

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
PERSIMMON HOMES (SOUTH MIDLANDS) LIMITED 'A'	Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: resubmission of B/2006/1048 - Land at School Drive, Bromsgrove - (as amended by plans received 26.06.2007, Water Vole survey received 26.06.2007, arboricultural survey received 26.06.2007 and augmented by plans and letter received 26.06.2007)	RES TPO	B/2007/0466 02.08.2007

RECOMMENDATION that subject to the applicant entering into a suitable legal mechanism in relation to monetary contributions to (i) off-site play space provision (ii) education provision; and (ii) highway improvement works and the securing of 29 affordable housing units, permission be **GRANTED**

Consultations

- WCC (HP) Consulted - views received 15.05.2007:
- No objection subject to Conditions.
 - However, the following issues are raised for reference:
- (a) If the scheme is approved and it is the Developer's intention to request the County Council as Highway Authority to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, together with all necessary drainage arrangements and run off calculations shall be submitted to and approved by the County Council's Network Control Manager and an Agreement under Section 38 of The Highways Act 1980 entered into.
- (b) The applicant should enter into a Section 106 agreement to:
- Make financial contribution to construct off road cycle facilities on Route 5 NCN to the sum of £15,120.00.
 - Make a financial contribution to improve footway linkage from the boundary of the maintained highway to the High Street to the sum of £6,000.00.
 - To make good the length of School Drive that is not maintained as Public Highway up to adoptable standards
- (c) With reference to the third element of the requested Section 106 Agreement, the applicant's attention is drawn to Condition 18 of B/1998/0661 that made it a specific condition to dedicate School Drive under Section 38 of The Highways Act 1980. This is not achievable as the owner of School Drive is Worcestershire County Council as Education Authority, and there cannot be an agreement for two parties of the same

Authority. Therefore it is recommended that a Section 73 application be made to replace it with reference to the use of the Private Street Works code. The County Council as Highway Authority would then be willing to commence proceedings to make the road maintainable as Highway once the road, footway and lighting is up to current standards.

Additional views received 02.07.2007:

Revised Conditions and Notes following earlier response

Revised Section 106 agreement to:

- Make financial contribution to construct off road cycle facilities on Route 5 NCN to the sum of £15,120.
- Make financial contribution to improve footway linkage from the boundary of the maintained Highway to the High Street to the sum of £6000
- To make good the Footway in School Drive between points A and B as indicated in Planning Application B/2005/0525 that is not currently maintained as Public Highway up to adoptable standards.
- With reference to the third element of the requested Section 106 agreement, the applicants attention is drawn to Planning Application B/2005/0525. This will require the footway to be reconstructed to adoptable standards, for information this will include illumination to footway standard, this will require the approval of the County Council as land owner and as the adjoining Highway Authority whom may take over the future maintenance of it, subject to the necessary procedure being complied with.

ENG

Consulted - views received 10.05.2007:

- The Wardell Armstrong Flood Risk Assessment in general is acceptable, but does not take into account that the dry/wet ditch is in fact a watercourse and should be dealt with as such. It should be left in an open state with its own defined flood plain and it should be noted that it takes the main storm outfall (attenuated) from the new school complex, along with other recent developments to the west of the Bromsgrove By-pass.
- Similarly the Spadesbourne itself requires a defined flood plain in which itself will improve the stream's profile. Also the line downstream needs to be improved by yourselves in conjunction with the respective landowners.
- Normally the centre line of a watercourse acts a demarcation line for respective boundaries. In this case as adjacent land was formerly a mill pond then it would be in the interests of the mill to own both sides of watercourse as a means of controlling feeder flows to that mill. Thus there is a need for

the developer to approach the adjacent landowner.

- It is also important to take into account that the stream acts as a wildlife corridor and in particular the presence of the water vole requires complete attention under Section 74 of the Countryside and Rights of Way Act 2000.

Reconsulted on augmented plans 31.05.2007 - additional views received 08.06.07:

- ACL Consultants drawings E.002/01 and E.002/06 appear to be reasonably correct with regard to the domestic drainage systems. That is the foul to a private pumping station and hence to the private sewer in School Drive, while the storm is taken to soakaways and not directly to the watercourse.
- There is some doubt with the flood plain width, especially in relation to wildlife ie. water voles and also to its usage as controlling high level flows. Though details have been given on this subject, it would be useful to discuss the matter further. One also needs to discuss the state of the watercourse downstream from the development.
- With regard to the dry ditch which bisects the site, this is in fact an ordinary watercourse and should be dealt with as such. The Environment Agency will require details of proposed culvert sizes which in themselves should be kept to a minimum.
- It should also be noted that there is a storm outfall to this dry ditch from the adjacent school development (not picked up on drawings). Will require details on how this will be dealt with.

