

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
West Mercia Housing Group 'A'	Erection of 10no. affordable dwellings (as amended by plans received 13/08/10 and augmented by information received 21/10/10) Land at E:392205 N:278780 Holy Cross Green, Holy Cross	GB CA	10/0632 05.10.10

Members are advised that the applicant had instigated appeal proceedings against the non-determination of this application within the statutory time. Consequently the power to make a decision on the application has passed from the Council to the Secretary of State for Communities and Local Government. However, the view of the Committee on the application is required in order to form part of the Council's case in respect of the appeal.

RECOMMENDATION: that permission be **REFUSED**.

1. The proposed development would be contrary to Policy S16 of the Bromsgrove District Local Plan 2004 by virtue of its conflict with policies S35A and S36 within that plan and Policy CTC.20 of the Worcestershire County Structure Plan 2001. The proposal would therefore represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. It is considered that the proposal would cause clear harm to the openness of the Green Belt and no very special circumstances exist or have been put forward by the applicant to outweigh this harm.
2. The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to policies CTC.1 and CTC.20 of the Worcestershire County Structure Plan 2001, policies DS13, S35A and S36 of the Bromsgrove District Local Plan 2004, the advice contained in PPS5: Planning for the Historic Environment and the advice contained in PPS1: Delivering Sustainable Development.
3. The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the Worcestershire County Structure Plan 2001 and Policy TR11 of the Bromsgrove District Local Plan 2004.
4. The application contains insufficient information to demonstrate the impact of the proposal on protected species. The application cannot therefore be accurately determined in accordance with PPS9: Biodiversity and Geological Conservation.

Consultations

WH

Comments received 31/08/10

Recommends that the permission be refused for the following reasons:-

The application demonstrates a 33m visibility splay based on pre application discussions. In 2007 research was published which reconsidered visibility splays based on different driver reaction times, the 33m visibility splay was considered appropriate due to speeds being considered to be less than 25mph based on road geometry.

A speed survey undertaken as part of this application indicates that the 85th percentile speeds were 29.6mph westbound and 29.4 mph eastbound. Applying the formula in manual for streets and adding adjustment for bonnet length based on 29.6mph a visibility splay of 42.1m is required in each direction. Therefore notwithstanding the pre application discussions the evidence provided from this survey indicates that the application fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons exiting the site.

It is recommend that due to a lack of visibility that this application be refused in the interests of Highway Safety.

Clent PC

Consulted 16/07/10: No comments received to date

Contaminated
Land Officer

Comments received 03/11/10:

'The submitted Baynham Meikle Partnership Ground Investigation and Test Report (Ref: AGM/TB/7671) concludes that the history of the use of the site is unlikely to give rise to the presence of significant contamination. In addition there are no potentially contaminative historic uses of adjacent sites and no landfill within 250m. Ground investigation work undertaken at the site has not identified any visual or olfactory evidence of contamination. It is therefore considered that further work in relation to contaminated land risk assessment is not required in this instance.

The submitted report details information in relation to foundation design, concrete classification etc. Please be aware that this Department is unable to provide comment as to the suitability of the geotechnical recommendations made.'

Strategic
Planning

Comments received 18/08/10:

'The site is located adjacent to the village envelope of Holy Cross and is sited in the designated Green Belt within the Bromsgrove District Local Plan (adopted 2004). The applicant proposes a rural exception scheme

and therefore PPG2, PPS3 and Policies S9 and particularly S16 of the adopted Local Plan are of most relevance.

PPS3 emphasises that rural exception schemes should “enable small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint.” Holy Cross is a small rural settlement in the Green Belt that is considered acceptable in principle for a rural exception housing scheme subject to there being a suitable site, and a total of 10 units constitutes a small site in this context, this is an approach also reflected in BDLP policy S16.

Extensive pre application discussion has taken place with the applicants over a number of years regarding the selection of this particular site. A report contained within the application outlines the ongoing discussions that have taken place between the applicants and Council officers since 2004. Whilst the information appears fragmented and in some cases poorly presented, I can confirm it is an accurate representation of the discussions that have taken place. I can also confirm that previous guidance provided to the applicants about the suitability of the site are still relevant and demonstrates that alternative sites have been considered.

