be 'made'. This is scheduled to take place on the evening of the 27th February. Until this happens the plan will not be formally part of the development plan, but members are advised to place significant weight on the plan and its associated documents, when considering proposals within the Parish.

Alvechurch Parish Neighbourhood Plan Policies:
HDNE4: Protecting Landscape and Open Views
LHW4: Sport, Leisure and Recreational Facilities

Relevant Planning History

12/0272	Outline application for single dwelling house and garage	Refused	23.08.2012
B/2006/1390	Demolition of existing stables and associated outbuildings, provision of new stable block	Granted	04.04.2007
B/2006/1389	Lambing shed	Granted	04.04.2007
B/2006/0503	New stock shed and stabling.	Application Withdrawn	26.07.2006
B/2005/0569	Field Shelter / Lambing Shed - Agricultural Notification.	Planning Permission Required	29.06.2005

Assessment of Proposal

Proposed Development

The application seeks retrospective permission for the retention and use of a detached single storey building for as rest, livestock husbandry and storage facility, including office, in association with existing agricultural and equine activities at Thornborough Farm. The building is sited on a tennis court formerly part of the curtilage of the adjoining property Hazeldene. The structure consists of pre-constructed caravan, wooden extensions and pitch roof over, and is situated adjacent and to the south of the rear garden of Hazeldene. The site is located in designated Green Belt.

Background

This application has arisen as a result of a planning enforcement investigation into an alleged unauthorised dwelling.

On agricultural undertakings of more than 5 hectares, it is permitted, subject to prior notification, to erect, alter or replace buildings reasonably required for agricultural purposes. However, the prior notification must be made before the development takes place. In this instance no prior notification was received, and therefore planning permission is required, which resulted in the current application being invited to control the identified breach.

Main Issues

The application site is located within designated Green Belt therefore the main considerations are:

- Whether the proposal would be 'inappropriate development' in the Green Belt;
- The effect of the proposal on the openness of the Green Belt and character and appearance of the area; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Other considerations include:

- The impact of the development upon residential amenity.
- Whether the proposal is in conformity with the policies of the Alvechurch Neighbourhood Plan.

Inappropriate development

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as 'inappropriate' in the Green Belt but then goes on to set out a closed list of exceptions to this general presumption against 'inappropriate development'. This includes buildings reasonably required for agriculture and forestry; the provision of appropriate facilities including change of use for outdoor recreation; and the partial or complete redevelopment of previously developed land; which would not have a greater impact on the openness of the Green Belt than existing development.

Part of the consideration of whether the building constitutes 'inappropriate development' is to determine whether it is reasonably required for the purposes identified.

The site location plan accompanying the application shows the applicants ownership of 14.16 hectares of agricultural land, in addition to which a further 28-32 hectares rented depending upon livestock need. In addition to the agricultural enterprise the applicant runs a horse and pony livery business from the land.

The Council commissioned a report from its agricultural consultant, who having reviewed the application submission, raises no objection to the proposal. He observed that the size of the building is not excessive and it is well sited for an undertaking to store agricultural equipment and records in dry secure conditions and provides welfare facilities which are normally located within a farmhouse i.e. toilet, shower and respite area. In this instance, there is no farmhouse serving the land.

The building incorporates a caravan designed for habitation. However investigation undertaken by your planning enforcement officers found that it is being used in association with agricultural storage and provision of welfare facilities for the agricultural undertaking and associated equine activities at Thornborough Farm rather than as a permanent unit of residential occupation / dwellinghouse.

The retention of the building will allow the applicant's stock rearing business to continue to be effectively managed and comply with statutory animal welfare legislation and the

continued proper functioning of the applicant's business from an administrative and equipment storage perspective.

It is therefore considered that the building subject of the application is reasonably required (and currently being used) for purposes in association with agriculture which is a legitimate identified exception to the presumption against new development in the Green Belt. Consequently, the proposal is not regarded as 'inappropriate development' and is in accordance with criterion (a) of policy BDP4.4 of the Bromsgrove District Plan and paragraph 145 of the NPPF.

Openness

This test is relevant in so far as it relates to use of the building in association with the equestrian enterprise. Furthermore, it should be noted that the building is sited on former tennis courts of the adjacent property 'Hazeldene'. Therefore the starting point for the assessment of impact upon the 'openness' of the Green Belt in this case is that of 'previously developed land' and not undeveloped 'green-field' agricultural land.

The concept of 'openness' does not depend upon visual intrusion but is held to relate to the effect of development where no previous development has existed. In this instance the site was used for purposes incidental to a dwellinghouse consisting of a hard surface which had an impact upon openness. Whilst the building has a greater impact upon openness than the hard surface, it is not considered to conflict with the purposes of including land in the designated Green Belt. Moreover, in so far as the building serves a function incidental to the agricultural holding, the NPPF does not require proposals for agricultural buildings to demonstrate that they have a neutral impact upon the openness of the Green Belt.