Policy Advice

Consulted - views received 11.06.2007:

- This site is identified as a residential area within the Bromsgrove District Local Plan (adopted 2004) and the principle of residential development on this site has been confirmed by previous applications. Policy C7 is of relevance, together with SPG1 Residential Design Guide. PPS1 and PPS3 are also relevant, particularly in relation to good design, PPS9 in relation to biodiversity and PPS25 in relation to flood risk.
- As with our comments on the previous application, although the development does not comply with the exceptions stated in SPG10, in this case this is not relevant. Existing permission exists for 22 open market dwellings on site, this application adds an affordable housing element to the proposal.
- The existing permission attracts a commuted sum of only £35,000 for off site play space provision, this application for reserved matters on an outline permission, predating SPG11.
- It is not proposed to apply SPG11 to this application due to the previous stance taken in this regard. However, as the size

of the site and the number of dwelling units has increased, it would also be necessary for the open space contribution to increase. As before, the exact reasoning behind the original figure of £35,000 is unclear. It is believed a satisfactory approach would be to apply the amount per dwelling unit on the existing application to the new application, which means a commuted sum of £81,090 should be requested.

Existing application

£35,000 / 22 dwellings = £1590

New application

£1590 x 51 = £81,090

Tree Officer

Consulted - views received 25.05.2007:

- I am of the opinion that this expansion of the amount of units on this site will make the tree cover unsustainable, will produce further problems with overshadowing etc and the change in water flow in the dry ditch will lead to the loss of frontage trees. There will be pressure on intrinsic wildlife.
- This is an historic site planted with many unusual trees that have been systematically assaulted by successive developers. I am not content with the scheme for future sustainability. See BS-5837.

Reconsulted on amended plans and revised arboricultural report 27.06.2007: verbal response received 02.07.2007:

- No objection subject to Conditions relating to regular monitoring during construction period and agreement of landscape scheme

Natural Environment Officer

Consulted - views received 25.05.2007:

- Area labelled as "ecological garden" - what does this involve? Doesn't show implementation of any of the water vole report recommendations: ie. planting native marginal vegetation/deepening ditch/creation of pond with marshy area
- Concerned by mention of "concrete retaining wall" on brook, north-east corner of site. Is this existing or new? This is not beneficial for voles.
- It is not clear what the areas between the tree and up to the watercourse area are as the colour key doesn't appear to be shown on the legend
- I am unclear as to the statement "undertake a destructive search of the affected area" once they have strimmed the vegetation to dissuade the water vole from using the area in relation to the Water Vole Report
- If water vole burrows are damaged or destroyed, the developer will need a licence from Natural England.
- I would like to see enhancement and mitigation. This will need to be achieved by following the recommendations made

in the water vole report.

Reconsulted on amended plans and revised Water Vole survey
27.06.07 - views received 29.06.2007:

- I would like to confirm that I am happy with the below proposals. I have no objections to the scheme provided the recommendations of the water vole report are followed, particularly in regard to the construction methods and the water vole enhancements
- I would also like to see the ongoing sympathetic management of the site as a condition of the planning permission

EHO
Contaminated
Land
EA

Consulted - views received 16.05.2007:

- No objection subject to Conditions

Consulted - views received 02.07.2007:

No objection but would like to make the following comments:

(a) Flood Risk

- The proposed site lies within Flood Zone 3 (1% annual probability floodplain) based on our Flood Zone Map.
- Para E9, Annex E of PPS25 states that all proposals for new development located in Flood Zone 2 and 3 should be accompanied by a FRA. The flood risk information submitted with the application is satisfactory and addresses our previous concerns on flood risk grounds.

(b) Biodiversity

- New development and redevelopment of former urban / industrially degraded sites provides considerable potential to contribute to biodiversity by incorporating features of value to wildlife into river corridor, wider landscape and built design. The above principle is inherent with the recent PPS9 Planning Policy Guidance to promote sustainable development. The Government objectives for planning are to ensure that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development. This is to ensure that policies and decisions about the development and use of land integrate biodiversity and geological diversity along with other considerations.
- In the absence of detailed landscape proposals we would seek the development results in enhancement of the currently degraded Spadesbourne Brook corridor, to improve amenity, biodiversity and visual aspects of the area. As a highly visible and natural feature of the development site this should be recognised as an important ecological resource and appropriately upgraded and enhanced.
- In recognising the Spadesbourne Brook is just outside the

curtilage of the development site, we would support the improvement of the adjoining watercourse which is currently heavily degraded with litter and larger debris. This together with heavy shading severely limits the wildlife value.

- Culverting of existing wet ditch within site to be kept to a minimum required for access purposes. This is typically limited to 3 - 5 metre lengths for vehicular access. We consider it beneficial for watercourses to remain in open channel form.
- In addition, culverts by their very nature can form a barrier to wildlife movement, fragment the linear habitat of watercourse corridors and destroy physically diverse habitat. This is a fundamental element of our key duties in attaining sustainable development to protect and enhance the water environment.

(c) Contaminated Land

- In line with our amended Table 1 and in accordance with Article 10 - (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to contaminated land on this application. You are advised to seek the comments of your Environmental Health Officer.