The site selection report demonstrates although not particularly clearly, that there are no ideal unconstrained deliverable sites in and around Holy Cross, in this respect I would reiterate my previous comments that whilst this site may well be the only available site to the applicants that does not necessarily mean it is suitable. Of the available possibilities I think this site is preferable to others in terms of preserving the openness of the green belt, whilst still allowing some residential development in line with BDLP policy S16. As consistently highlighted to the applicants there are considerable constraints to overcome in terms of its location within the Conservation Area and the woodland and its associated wildlife protected by a TPO, separate detailed advice has been provided on these aspects of the scheme.

The issue of local housing needs is also one of importance when considering this application. Again considerable discussions have taken place with the applicants on the process identifying the local housing need. The initial surveys carried out in 2004 have been re-evaluated a number of times since by strategic housing and planning officers, due to concerns over the robustness and validity of the original data officers recommended a new survey was undertaken. The 2010 survey provided by the applicants continued to raise concerns to officers, particularly the lack of detailed interpretation of the results and failure to recognise the number of owner occupiers appearing to be in housing need. It is my understanding the Housing officers have done further research to validate these results, and have identified a number of local households highly likely to be in genuine need which is in excess of the number of properties being proposed in this application. Taking the

above into account and understanding that the assessment can only reflect the local needs at a particular moment in time, in a very complex housing market currently being additionally restricted by the wider economic downturn, I am satisfied as I understand the Strategic Housing Manager is, that the level of need identified is sufficient to support this proposed development of affordable housing in Holy Cross.

I do however have concerns that the 50/50 split of social rent and shared ownership doesn't reflect the likely economic circumstances of those who responded to the survey. The high numbers of people who responded identifying that they could only afford a deposit for a mortgage or an actual mortgage itself in the lower price brackets, would seem to suggest that even they do not currently have the amount of finance available to afford a shared ownership property in this location. As such the split should be much higher in favour of social rented properties to ensure they are suitable for the locally identified need.

Due to the size of the proposal SPG11 should be considered, although due to the proximity of this development to existing equipped play facilities, and the likely low level of impact on these facilities I do not consider that either onsite provision or a financial provision should be sought from this scheme.

In conclusion I am happy that the proposal complies with BDLP S16 policies

a) the site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location;

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

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

e) the proposal does not involve "cross-subsidy".

Subject to the mix being altered to increase the number of social rented properties, and a suitable s106 agreement being entered into to secure the affordable status of the properties in perpetuity and the imposition of a local lettings policy.

I have no detailed comment to make on part C of this policy

c) the site should conform with all environmental and control policies in both the Local Plan and the County Structure Plan;

other than to reiterate my concerns over the acceptability of this proposal in relation to the impact on the Conservation Area and the provisions of TPO (14) 2006.'

Strategic
Housing

Comments received 20/08/10:

'Discussions between the applicants and Planning and Strategic Housing Officers have been ongoing over the past six years regarding the identification of a suitable site for small scale affordable housing provision at Clent and guidance has been provided as detailed within the Strategic Planning Managers comments. I am therefore able to confirm that the exercise as set out in Section 7 of the Planning Statement, to identify a site for affordable housing that accords with the requirements of Local Plan Policy S16 has been undertaken over the period since the initial local housing needs survey was carried out in 2004.

With regard to the identification of local housing need, Planning and Strategic Housing Officers recommended that the data provided by the original 2004 housing needs survey be refreshed by another survey that was subsequently carried out by the Rural Housing Enabler in 2010. Some further examination has been made of the data delivered by the more recent Local Housing Needs Survey through contact being made with those respondents who provided contact details. The further research to validate the conclusions reached by the Rural Housing Enabler's survey identifies a number of local households likely to be in genuine need which is in excess of the number of properties being proposed in this application and that are consistent with the type and size of the dwellings planned.

However, to ensure that the development targets those most in need and least able to access open market housing, I have recommended to West Mercia Housing Group that the proportion of shared ownership units being proposed should be reduced and the proportion of rented units be increased to more accurately match the affordability of those in need of housing and to reflect the pressures resulting from the economic downturn.

To ensure that the benefits of the proposed affordable housing are retained for future occupiers it would be appropriate for a planning approval to be conditional upon the initial and subsequent allocation of the dwellings being in accordance with the 'Criteria and Allocations Policy for the Letting and Allocation of Rural Affordable Housing Developed Under Exception Site Policy.'

