

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees and Mr Mrs Mason 'A'	Conversion of existing industrial buildings into three dwellings and the erection of 9 new dwellings, associated access road, car parking and amenity space (7 x two bed, 4 x three bed and 1 x 4 bed) - 2, and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG	Green Belt	11/0345-DK 14.07.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for
(a) play space provision
(b) education provision

MINDED TO APPROVE

Consultations

WH Consulted 13.04.2011. Response received: 28.04.2011.

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

The road layout has altered since application 10/0101. The refuse vehicle indicated to turn within the site is too small and is not reflective of BDC's refuse collection vehicles. The tracking detail indicated does not confirm that the refuse vehicle can enter and exit the site in a forward gear.

The car parking provision for the site significantly exceeds the levels required, but the allocation is not located in all instances in easy use for the future residents. 2 bed room units require 1 space and 3/4 bed room units require 2 spaces.

It is preferable for sheltered and secure cycle parking to be provided as part of the application documents at a ratio of 2 bed units to provide 2 spaces and 3/4 bed units to provide 4 spaces. The applicant should provide these spaces as part of the design rather than providing the post permission through a planning condition.

The applicant submitted revised details addressing the above points and additional comments received: 23.05.2011.

No objection subject to the following conditions:

HC5 - Visibility splays

HC14 - Driveway Gradient

HC25 - Access, turning and parking

HC36B – Modified Cycle Parking (Multi Unit)

HC51 - Parking for Site Operatives

HC53 - Welcome Pack Condition
and the following informatives:
HN4, HN6, HN7, HN8, HN9, HN12, HN16, HN24.

Belbroughton PC Consulted 13.04.2011. Response received: 17.05.2011.

Belbroughton Council has no objections to the proposed conversion of this site to housing. The Council has been closely consulted by the applicants as the design of this conversion has been developed. The Council is content with the new design which has been developed for the north boundary of the site facing the village green and considers that this fits well with the local context. The applicants have also consulted the Council about a landscaping scheme for the village green - although this is not a formal part of the application.

However, the Council has concerns about two issues. First that the increase in dwellings proposed from 10 to 12 would result in a very dense development. The Council would prefer a reduction to 10 dwellings and a higher proportion of 3 bedroomed houses. Linked to this is a concern about whether the proposed number of parking places for the development will be adequate for residents and visitors given the density of the housing. This is in the context of the heavy traffic flows in this part of the village and the limited opportunities for on road parking in this area.

The Council would also like consideration to be given to the imposition of some restrictions, if possible, on construction traffic movements for the site during peak hours in the mornings and evenings whilst the building work is being done.

LP This site is located within the village of Belbroughton which is situated within designated Green Belt and therefore policy DS2 of the Bromsgrove District Council Local Plan, policy D39 of the Worcestershire County Structure Plan and PPG2 all apply.

I note the application is a resubmission of a previously approved scheme (10/0101) and is notably different as it is no longer solely a conversion scheme and involves significant demolition and re-construction. Policy DS5 highlights that Belbroughton is a village envelope settlement where 'limited infill' can be acceptable. However, the proposal for 12 residential units is not considered to be 'limited infill'. The proposal does not fall within any of the categories within Policy S9 or PPG2 and therefore the applicant will need to demonstrate very special circumstances that will need to outweigh Green Belt harm.

The proposal is for windfall housing development; therefore PPS1, PPS3, policy S3 of the adopted Bromsgrove District Local Plan

(adopted Jan. 2004) and SPG1 apply.

Due to the number of units SPG11 should be applied to this proposal. The development generates a requirement for 1020m² of play space. Where the play space generated by a development exceeds 1000m² SPG11 suggests provision should be provided on-site but due to the nature of the site this does not appear to be feasible. Using the formula within SPG11 a commuted sum of £228,480 would be required to deliver off-site play space. However, I note that on the earlier scheme a contribution of £42,168 was accepted by the Council following justification from the applicant in relation to viability and existing provision available locally within Belbroughton. The applicant will once again need to offer a financial contribution providing full written justification. On the basis that this proposal generates additional play space it would be reasonable to expect the financial contribution would be proportionately larger than what was previously accepted.

Additional comments received: 01.06.2011.

In light of the figure agreed in the previous application I consider that a pro rata increase is the most appropriate way to calculate a new play space contribution for the larger development. I have checked the calculation and agree that a figure of £56,224.00 is appropriate in this instance.