(d) Waste Management

- Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

(e) Pollution Prevention

- Developers should incorporate pollution prevention measures to protect ground and surface water.
- Particular care should be taken during excavation and construction due to the proximity of the watercourse, in line with Pollution Prevention Guideline 5 (PPG5): Work in, near or liable to affect watercourses.

(f) Foul Drainage

- In line with our amended Table 1 and in accordance with Article 10 - (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'foul drainage assessment form' for your consideration.

Worcestershire County Council Education Views received 21.05.2007 and 28.06.2007:

- If development goes ahead in this area there may be a need for additional education provision and we would be seeking a contribution for this in accordance with your Supplementary Planning Document on planning obligations for education facilities
- Our Supplementary Planning Guidance relating to education

contributions was adopted in April 2003. Under this policy, the figures that underpin the table of charges published by the County Council are updated each year from 1st April to take account of changes in numbers on roll, changes in school capacities etc. Pending the adoption of a Supplementary Planning Document by Bromsgrove District Council, the SPG remains a valid "saved" document

- The updated figures for April 2007 have been applied to the new application and show that there is now a contribution to be paid for the first school phase only, as the number of spare places had reduced
- The County Council has recently been working with the other District Councils in Worcestershire to develop individual Supplementary Planning Documents. As part of this process we have reviewed our approach to Section 106 contributions and decided that flats and apartments should have a discounted rate of contribution applied to them. Although Bromsgrove DC has not yet adopted an SPD, it seems fair to apply this discount to all applications
- The application consists of 22 open market apartments and 29 affordable units. Affordable housing is exempt from any education contribution, therefore the contribution requested is calculated as 22 x £578 per unit = £12,716

Worcestershire Wildlife Trust Consulted - views received 30.05.2007:

The Wildlife Trust has some serious concerns regarding the protection of the water vole colony resident on site.

- Water voles are Britain's most threatened and fastest declining mammals and have undergone a 90% national decline in the last 10 years. Bromsgrove is home to the last population of water voles in Worcestershire, with a handful of colonies on the Spadesbourne and Battlefield Brook. The currently proposed development will have a negative impact on the resident water vole colony and does not include any suitable mitigation nor enhancements (as required in PPS9).
- We would therefore wish to object to above-mentioned application for the following reasons:
 - Drawings show large part of the existing wet ditch to be culverted. Not only does this directly reduce the foraging habitat for water voles through habitat destruction, it also reduces habitat by disconnecting the eastern part of the ditch from the rest of the site. This will significantly reduce the overall water vole habitat on site, which is unacceptable. Also no mitigation for this activity is proposed.
 - The proposed development will lead to increased disturbance by residents and dog walkers. No measures are included to minimise this disturbance. Furthermore, a fence will be taken

down increasing access to the riverbank.

- The proposed development will lead to increased predation by domestic cats. No mitigation to minimise the impact, for example additional habitat creation, is included in the plans.
- No suitable mitigation is included in the plans. The proposed 'ecological' garden will under no circumstances improve the water vole habitat, as it is located in the most shaded part of the site. Due to the shade, this part of the site does not provide the right conditions for riparian plants required by water voles for feeding (see Water vole survey, Hankinson Duckett Associates 2007, part 3.2).
- No enhancements for biodiversity, in this case water vole, are included in the plans. They will even have a serious negative impact. This is contrary to the requirements of PPS9. Given the seriousness of the situation, these plans cannot be accepted.
- The development will require a substantial area of hard surfacing both in terms of building and car parking etc. This minimises the potential for aquifer recharge by rainwater. There is also an additional impact on water quality in the brook from surface run-off from the hard surface, which may carry hydrocarbons, silt and other pollutants into the brook. Sustainable Urban Drainage Systems should be included in the development to deal with this negative impact.
- Currently parts of the site do not offer ideal conditions for water voles, which this is sub-optimal. Because of this there is potential to enhance the habitat for water voles and to increase the population. Several ways to enhance the overall habitat are:
 - Reducing shade along the bank of the northern part of the brook and the ditch by cutting back shrub and selectively pollarding/removing trees.
 - Removal of all metal and concrete piling from the Northern/Western part of the brook in conjunction with bank re-profiling to facilitate burrowing and to enhance the conditions for riparian plants.
 - Deepening of the existing partially wet ditch and re-profile its bank to facilitate burrowing and to encourage riparian plants.
 - Creation of additional habitat by digging new ponds and increasing the marshy area.
 - Including a Sustainable Urban Drainage System could increase suitable habitat when water voles and water quality are taken into account. Bear in mind SUDS should not jeopardise the existing habitat.
 - Using a s106 agreement to fund the implementation of a site habitat management plan to ensure positive future management for riparian and aquatic flora and fauna emphasising the needs of water voles. A s106 agreement could

also allocate money to improve water vole habitat further up stream and down stream of the development.