Natural England Comments received 12/08/10:

'Protected Species

Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that the application

contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

Our concerns relate specifically to the likely impact upon dormouse and badger. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

Dormouse

Natural England notes the ecological survey that has been carried out in an attempt to assess the suitability of the application site and its surroundings to support dormouse. However the 'habitat suitability' approach does not reflect the methods set out in the Dormouse Conservation Handbook, the key reference for this species. Without survey methods that reflect this guidance the application fails to demonstrate the absence of this European Protected Species from the site and the surrounding connecting habitats.

Badger

Further consideration is needed with respect to the site's ability to reasonably accommodate a replacement badger sett. Badger mitigation and compensation measures need to be factored into a holistic approach to management of the site's wildlife interest (Please see 'Enhancing biodiversity' below).

Next steps

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, this and any subsequent planning application should include the following information:

- ***Description of the proposal*** - details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules;

This has been addressed in the application material submitted so far but may need to be amended following further survey work for dormouse.

The following headings require further work with respect to dormouse:

- ***Survey for protected species*** - thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species;
- ***Impact assessment*** - clear assessment of the likely impacts of the proposal upon protected species;

- **Mitigation strategy** - to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities; and
- **Delivery mechanisms** - to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e.g. architects plans, licenses, planning agreements, contractors' precautionary method statements.'

Further comments received 02/09/10:

Dormouse survey

We acknowledge the points Middlemarch make concerning a preliminary assessment of the application site and surrounding area in terms of dormouse. Nonetheless Natural England's guidance in the Dormouse Conservation Handbook leads us to conclude further survey effort may reasonably be justified in order to reduce doubt and specifically to meet the Council's need for adequate information to determine the application:

- *The use of a survey based on habitat suitability fulfils preliminary judgement on the likelihood of dormouse being present. However even where habitat is classed as 'sub optimal', as in this case, the guidance emphasises the need for adequate and appropriate survey effort.*
- *While the habitats and linkage may be sub-optimal the existence of a record for dormouse strongly suggests that guidance on methods of dormouse survey should be more fully explored. This is because dormouse tend to be under-recorded. In this case the opportunity to inspect the site and surrounding habitats for direct evidence of dormouse has not been taken. The guidance recommends a precautionary approach whereby a verdict of sub optimal habitat/s does not in itself justify a conclusion that dormouse are absent. We believe Middlemarch are aware of the direct survey options available and should consider which of them may be adopted. The council should seek this information before determining the application.*

Badger sett relocation

Natural England notes Middlemarch's statement regarding the area of the application site relative to the foraging area available. We acknowledge the stated intention to provide a new sett east of the application site. We fully support the proposed mitigation and biodiversity enhancement measures as a mechanism to provide for the site's wildlife interest into the future . Natural England advises that, if

approved, the council ensure the stated mitigation and enhancement measures are secured as part of the planning consent, for example by means of a planning condition.'

Further comments received 13/09/10:

'The applicant's ecological consultants Middlemarch Environmental Limited have written to us (Email date 8 September 2010) setting out the following proposal for additional survey:

"Further to your ... email to Joseph Turner on 2nd September 2010, I am emailing you to outline the level of further survey effort which we propose for the Holy Cross site. In addition to a nut and nest searches of the site and the surrounding hedgerows, we propose to install 100 nest boxes within the same area this week. This would give an index of probability of September (14), October (4) and November (4), giving a total of 22. Please can you confirm that whether this level of survey effort is acceptable to Natural England or whether you require further effort."

While this approach applies the accepted survey and mitigation guidance set out in the Dormouse Conservation Handbook Natural England believes that the limited window of opportunity for survey between now and November (the normal month when dormouse survey results are finalised) seriously limits the prospects for this survey work producing robust data. Most importantly our view is that surveying using accepted methods this late in the season, even if it were to produce no positive signs of dormouse, could not be taken as reasonable evidence of absence. Consistent with these concerns I spoke to Anna Dudley at Middlemarch Environmental on Friday 10 September and explained that our preferred option is for the proposed survey methods to be employed over a reasonable period of time next year (the guidance suggests the May to September period as a reasonable spread of survey effort using dormouse tubes). Anna has in turn explained that the survey methods are intended to comprise only a start to the necessary survey, further survey effort being carried out next year, for a period of time subject to Natural England's advice.