Residential Amenity

The free standing wooden panels erected by the applicant to obscure direct overlooking of the neighbouring property known as Hazeldene are located in excess of 20 metres from the closest point of that dwelling. Moreover, the elevation containing the windows is obscured from view from the garden of the neighbouring property, by a coniferous hedge which is planted in the garden of that property. Consequently the privacy of the neighbouring property is not adversely affected by the development.

Design / External Appearance

The external appearance is that of a log cabin style of building. I raise no issue with the appearance of the structure. The Agricultural Consultant has not raised concerns.

Other considerations

Investigations by your planning enforcement officers following allegations that the building is being occupied as a dwellinghouse, have not found evidence which corroborate these claims, but moreover, the application before members does not seek permission for that use. The use for which permission has been sought has been independently evaluated and your officers concur with the advice that it is reasonably required to serve the requirements of the existing agricultural and equestrian enterprise.

It is acknowledged that the building incorporates a caravan. Caravans are primarily designed to facilitate residential occupation, but not always employed for that purpose. In this case, your enforcement officer's investigation indicates it is not being utilised in this capacity and is presently being used for the provision of storage and welfare facilities in association with agricultural and equine activities. The design of the building is appropriate for the provision of welfare facilities, office use and secure document storage but not suitable for larger items of machinery or housing livestock.

The Alvechurch Parish Neighbourhood plan states under policy HDNE4 (Protecting Landscape and Open Views) that new development should be preferably on land of lesser environmental value and seek to protect high-value agricultural land. In this instance the development is located on previously developed land and of lesser value than the agricultural land which would otherwise be required to provide such facilities. In relation to the policy LHW4 (Sport, Leisure and Recreational Facilities) point 4.261 of the APNP states the parish wants businesses which contribute to the wider local economy and live alongside agricultural related business.

Noise issues have been raised in relation to activities on the associated agricultural land and barking dogs. I am not aware of any evidence that illustrates the use of the site would be detrimental to residential amenity in terms of noise. Furthermore other legislation is in place to deal with any statutory noise nuisance matters. The loss or interruption of a view is not a material planning consideration. The children's play equipment does not form part of this application.

Members will note the representations supporting the scheme.

Legal Agreement

In the absence of a mechanism to prevent it, if members are mindful to grant planning permission, the building could be severed from the land which it serves and create a subsequent further demand for buildings to serve the remnant land, risking the proliferation of buildings in the Green Belt. In order to ensure that the building is not capable of being sold separately from the land which it serves, the applicant has been asked to enter into a suitable legal agreement to this effect, and has confirmed their agreement in principle.

This would ensure that the building remains available to serve the land for which it is required and mitigates the risk the proliferation of other buildings if it were sold separately. The sale of land or buildings cannot be controlled by condition, and consequently a suitable legal mechanism is required.

RECOMMENDATION:

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the receipt

of a suitable and satisfactory legal mechanism to ensure that the building is not capable of being sold separately from the land which it serves (or similar wording)

Conditions:

1. The development hereby approved shall be carried out in accordance with the following plans and drawings:
Site location plan 1234-A and Scale plan drawing 82926-01

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

2. The use of the building (incorporating the caravan) shall be limited to a rest facility for office/storage in association with the existing agricultural and equine welfare use and not as permanent residential accommodation.

REASON: To facilitate the demonstrated need for animal welfare but precludes use of the building as a permanent.

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Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Stuart and Zia Kitching	Two storey side extension, garage and amended drive access. 1 Highfields, Bromsgrove, B61 7BZ	01.03.2019	18/01393/FUL

RECOMMENDATION: That planning permission be **REFUSED**

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

Consultations

Worcestershire Regulatory Services – Contaminated Land

No objection. The proposed development is sited within 250m of a registered landfill or a significant area of unknown filled ground which potentially could produce landfill gas.

The applicant is advised to consider incorporating matching landfill gas protection measures within the foundations of the proposed extension(s), so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently there is no need to install gas protection measures within the proposed extension. In informative to this effect is recommended for inclusion in the case of planning permission being granted in order to ensure that the risks to buildings and their occupants from landfill sites are adequately addressed.

Publicity

Five neighbours consulted 04.01.2019. Expired 28.01.2019

Neighbour Responses

1 response received in support of the application, raising comments as summarised below:

We live directly opposite the proposed extension and consider that this eco-friendly, contemporary design will enhance the immediate area. We fully support this application.

Councillor Luke Mallett

I have met with the residents regarding their application and I am extremely supportive of the scheme they are putting forward.