- The above-mentioned objections and recommendations are in line with the responsibilities of Bromsgrove District Council, expressed through the Worcestershire Biodiversity Action Plan, the Bromsgrove Local Biodiversity Action Plan and the Water vole conservation strategy for Bromsgrove (adopted as policy in 2002).

Reconsulted on amended plans and revised Water Vole survey
27.06.07 - views received 28.06.2007:

- Although I still regret seeing a 27 metre culvert going in instead of an open plan structure, I think it will be more useful to concentrate their efforts in the western part of the site
- In order to mitigate for the loss in habitat the total linear length of the of the newly created 'online' water features should be more than the amount of natural habitat lost (ie. the length of the culvert plus the length of the inaccessible eastern part of the ditch)
- In addition, the western part of the ditch, the marshy area and the brook will be enhanced for water vole habitat and a small reedbed will be created. Fencing (as described in the new plans) will reduce added disturbance.
- In my opinion this is sufficient mitigation for the loss of habitat, increased predation and disturbance and will enhance the situation for water voles on site.
- Therefore my objection does no longer stand
- I would still like the opportunity to discuss the more detailed designs of the water features on a later stage. Providing the mitigation area is used to it's maximum potential I think this development could be a good case study of good practise for Persimmon Homes and Bromsgrove District Council

Natural
England
West Mercia
Constabulary

Consulted 12.06.2007: views awaited

Consulted - views received 21.05.2007:

- Development should be constructed to Secured by Design standards due to the locality of the footpath linking School Drive to Blackmore Lane. This path would provide an excellent escape route for those involved in crime and disorder
- Perimeter security is extremely important and I recommend the developer consult further on the best means to secure the perimeter
- Suitable lighting will be needed for the parking area in order to reduce the risk of vehicle crime and reduce the fear of crime
- Care will need to be taken with the landscaping in order to allow a clear line of sight from the dwellings to the parking

- areas
- Whilst there are no exceptions to close the path it does raise concerns in relation to burglary and criminal damage
- WCC
Rights of Way
Ramblers
Association
Publicity
- Consulted 03.05.2007: views awaited
- Consulted 03.05.2007: views awaited
- 3 letters sent 09.05.2007 (expire 30.05.2007): no response received
4 site notices posted 13.06.2007 (expire 04.07.2007): no response received
2 press notices published 18.05.2007: no response received (expire 08.06.2007)
- 1 letter received from Worcestershire County Council Service Development Manager Access and Information:
- The school and the Council as LEA are very concerned at the prospect of increased use of School Drive by this development. The Drive is not built to adoptable standard and is privately maintained by the Council. Although it has been repaired in recent years it had to cope with increased use by the College during its building works and by the Artrix Centre. There are issues of safety for students and other users of the Drive which need to be addressed by better lighting, walkways and road surfaces.
 - I have received a copy of the Director of Environmental Services letter to you dated 15 May and strongly support the recommendations therein, including that the Drive be made up to adoptable standard as part of the development and that as much as possible of the road should be adopted as public highway.

The site and its surroundings

The site relates to a site approximately 0.75 hectares in area located on the northern side of School Drive some 0.5 kilometres north-east of Bromsgrove Town Centre. The Spadesbourne Brook runs to the northern boundary of the site, with Bromsgrove Retail Park and dwellings in Blackmore Lane to the north of this watercourse. The site surrounds the dwelling known as 18 Blackmore Lane to the north. A public footpath connecting Blackmore Lane and School Drive runs to the eastern boundary. The site contains a number of dilapidated structures including a former dwellinghouse and associated garage and a brick building adjacent the right of way that formally related to a science building utilised by NEW College. A two-storey dwelling and single storey care home flank the site facing School Drive. The site faces the North Bromsgrove School grounds. A number of residential properties exist further to the south-west along School Drive. All trees on the site are protected by a Tree Preservation Order. The site is within a recognised residential area.

Proposal

This application relates to the demolition of the existing structures on the site and the erection of 51 two-bedroom residential units.

Two apartment blocks (Block A and B) front School Drive with Block C set behind the single storey building known as 7 School Drive and adjacent the public footpath linking Blackmore Lane and School Drive. Access to the site is provided via a new vehicular crossover from School Drive located between Block B and the car-parking area serving 7 School Drive. No other access to the site is proposed. The Blocks are a mix of two, three and four storeys. The blocks are predominantly red facing brick with aspects of render to the lower sections. The roof tiles are grey interlocking concrete tiles.

The scheme also proposes two brick refuse stores and two pump houses. Cycle storage areas have been provided to the north of the end gable of Block C adjacent the refuse store and pump house. Fifty-one car-parking spaces are proposed. Hard surfaced areas within the parking court consist of block paving and tarmac. An aspect of pavioured finish surfacing to the main access drive has been incorporated into the scheme.