In conclusion Natural England advises that adequate survey for dormouse using the methods (outlined above in the excerpt from Middlemarch Environmental's email) still remains to be carried out. Survey work done during the rest of 2010 will not provide sufficient proof of absence to determine the planning application. Our objection to the planning application on the grounds of inadequate protected species information therefore remains in place. If the applicant wishes to pursue the development proposal we propose that the application is withdrawn for the time being. Suitable adequate ecological survey for dormouse should be planned for and carried out next year so as to inform the detail of any subsequent new application.'

Worcestershire Wildlife Trust Comments received 13/08/10:

- 1. We consider that the ecological information provided so far is insufficient to allow you to determine the likely effect of the application on protected species, in particular dormouse and badger. Further survey and additional information on necessary mitigation is required and we would therefore suggest that you contact Natural England for details and advice on what is needed prior to determination.*
- 2. We object to the removal of such a high proportion of the woodland block associated with the site. This is clearly one of the more valuable ecological resources in the locale and while we accept that the woodland is not especially rich or ancient it is contrary to the guidance in PPS9 and the NERC Act 2006 to allow its removal when alternative sites have not been ruled out or appropriate mitigation put in place. The fact that the site is covered by a TPO also highlights the wider amenity and aesthetic contribution the woodland makes to the local area and whilst these issues are outside our remit they are clearly worthy of consideration in this case.*
- 3. We do not consider that the mitigation package put forward is adequate. The area of compensatory planting to offset the woodland loss is too small and the chosen location already contains scrub of ecological value in its own right. Accordingly planting of this area does not in our opinion class as suitable mitigation for the habitat lost. Should you be otherwise minded to grant planning permission we would therefore strongly recommend that any habitat creation be covered by a long term management plan and Section 106 agreement to provide funds for appropriate levels of management. Additional biodiversity enhancement should include the installation of bird and bat boxes within the new dwellings, careful use of SUDS to provide wetland enhancement where opportunities exist and the planting of berry and flower rich habitats to provide food for a range of native wildlife.*

We consider that our position is in line with guidance given in PPS9 and your duties under the NERC ACT 2006 and we therefore recommend that you refuse this application.'

Tree Officer Comments received 18/08/10 in relation to the biodiversity value of the woodland. The dormice assessment indicates the possibility that dormice could be present and thus supports the need for a full survey to be conducted. Insufficient information has been provided in relation to the mitigation details for the affected badger sett.

CPRE Comments received 17/08/10: Concerns raised over a lack of local need for the new dwellings.

Severn Trent Comments received 03/08/10: No objection *sfc*

ENG Comments received 03/11/10: No objection *sfc*

West Mercia Comments received 20/07/10: No objections

Constabulary

Publicity No adjoining occupiers

Site Notice Posted 21.07.10; expires 11.08.10.

Press Notice published 22.07.10; expires 12.08.10

121 representations made; 115 objections and 6 in support.

Objections are made due to concerns over the Conservation Area, the Green Belt, nature conservation, loss of trees, light pollution, traffic/parking, lack of need and highway safety.

Support is given to the proposal due to the benefits affordable housing will bring to local residents.

The site and its surroundings

The application site relates to a rectangular parcel of land located on the southern side of Holy Cross Green. The majority of the site is densely wooded with trees of varying age and sizes and this area is known locally as 'The Pleck'. The remainder of the site is comprised of maintained grassland and an informal footpath associated with Centenary Field; a Parish Council owned recreation ground.

The site is bounded by Centenary Field and the remainder of The Pleck to its southern, eastern and western boundaries. There is an electric sub station immediately adjoining the north-eastern boundary of the site and Holy Cross Green runs parallel to its northern boundary. Holy Cross Green is characterised by residential development and The Pleck is adjoined by dwellings to its south west and north east boundaries.

The site is located in the Green Belt adjacent to, but not within, the Village Envelope settlement of Holy Cross. A large part of the site is located in the Holy Cross Conservation Area. This same area is the subject of a Woodland Tree Preservation Order.