The main issue has been about the contrast between the old and the proposed. I have seen examples including within Bromsgrove of such schemes and I actually think it accentuates the old (within an area that is pretty mixed in terms of build dates etc). I understand the immediate neighbours are also supportive of the scheme.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles
BDP19 High Quality Design

Others

SPG1 Residential Design Guide
NPPF National Planning Policy Framework (2018)

Relevant Planning History

B/6147/1979	Erection of side extension to form kitchen	Approved	02.07.1979
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Assessment of Proposal

The site and its surroundings

The property is situated at the corner of Highfields and Millfield Road within the Hill Top ward. Access to the site is via the eastern boundary of the site onto Highfields. The site lies within a residential area comprised of houses dating from varying periods, although dwellings within this part of Highfields are generally older. Houses are predominately constructed using traditional red brick (walls) under either a plain clay tile or slate roof. Features such as chimneys are commonplace within the Highfields street scene. No.1 Highfields is semi-detached and formed of red brick (walls) under a clay tiled roof. The attached property, No. 3 Highfields is similar to the host property in terms of design, proportions and materials used in its construction.

The proposed development

The proposed development encompasses a two storey side extension to accommodate a larger kitchen, breakfast and dining room to the ground floor with new (fourth) double bedroom together with ensuite bathroom above. Further, a new detached single garage is proposed to be erected within the side garden area between the proposed side extension and the host dwellings' boundary onto Millfield Road. Minor amendments to the existing drive access are proposed to accommodate the above changes.

Assessment

Policy 19 of the Bromsgrove District Plan (BDP) requires development to be of high quality design and Supplementary Planning Guidance note 1 (SPG1), Section 4, 4.1 requires extensions to be subordinate to the original dwelling in order to provide a design break between old and new and to retain the character of the original dwelling. Whilst the front wall to the proposed two storey extension would be set-back from that of the existing principal elevation of the dwelling, the set-back distance would be small, at approximately 220mm (approximately the length of a brick). This, together with only a very modest reduction in the ridge height serving the proposed two storey extension

results in a visually dominant and discordant form of development which is not considered to be policy compliant owing to its non-subordinate design.

Section 3, 3.0 taken from the Council's SPG1 comments that:

'Bromsgrove District is predominantly a "red brick" area, because of the minerals in the local clays. Lighter, more orange coloured bricks reflecting the local variation in chalk content are more appropriate towards the Warwickshire border for example in the Alvechurch and Beoley areas. Brick buildings are generally roofed with tiles or slates; plain clay red tiles are suitable or Welsh grey/blue slates. Generally, development will be expected to reinforce this local distinctiveness. Facing materials should be carefully selected so as to be sympathetic to those found locally.'

Section 3, 3.2 taken from the above SPG1 comments that:

'In the case of extensions to existing dwellings it is important that all materials including doors and windows match the existing.'

In this case the applicant's choice of materials for the external walls is reinforced fibre cement horizontal boarding, slate grey in colour. The roof serving the proposed extension is a fibre cement slate. The same materials are proposed for use in the construction of the detached single garage.

Whilst no objections are raised to the proposed scale and location of the proposed garage, the proposed choice of materials for use in the construction of the garage, together with the proposed choice of materials to be used in the construction of the two storey extension are considered to be wholly inappropriate given that the existing property is constructed using a traditional red brick (walls) under a clay tiled roof.

I have noted that windows proposed in the construction of the extension would not align with the head and sill positions present on the existing dwelling, notably the first floor bedroom window to the proposed front elevation. Although shrubs are proposed to be planted to the front elevation of the dwelling, I consider that this treatment is unlikely to represent an appropriate substitute for a ground floor window/s where none are proposed. The size and design of the proposed windows would not match with those found in the existing dwelling. This, along with other concerns set out above has led me to the conclusion that the harmony of the building would be disrupted and harm to the character and appearance of the host dwelling would result.

Policy BDP19 also requires extensions to respect and or enhance the character and distinctiveness of the local area. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The existing dwelling has an aesthetically pleasing scale and proportions which complements the form of surrounding dwellings. The property is situated on a prominent corner plot where land levels rise from Millfield Road (to the south) towards Highfields further north, accentuating the prominence of this location. I have concluded that the design and appearance of the proposed two storey extension together with the appearance of the proposed detached garage would not respect the distinctiveness of the local area and would therefore harm and detract from the character of the local area. The scheme would

therefore not satisfy the criteria set out in Paragraph 127 of the NPPF and would amount to poor design under Paragraph 130.

The letter written in support of the application refers to the design of the extension being 'eco-friendly'. No information has been submitted that demonstrates that the extension has any sustainable qualities and therefore this carries no weight in the determination of the application.

RECOMMENDATION: That planning permission be REFUSED

Reasons for Refusal

1. The proposed extension by reason of its scale and design would represent an overly large and discordant addition to the dwelling. The development is therefore harmful to the character of the original dwelling failing to comply with Policy BDP19 (High Quality Design), the Councils Residential Design Guide SPG 1 and Section 12 of the NPPF.
2. The proposed two storey extension and detached garage, by reason of their appearance would represent an incongruous feature in the street scene harming the visual amenities of the area. The development therefore fails to comply with Policy BDP19 (High Quality Design), the Councils SPG 1 and Section 12 of the NPPF.

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