A number of protected tree specimens will be removed. A landscaping scheme, together with ecological reports relating to water voles, bats and reptiles has accompanied the scheme. The water vole report contains recommendations for mitigation and enhancement, mainly to the western boundary adjacent the watercourse.

A Design Statement, Planning Support Statement, Flood Risk Assessment and Arboricultural Report have also accompanied the application and are available in the relevant planning file should Members wish to view them.

Relevant policies

WMSS	UR3, CF2, CF5, PA1, QE1, QE2, QE3, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.12, CTC.13, CTC.15, D.1, D.2, D.3, D.4, D.5, D.6, D.7, D.9, RST.2, SD.1, SD.2, SD.3, SD.4, SD.5, SD.6, SD.7, SD.9, T.1, T.3, T.10
BDLP	DS3, DS11, DS13, ES1, ES2, ES3, ES4, ES5, ES6, ES7, C17, C19, RAT12, S7, S14, S15, S28, S29, C4, C10a, C11, C17, C36, C38, C39, TR8, TR9, TR11, TR13
Others	PPS1, PPS3, PPS9, PPG13, PPG17, PPG23, PPS25, Circular 06/05, SPG1, SPG10, SPG11

Relevant planning history

B/2006/1048	Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: withdrawn 18.01.2007
B/2005/0490	Erection of 16 apartments and 6 houses: approved 14.02.2005

- B/2003/0896 Extension of time for the submission of Reserved Matters for residential development: variation of Condition 1 of B/1998/0661: approved 01.04.2004
- B/2001/0057 Erection of 6 two-storey dwellings and 18 apartments: refused 12.03.2001
- B/2000/0889 Erection of 6 three-storey dwellings and 15 two-bedroom apartments: refused 13.12.2000
- B/1998/0661 Form new main access, B1 development, housing development, sports facilities and ancillary car parking (outline): approved 11.09.2000
- B/1997/0621 Housing development accessed off School Drive: withdrawn 19.10.1998

Notes

The proposal must be considered in terms of residential amenity and the impact on the amenity of the locality given the presence of the designated Tree Preservation Order. The implications for highway safety must also be considered, together with the impact on ecological biodiversity given the presence of water voles on the site.

The plot is within an established residential area and therefore residential development is acceptable in principle. Given this context it is felt that residential development of this site would, on the face of it, be acceptable in principle. I consider the main issues to consider in connection with this particular application relate to whether the proposed development accords with the criteria set out in Policy S7 and if not whether any disadvantages to the scheme are so substantial to justify refusing permission, despite the Policy support for residential development on such sites (including the provisions of the recently published PPS3). I also note the comments from consultees arising from the consultation exercise.

Density

Policy D.9 of the adopted Worcestershire County Structure Plan seeks to ensure that development is provided at a minimum of 30 dwellings per hectare. Sites within town and local centres, where there is good public transport accessibility and around major nodes along good quality public transport corridors, should achieve densities of about 70 dwellings per hectare net. Increased residential densities also help to secure a mix of size and types of development in order to help meet the needs of different types of households.

The current proposals equate to 67.9 dwellings per hectare. As such I consider the development to accord with Policy D.9 of the WCSP for such a site in this location.

Form and Layout

The area is characterised by a mix of modern medium-sized semi-detached and terraced dwellings, of both two-storey and single storey type, with large to medium sized plots. Two-storey sheltered housing accommodation is located in School Drive adjacent its junction with Stratford Road.

The proposed accommodation is a mix of two, three and four storeys. Block A located adjacent the existing dwellinghouse fronting School Drive known as Willow View has been designed with a two-storey aspect adjacent this dwelling. This increases to three-storeys to the east and matches the height of Block B located adjacent the access road serving the development. The first section of Block C is three-storey, with the L-shape remaining section continuing Block C to the east and facing the public footpath being four-storey in height. Blocks A and B retain a gap of approximately 1.4 metres to School Drive. The aspect of Block C facing the public footpath retains a maximum gap of approximately 3 metres to this boundary.

The scheme will undoubtedly have an impact on the streetscene. The most westerly aspect of the development has been designed to reflect the two-storey character of the two dwellings fronting School Drive. I consider the design of the roofline from two-storey to three-storey adds interest to the development. The use of good quality external materials consisting of ivory colour render and red facing brickwork, soldier course brick string course and window head and reconstituted stone cills, together with balcony details has produced a scheme that would add further to the ongoing redevelopment of this aspect of School Drive.

Play Space Provision

The application falls within the threshold for affordable housing as detailed in Policy RAT5 and RAT6 of the Bromsgrove District Local Plan and SPG11.

For the reference of Members, the scheme approved under B/2005/0409 related to a Reserved Matters application under the original outline consent. This outline was renewed prior to the adoption of the Council's Supplementary Planning Guidance with respect to play space provision (SPG11) and therefore it was considered that the SPG did not apply to this application. Furthermore it was considered that it would not be practical to provide public space within the application site given the existing physical constraints such as the trees and the watercourse and a commuted sum in lieu of on-site provision was accepted.