The Proposal

This application seeks full planning permission for the development of 10 no. affordable housing units comprised of 4 no. 2 bed flats, 2 no. 2 bed houses and 4 no. 3 bed houses. The 2 bed flats would be located within a two storey building block and the 2 and 3 bed houses would be split into two short terraces of two storey development. The buildings would be located to the northern end of the site parallel to Holy Cross Green.

Vehicular access to the site would be from Holy Cross Green at a point close to the adjoining sub station. A shared access drive and 10 external car parking spaces would

be located to the rear of the buildings, along with private domestic gardens and communal amenity space.

The application has been submitted in conjunction with West Mercia Housing Group; a Registered Social Landlord (RSL) and the development would be for 100% affordable housing. The Planning Statement submitted with the application indicates that the intended tenure of the dwellings will be evenly split between social rented and shared ownership.

Relevant Policies

WMSS	QE1, QE3, QE4, QE5, QE7, CF5
WCSP	SD2, SD3, SD4, SD5, SD8, CTC1, CTC5, CTC6, CTC8, CTC9, CTC15, CTC17, CTC18, CTC19, CTC20, D6, D8, D12, D38, D39, T1, T3, T4, T9
BDLP	DS1, DS2, DS3, DS5, DS11, DS13, S9, S14, S16, S35A, C4, C5, C10A, C12, C16, C17, C18, C38, TR1, TR8, TR11, TR13, ES1, ES8, ES11, RAT5, RAT6
Others	PPS1, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS25, SPG1, SPG11, Circular 06/98, Circular 06/05, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Clent Parish Housing Needs Survey - Analysis of Results (2010)

Relevant Planning History

None relevant

Notes

I consider that the main issues to address in the determination of this application are those associated with Green Belt policy.

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. This includes limited infilling in existing villages and limited affordable housing for local community needs under Development Plan Policies according to policies with PPG3 (now PPS3).

Affordable housing is defined in PPS3 Annexe B as:

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

* Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

* Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

The terms affordability and affordable housing have different meanings. Affordability is a measure of whether housing may be afforded by certain groups of households. Affordable housing refers to particular products outside the main housing market and relates to accommodation for sale or rent available at a price identified as being genuinely affordable to those persons living or working in the area who are unable to access housing on the open market.

In recent years, Bromsgrove District Council has invested heavily in identifying the level of need for affordable housing across the District. Firstly a Bromsgrove District Housing Needs Study was completed in 2004, followed by a Strategic Housing Market Assessment in 2007 and most recently a Housing Market Assessment in 2008. A specific Clent Parish Housing Needs Survey was conducted in May 2010.

The main types of affordable housing are:

Low Cost Rented Housing

Housing rented by a Registered Social Landlord at a price below the cost of renting privately.

Intermediate Housing

Of which there are three types:

* *Shared Ownership Housing* - housing where a tenant buys a proportion of the property from a Registered Social Landlord and rents the rest with the option to buy an increase share of the whole property

* *Intermediate Rent* - housing is rented at prices above the cost of low cost rent but below prices of the private rental market. The rent is approximately 80% of the price of full market renting.

* *Intermediate Rent to Purchase* - the property is rented at a price that is 80% of the full market value for 5 years. After this period, the tenant has the opportunity to purchase a share in the property.

PPS3 states that in providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of

restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

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

(a) Fundamentally it enables Local Authorities to grant permission for small sites within or adjoining existing small rural communities which would not otherwise be released for general market housing, in order to provide affordable housing to meet local needs in perpetuity. This may include land covered by a Green Belt designation

(b) Whilst it is often the best solution to tackling housing needs in rural areas, it is only intended to supplement overall rural affordable housing provision

(c) Local Authorities may allocate rural exceptions sites for 100% affordable housing within Local Development Framework documents

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

- a. the site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location;
- b. any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings;
- c. the site should conform with all environmental and control policies in both the Local Plan and the County Structure Plan;
- d. the proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers; and
- e. the proposal does not involve "cross-subsidy".

The proposal's compliance with Policy S16 will form one of the main considerations in the determination of this application. Members will note that criterion 'c' of Policy S16 provides an opportunity to consider the development in relation to other policies within the Local Plan and Structure Plan. In this instance, I am mindful of the concerns raised by the Conservation Officer (CO) and Worcestershire Highways (WH) and their associated policy implications. I will therefore address these matters in my consideration of Policy S16.