As such I consider this to remain to be the case in this application. The applicant has accepted the enhanced commuted sum put forward given the enlarged scheme. This contribution will form part of the Section 106 Agreement.

SPG10 and Affordable Housing Provision

Members will note the views of the Planning Policy Officer. Although this is a new application for residential development which does not comply with the exceptions stated in SPG10, Members will be aware this site benefits from an extant consent for 22 open market dwellings. This application does not increase this amount but adds an extra element of affordable housing on site. I am therefore of the view that the development falls into exception (ii) of SPG10. On this basis I am of the view that the proposal should not be refused on housing oversupply and complies with Policy S15 of the BDLP.

Loss of Trees and Hedgerows

All trees within the application site are afforded protection by a Tree Preservation Order. The trees were protected in the interests of public amenity due to their value in the streetscene and the effect of the proposed development on the trees is a material planning consideration in the determination of this application. An arboricultural report that incorporates a tree protection and management scheme has accompanied the application.

The submitted arboricultural report states that site trees are of local landscape value and in this instance seem to be effective in screening views to the west and particularly to the north from within the site (paragraph 2.2). The report goes on to state that trees to the north and west will become an important screen to the adjacent warehouse development as well as with the views from School Drive (paragraph 2.3) and views of the pollarded willows to the east/west ditch the trees within the group comprising G876 to G880 will be an important feature to soften the boundary of the new boundary with adjacent properties, and combined with the other retained site trees will add maturity to the development.

The report states that a large number of trees are considered to have been planted with trees occurring due to natural regeneration being concentrated adjacent to the watercourse. The majority of trees are mature with five being over mature, nine being middle-aged, three young and approximately seven trees being dead. No saplings or veteran trees were noted by the arboricultural report. Including those trees noted as dead, three individual trees, two groups (comprising 8 individual trees) and one tree within each of Group G864 and G882 are recommended for removal on arboricultural grounds, with an additional five individual trees and two tree groups (four trees within G866 and G874) will require removal to accommodate the development. The report also identifies six hedges. All six hedges are deemed to be poorly maintained with the hedge aspect to the northern boundary being severely suppressed by adjacent vegetation.

Whilst the loss of trees is regrettable, it is noted that the development has been designed to retain most of the significant and important trees to the rear of the site (to the northern boundary). A number of frontage trees facing School Drive have also been retained. The scheme also proposes a "no-dig" construction designation within the central aspect of the site adjacent to the access road and parking area to in order to ensure retention of those tree specimens within this zone.

Members will note the views of the Council's Tree Officer. This Officer originally raised concerns that the expansion of the amount of units on this site would make the tree cover unsustainable, produce further problems with overshadowing and the change in water flow in the dry ditch would lead to the loss of frontage trees. Following further negotiations with the applicant's Agent and the Tree Officer in relation to retained tree cover and the proposed Water Vole mitigation measures proposed within the site, the Tree Officer has removed his initial objection to the scheme, subject to the imposition of suitable Conditions.

Nature Conservation

The Water Vole is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). PPS9 *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. PPS9 encourages Local Planning Authorities, in making planning decisions, to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment (paragraph 1). PPS9 goes on to state that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, Local Planning Authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, Local Planning Authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused (paragraph 1).

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

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

Circular 06/05 also makes it clear that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing

the development from proceeding without the prior acquisition of a licence under the appropriate procedure (paragraph 99).

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

Members will note the applicant has submitted an Ecological Assessment of the site. The Assessment states that information from the Magic database, Worcestershire Biological Records Centre and Natural England has confirmed that no statutory or non-statutory nature conservation designations pertain to the site. A reptile and bat survey have also be submitted for consideration. However, contrary to the conclusion of the previous assessment submitted under B/2006/1048, the site does maintain a strong conservation interest with respect to water voles. A separate Water Vole Survey has thus accompanied this scheme. Following further discussions with the Council's Natural Environment Officer and Worcester Wildlife Trust, an amended version of this document was submitted on 26 June 2007. Following receipt of this document, the WWT has rescinded their initial objection to the scheme and note that sufficient mitigation for the loss of habitat, increased predation and disturbance will enhance the situation for Water Voles on the site. This includes the western part of the ditch, the marshy area and the brook, together with the provision of a small reedbed and fencing. The Natural Environment Officer has also removed her objection and echoes the view of the WWT. I consider it pertinent to Condition the Water Vole mitigation and enhancement measures to ensure such works are carried out the to the satisfaction of the LPA.

Flooding Issues

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. The views of the EA are awaited.

Impact on the Amenity of Adjacent Occupiers

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

SPG1 states that a minimum separation of 21 metres is required to achieve a degree of privacy within conventional two-storey dwellings. Where three and four storey housing is proposed with main living rooms above ground floor level a minimum separation of 27.5 metres is required to achieve both privacy and adequate visual separation. SPG1

also suggests a separation distance of 27.5 metres from window wall to window wall in relation to two-storey flats and two-storey dwellings to avoid overlooking problems caused by living rooms on upper storeys.

The main considerations in this matter relate to the impact on the occupiers of the dwelling known as Willow View to the immediate west of the development and the occupiers of the Care Home to the east of the proposed access road (both located on School Drive) and the impact on 18 Blackmore Lane to the immediate north of the site.

The revised scheme would appear to meet the separation distances for overlooking detailed in SPG1. The proposal has been redesigned to avoid direct overlooking from Block C to the dwelling known as 18 Blackmore Lane. I am mindful, however, to attach a Condition ensuring the first floor window to Block A facing the dwelling known as Willow View is obscurely glazed and remains so for the duration of the development, together with the requirement to be permanently fixed in order to maintain privacy levels.

Given these circumstances I am reasonably satisfied the development would not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in criteria (e) of Policy S7 of the Bromsgrove District Local Plan and the guidance within SPG1.

The Development can be Properly Serviced

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. This approach is advocated in PPG25. I note the views of the Council's Drainage Engineer.

The EA raised no objection to the scheme submitted under B/2005/0045 in relation to this particular scheme are awaited. I will update Members at your Committee on this issue.

Traffic and Highway Implications

Highway safety is detailed in Policy TR11 of the BDLP and T.1 of the WCSP. These Policies require that all development incorporate safe means of access and egress appropriate to the nature of the local highway network. The development proposes a new combined vehicular and pedestrian access leading off School Drive. No other access points are proposed. The scheme proposes 100% parking provision (51 spaces). The WCC(HP) has raised no objection to the scheme subject to the imposition of suitable Conditions and the applicant entering into a suitable legal agreement for the promotion of off-site highway improvement works relating to sustainable forms of transport in the locality.

Other Matters

Given the number of dwellings proposed, the development falls within the threshold for both affordable housing units and play space provision. Members will note the scheme proposes an element of affordable housing units and the applicant is willing to put forward a commuted sum for play space provision in lieu of onsite provision. Worcestershire County Council Education Services has commented that monetary contributions towards education provision will be required in this instance.

The WCC(HP) has commented that the applicant will need to contribute funds to off-site site improvement works to promote sustainable forms of transport from the application site and of the surrounding network. These works relate to monetary contributions to off-road cycle facilities, to improve footway linkage from the boundary of the maintained highway to the High Street and to make good part of the footway in School Drive that is not currently maintained as public highway up to adoptable standards.

The applicant has agreed to enter into a suitable legal mechanism to deal with these matters.

Conclusions

I note that the application would in principle be acceptable in that it proposes residential development in an area designated for residential use. The site falls within the definition of a previously developed site and as such its development would be in general accordance with government objectives set out in PPS3. However, it is noted that Government guidance does not automatically allow the development of urban sites and issues such as layout and effect upon character and residential amenity are all material factors that may result in a residential scheme in an urban area being unacceptable.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings.

The development would represent an opportunity to remove a number of unsightly structures and redevelop a previously developed site that has suffered from neglect, together with ecological enhancement. The scheme would complement the ongoing redevelopment of this aspect of School Drive in relation to North Bromsgrove School, NEW College and the Artrix developments and offer an opportunity for the provision of on-site affordable housing units.

RECOMMENDATION that subject to the applicant entering into a suitable legal mechanism in relation to monetary contributions to (i) off-site play space provision (ii)

education provision; and (ii) highway improvement works and the securing of 29 affordable housing units, permission be **GRANTED**

1. 3 year time limit
2. The existing buildings within the application site shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.
3. C37 (insert "including doors and windows, door frames and window frames as well as rainwater goods" after roofs)
4. Prior to the occupation of the development hereby permitted, the first floor window in Block A facing the dwelling known as Willow View to Block A shall be fitted with obscured glazing and shall remain so in perpetuity
5. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence.
6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
7. The means of foul sewage disposal shall be by means approved by the Local Planning Authority
8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
9. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 5 metres of the top of any bank of watercourses, and/or b) 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
10. There shall be no storage of any materials including soil within that part of the site liable to flood as shown with a blue line (below 92.785 mAOD) on drawing No. E/002/02.
11. Floor levels should be set at least 600mm above the 1% Annual Probability flood level of 93.385 metres above Ordnance Datum
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
13. C9
14. The planting plan detailed on Bea Limited Landscape Planting Plan (07-59-02: received 26 June 2007) shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. Any

trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

15.C11

16.C12

17.C13

18.C14

19.C15

20.C16

21.C17

22.C18

23.C19

24. Prior to the commencement of the development hereby permitted, full details of the permeable surface finish detailed on drawing number B3942-PL03N shall be submitted to and approved in writing by the Local Planning Authority.