If the proposal is found to be contrary to Policy S16 it will by definition constitute an inappropriate form of development in the Green Belt. If applicable, it will be necessary to consider the level of harm caused to the Green Belt by the development and if any very special circumstances exist to outweigh this harm. I will consider each of these matters under a separate heading below.

Further to this, it is necessary to address all other material considerations relevant to a new housing proposal (i.e. density, design, form and layout, impact on residential amenity) along with the views of consultees.

Members will also note that there has been considerable objection to the proposal from local residents. The concerns raised in these representations are considered to fall within the main subject areas identified above this I will not give them separate treatment in this report. There is also some support for the proposal based on the benefits of affordable housing to local residents. Members will note that affordable housing is already identified as a key material consideration in the determination of this application.

GREEN BELT

I will deal with each of the five criteria set out at Policy S16 under a separate sub heading below.

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

As noted earlier, the site adjoins the settlement boundary of Holy Cross. Whilst Policy S16 does not provide any interpretation of 'small scale', I am mindful of a recent appeal decision relating to land at Hinton Fields (APP/P1805/A/08/2061377: 18 April 2008), whereby the Inspector defined small scale as relating to schemes of below ten dwellings. This arises from the District Council's Housing Capacity Study of 2004, whereby the Council considers a small site as one having a potential capacity of 9 or less dwellings. In the Inspector's experience a figure in this range is commonly used.

Although it is noted that the proposed development of 10 dwellings would be slightly larger than the definition of small scale employed by the Inspector, I am of the view that in this instance it would represent a very modest addition within the context Holy Cross. This view is shared by the Strategic Planning Manager (SPM). On the above basis I would not have any concerns in relation to this criterion.

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

The Planning Statement submitted in support of the application refers to a number of documents that provide an assessment of housing needs at a macro and micro level. At the micro level, The Bromsgrove District Council Housing Strategy 2006-2011 (adopted March 2006) identifies that there is a general need for affordable housing in the District with particular regard to its villages. The Clent Parish Housing Needs Survey (Worcestershire County Council and Community First, May 2010) concludes that there is a minimum requirement for 24 additional affordable housing units within the parish area now or in the next five years. This demand is split between the different tenures; Fixed Equity Ownership, Housing Association Ownership, Housing Association Rented accommodation and Private Rent.

Members will be aware of the comprehensive views of the SPM and the Strategic Housing Manager (SHM) on this issue. Both of these consultees are satisfied that the

level of need identified in the abovementioned survey is sufficient to support the proposed development. On this basis I find the proposal to be in accordance with criterion (b) of Policy S16.

Members will note the recommendation of the SHM for the proposed tenure split of the units to be modified so to better match the affordability of those in need of housing. This detail should form part of any legal mechanism used to secure the affordability of the units in perpetuity. I will comment further on this matter upon consideration of criterion (d).

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

Members will note the views of the Council's Conservation Officer (CO) and Worcestershire Highways (WH) in relation to the proposal. These views raise concerns in relation to the Transport and Heritage Conservation policies within the Development Plan. It is necessary therefore to consider the implications of these policies and the issues identified by these consultees.

Conservation

Policy CTC.20 of the WCSP and Policy S35A of the BDLP require new development to preserve and enhance the character and appearance of the Conservation Area in which it's located. Policy S36 of the BDLP provides that a high standard of design is expected where development is proposed in or adjacent to a Conservation Area. Proposals should demonstrate that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area. The advice contained in PPS5: Planning for the Historic Environment and its associated practice guide are also a material considerations in the determination of this application.

The CO raises concerns in relation to the loss of the woodland known as The Pleck, the impact of the development on the setting of the Conservation Area and a number of design issues. Conclusively the CO is of the opinion that the development would not preserve or enhance the character or appearance of the Holy Cross Conservation Area. Having regard to the specialist advice available to the Council it is considered that the proposal would conflict with the relevant Conservation policies within the adopted development plan and national planning policies within PPS5.

Highways

Concerns are raised by WH over the visibility provisions of the proposed vehicular access to the site. It is considered that the proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site.

Policy T.1 of the WCSP provides that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Policy TR11 of the BDLP requires that all developments incorporate a safe means of access and egress appropriate to the nature of the local highway network.

Having regard to the views of WH it is considered that the proposed development would conflict with the relevant Transport policies within the adopted Development Plan.