25. Notwithstanding the mitigation and enhancement proposals set out in Section 6 and Appendix B of the approved Water Vole Survey (June 2007) and the Bea Limited Landscape Design Water Vole Habitat Enhancement Plan (07-59-01: received 26 June 2007) and Bea Limited Landscape Planting Plan (07-59-02: received 26 June 2007), prior to the commencement of the development hereby permitted a document detailing the final specification of Water Vole mitigation and enhancement measures, together with a detailed plan of such measures shall be submitted to and approved in writing by the Local Planning Authority. The document and plan should include details relating to the length of scrapes and depths of pools. The approved mitigation and enhancement measures shall be implemented in full and maintained as such in perpetuity with no deviation, unless otherwise agreed in writing by the Local Planning Authority.

26. Prior to the commencement of the development hereby permitted, a further general scheme for wildlife enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures for the appropriate installation of bird and bat boxes within the site.

27. The management of retained trees during the construction period shall be carried out in accordance with the details in the Waterman CPM Arboricultural Survey (21 June 2007). The recommendations contained in Section 2 and 3 of this document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.

28. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with the tree protection scheme/root protection areas or other areas excluded from construction related activity.

29. Prior to the commencement of works hereby permitted, full details of the cycle stands shall be submitted to and approved in writing by the Local Planning Authority.

30. Prior to the commencement of works, a desk top study shall be carried out and approved in writing by the Local Planning Authority. This study shall include the

identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The desk top study shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminant sources, pathways and receptors.

31. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
 - (b) refinement of the conceptual model, and
 - (c) the development of a Method Statement detailing the remediation requirements.

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

32. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
33. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
34. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
35. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
 - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development.
 - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive.

- (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures.
- (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.

36.H3

37.H12a

38.H13

39.H16

40.H21

41.H27

- 42. Prior to the occupation of each unit the developer shall provide details for approval by the Local Planning Authority of a welcome pack that is to be provided with each dwelling that promotes sustainable forms of access to the development site.

Reasons

- 2. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 4. To protect the amenities of adjacent occupiers in accordance with Policy S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001
- 5. To ensure the provision of adequate storm water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
- 6. To prevent the increased risk of flooding in accordance with Policy ES1 of the Bromsgrove District Local Plan
- 7. To ensure the provision of adequate foul water drainage in accordance with Policy ES1 of the Bromsgrove District Local Plan 2004
- 8. To alleviate the increased risk of flooding.
- 9. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
- 10. To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.
- 11. To protect the development from flooding.
- 12. To prevent pollution of the water environment
- 14. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 24. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
- 25. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with Policy CTC.12 and CTC.13 of the Worcestershire County Structure Plan and Policies C10a and C11 of the Bromsgrove District Local Plan

26. To enhance the wildlife value of the site in accordance with Policy C11 and C12 of the Bromsgrove District Local Plan and Policy CTC.13 of the Worcestershire County Structure Plan
27. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan
28. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan
29. In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
30. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
31. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
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35. To prevent pollution of the water environment in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
42. To reduce the number of trips to the site in conformity with the sustainability objectives of the Worcestershire County Structure Plan

Notes

H Note 1

H Note 8

The applicant is reminded of the responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

The applicant is encouraged to undertake a bat survey to determine whether any bats or present in any of the trees or buildings to be removed. If bats are identified within the site the applicant is reminded that a licence from DEFRA will be required to undertake the removal of any buildings or trees containing bat roosts and a detailed mitigation strategy will be required to be submitted to Natural England.

Any culvert, weir or other obstruction to the flow of a watercourse requires the prior formal Flood Defence Consent of the Environment Agency

Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

The dry ditch passing through the site needs to be retained to drain any upstream areas. Therefore, there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The development should conform to Secured by Design Standards. Details can be found at www.securedbydesign.com

The applicant should liaise with the Travel Plans Officer of the County Council to develop the contents of the "welcome packs" for each unit.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. The developer should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Particular care should be taken during excavation and construction due to the proximity of the watercourse, in line with Pollution Prevention Guideline 5 (PPG5): Work in, near or liable to affect watercourses.

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

WMSS	UR3, CF2, CF5, PA1, QE1, QE2, QE3, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.12, CTC.13, CTC.15, D.1, D.2, D.3, D.4, D.5, D.6, D.7, D.9, RST.2, SD.1, SD.2, SD.3, SD.4, SD.5, SD.6, SD.7, SD.9, T.1, T.3, T.10
BDLP	DS3, DS11, DS13, ES1, ES2, ES3, ES4, ES5, ES6, ES7, C17, C19, RAT12, S7, S14, S15, S28, S29, C4, C10a, C11, C17, C36, C38, C39, TR8, TR9, TR11, TR13
Others	PPS1, PPS3, PPS9, PPG13, PPG17, PPG23, PPS25, Circular 06/05, SPG1, SPG10, SPG11

B/2007/0466-DMB - Demolition of existing structures and erection of 51 apartments with associated access and car-parking provision: resubmission of B/2006/1048 - Land at School Drive, Bromsgrove - Persimmon Homes (South Midlands) Limited

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