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

The dwellings will be managed by West Mercia Housing Group. The Planning Statement submitted with the application indicates that arrangements will be put in place through a Section 106 undertaking to ensure that the benefits of affordable housing are retained for future occupiers 'in perpetuity'. To date however, the Council is not in receipt of any legal mechanism to secure this matter.

(e) The proposal does not involve cross subsidy

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

Taking the above matters into consideration I consider the proposal to be contrary to criteria (c) and (d) of Policy S16 of the Local Plan and thus the scheme is subsequently contrary to Policy S9 and DS2. Given these circumstances, I am consequently of the view that the proposal is, by definition, inappropriate development in the Green Belt.

Harm Caused

It is considered that the development would cause clear harm to the openness and visual amenities of the Green Belt. The site is currently in a natural state and it is considered to make an important contribution to the rural character of this Green Belt settlement. Although it is noted that the majority of the site is not open as such, I am of the view that trees represent an appropriate landscape feature in the Green Belt and they do not have any harmful effect on its openness. The proposed development would result in the removal of the trees and the introduction of a significant built form to the site. It is considered that this would have an urbanising effect on the site and a harmful impact on the openness of the Green Belt.

It is now necessary to consider whether any very special circumstances exist to outweigh the identified harm that would be caused by the development.

Very Special Circumstances

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

The applicant is of the opinion that the proposal would represent appropriate development in the Green Belt and consequently no very special circumstances have been put forward in support of the proposal. Nonetheless, it is noted that this proposal would have social benefits insofar as it would expand the stock of affordable housing in

Holy Cross. I am not however of the view that the need for more affordable housing would in itself amount to the very special circumstances necessary to justify inappropriate development in the Green Belt as such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. Notwithstanding the need for some additional affordable housing in the Parish of Clent, this does not amount to the very special circumstances which need to exist in order to justify setting aside the presumption against inappropriate development in the Green Belt.

OTHER ISSUES

Density

The total developable area is 0.27 hectares. This provides a density of 37 dwellings per hectare.

This is considered to be a reasonable density for the site without causing harm to the general character of the established development in the area. On this basis I am of the view that the proposal accords with the guidance set out in PPS3 which promotes the efficient use of land.

Design, Form and Layout

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place.

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific Policy relating to design.

In this instance, the proposal is located within a sensitive built landscape associated with the Holy Cross Conservation Area. Members will note the views of the CO in relation to the design of the development and the conflict with the Conservation policies within the Development Plan identified in the earlier part of this report. Having regard to these

matters, it is considered that the design of the development would not enhance the character and quality of the area in which it's located and I find it to be in conflict with the general design related policies within the Development Plan and national guidance within PPS1.

The new houses accord with the amenity space and garden length distances set out in SPG1. A communal amenity area would be provided to the rear of the dwellings for the benefit of the occupiers of the proposed flats. This would meet the communal amenity space requirements set out in SPG1.

Holy Cross Green has a fairly regular development pattern. The majority of the dwellings are located within a building line fronting the highway and there are notable gaps in the street scene between small groups of dwellings. It is considered that the proposed development would respect this pattern and I am of the view that the layout of the development would be appropriate to its surroundings.

Impact on the Amenity of Adjacent Occupiers

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The proposed development would be set a sufficient distance away from the surrounding existing dwellings for there to be no conflict with the guidelines set out within SPG1. The layout of the development would not result in any conflict between the individual units and there would be no issues in relation to SPG1. It can therefore be concluded that the development would have no adverse impact on the amenity of the surrounding occupiers, or the future occupiers of the individual units.

Ecological and Biodiversity Issues

Individual protected species surveys relating to Badgers, Bats and Great Crested newts have been provided with the application along with a Dormouse Assessment.

The Badger Survey reveals that a number of badger sets are present on the site. The survey results indicate that, although the level of badger activity on the site during the survey was limited, there is still potential for badgers to return to old sets at any time. The survey concludes that the proposed development and site investigation works will cause a disturbance to these sets. Recommendations are made for mitigation works including the requirement for a Natural England Development License, and the possible need for a mitigation strategy to be approved by Natural England.

The Bat Survey indicates that no bat roosts were identified within the site. The site does however provide a good foraging and commuting location for as range of bat species. A single species of bat, common pipistrelle, was recorded on site at the time of survey. The survey makes a number of recommendations to minimise any disturbance to bats utilising the site, including restrictions on lighting levels and the retention of the hedgerow to the northern boundary of the site.

The Great Crested Newt Survey finds to evidence of the species within the pond located 50 metres south west of the application site. Consequently no specific recommendations

are made other than the general requirement to notify Natural England if any of the species are found during the construction works.

The Dormouse Assessment concludes that the site provides poor conditions to support a dormouse population. Given the low probability of dormouse being present on the site no specific recommendations are made.

Members will note the views of Natural England (NE) and Worcestershire Wildlife Trust (WWT) in relation to the above matters. The initial comments of NE raise concerns over the habitat suitability approach towards dormice as being insufficient to demonstrate the absence of the species from the site and the surrounding connecting habitat. WWT share this concern and consider the information provided to be insufficient to determine the likely effect of the application on protected species. This stance has also been reinforced by the Council's Tree Officer (TO).

Concerns are also raised by NE and WWT over the mitigation measures for badgers proposed in the submitted survey. Members should note however the further comments of NE on this matter. It is understood that further information has been provided by the applicant's Ecological Consultant which provides details of the developer's intention to provide a new badger set to the east of the application site. NE support the proposed mitigation measures and advise that they are secured through a condition attached to any planning permission granted. No further comments have been made by WWT in relation to this matter.

PPS9 advises that 'Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'

The advice on Species Surveys contained in the companion guide to PPS9 (Planning for Biodiversity and Geological Conservation: A Guide to Good Practice) advises that 'Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.'

Government Circular 01/2005 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system) states that 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat....It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

The concerns raised by NE, WWT and the TO in relation to dormice indicate that the presence of this species cannot be established from the information provided. Thus, having regard to the policy advice contained in PPS9 and the administrative guidance set out in Circular 01/2005, it is not considered that the Council can make an accurate determination of the application from the information provided.

It is understood however that the applicant has recently provided NE with new information in relation to dormice. The further comments of NE are awaited and I will update Members on this matter at their meeting.

CONCLUSION

The proposal is not found to be fully in accordance with Policy S16 of the BDLP by virtue of its conflict with the Conservation and Transport policies within the Development Plan and the applicant's failure to secure arrangements to ensure that the benefits of affordable housing are retained for future occupiers. The proposal is therefore considered to represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the WCSP, Policy DS2 of the BDLP and the advice contained within PPG2: Green Belts. The proposal would cause clear harm to the Green Belt and no very special circumstances have been put forward by the applicant to outweigh this harm.

The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to Policy CTC.20 of the WCSP, policies S35A and S36 of the BDLP and the advice contained in PPS5: Planning for the Historic Environment.

The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the WCSP and Policy TR11 of the BDLP.

A conclusion cannot however be made on the proposal's ecological impact. It is noted that further survey work has been provided to address this matter but without the subsequent advice of NE this view should be maintained. As such, it is not considered that all of the relevant material considerations can be addressed in the determination of this application.

Taking the above matters into consideration the proposal is not found to be in accordance with the relevant policies of the adopted Development Plan and national planning policy advice. I therefore recommend that planning permission is refused.

RECOMMENDATION: that permission is REFUSED

The proposed development would be contrary to Policy S16 of the Bromsgrove District Local Plan 2004 by virtue of its conflict with policies S35A and S36 within that plan, Policy CTC.20 of the Worcestershire County Structure Plan 2001, and the applicant's failure to secure arrangements to ensure that the benefits of affordable housing are retained for future occupiers. The proposal would therefore represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. It is considered that the proposal would

cause clear harm to the openness of the Green Belt and no very special circumstances exist or have been put forward by the applicant to outweigh this harm.

The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to policies CTC.1 and CTC.20 of the Worcestershire County Structure Plan 2001, policies DS13, S35A and S36 of the Bromsgrove District Local Plan 2004, the advice contained in PPS5: Planning for the Historic Environment and the advice contained in PPS1: Delivering Sustainable Development.

The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the Worcestershire County Structure Plan 2001 and Policy TR11 of the Bromsgrove District Local Plan 2004.

The application contains insufficient information to demonstrate the impact of the proposal on protected species. The application cannot therefore be accurately determined in accordance with PPS9: Biodiversity and Geological Conservation.