Conservation
Officer

Consulted 13.04.2011. Response received: 27.05.2011.

The scheme has evolved since the original consented scheme through extensive pre-application discussions, and represents a positive enhancement of the adjacent Conservation Area by the replacement of the bare high brick wall with a new development that addresses the village green. A more contemporary architectural form was explored at pre-application stage, but given the context of the village and local feedback it was agreed that a more traditional form would be appropriate.

The submitted plans are for a new two storey development comprising of 12 units which address both the village green and also provide active surveillance of the rear courtyard parking area. The fenestration pattern and design detailing do reflect the context of surrounding historic buildings, and the addition of some form of sculptural element by a local artist will help provide more visual interest to the green. The addition of a walk through between the green and the rear courtyard is also welcomed and overall the proposed development would enhance the setting of the adjacent conservation area.

I would therefore support approval of this application but would recommend that the following conditions be applied:

- Standard photographic recording of the existing buildings to

be undertaken prior to demolition. Two indexed copies of references photographs to be provided (one copy for BDC, one copy for WCC Historic Environment Record)

- Samples of all external materials to be submitted and agreed in writing before development commences
- Window and door details at 1:20 to be submitted and agreed in writing before development commences
- Further design details of the railings and gates to the front elevation to be submitted and agreed in writing before development commences
- Landscaping details for the rear parking area to be submitted and agreed in writing before development commences

ENG Consulted 13.04.2011. Response received: 10.05.2011.
No objection subject to conditions.

NE Consulted 13.04.2011. Response received: 10.05.2011.
National Standing advice has been adopted by NE and it is advised that permission could be granted (subject to other constraints) and the LPA should consider requesting enhancements.

WWT Consulted 13.04.2011. No response to date.

BC Consulted 13.04.2011. No response to date.

WMERC Consulted 13.04.2011. Response received: 04.05.2011.
The area in which the development is proposed is generally a low crime area. There are a number of measures, however, which would assist in reducing the risk of crime from the development. The chain link fencing proposed is not sufficient for security and a lock should be provided for the access between plots 6 and 7. The car parking areas should be appropriately lit.

EHO
(Contaminated Land) Consulted 13.04.2011. Response received: 12.05.2011.
No objection subject to conditions.

Tree Officer Consulted 27.05.2011. Response received 07.06.2011 - No objection subject to conditions.

WCC
Education Services Consulted 31.05.2011. Response received 03.06.2011 as follows:
I concur with the calculated education contribution of £59,350.

Publicity 2 Site Notices posted 10.05.2011. Expires 31.05.2011.
Press Notice posted 28.04.2011. Expires 19.05.2011.

12 letters sent 21.04.2011, Expire 12.05.2011.

3 responses received, summarised as appropriate:

- No objection in principle to the development, but there are some concerns in respect of the detailed layout. Unit 10 appears to encroach into a tree in the garden of No. 10 High St. The tree should be retained since it will form an important screen for the new development.
- The proposed unit 10 is too close to the boundaries of No. 7 Church Road. Details need to be provided for maintaining the existing concrete fencing and retaining wall. The repair of the flank wall of unit 10 is difficult because of the proximity to the boundary. Details of foul and surface water drainage need to be provided.
- Block C will overlook all of the rear gardens of Church Road and appears to be 3 storey.
- The development which will overlook the Green is a welcome improvement.

The site and its surroundings

The application site relates to existing B2 industrial premises at the western end of Hartle Lane close to its junction with High Street, Belbroughton. The site contains a mixture of old and new buildings including a traditional building of domestic origins with a modern purpose built extension, and a traditional detached single storey building with modern extensions. The site also includes an ancillary car park and service area.

The site is adjoined by residential development to its western (Church Lane) and south eastern (Hartle Lane) boundaries, farmland to its southern boundary and the Talbot Hotel pub car park and village green to its northern boundary.

The site is located in the Green Belt. The majority of the site, with the exception of the more modern buildings to the west of the site, is located within the Village Envelope. The site is adjacent to but not within the Belbroughton Conservation Area.

Proposal

The development proposes the partial demolition and part conversion of the existing industrial buildings to form 12 dwellings, associated access road, car parking and amenity space. There will be 7 two bedroom units, 4 three bed units and 1 four bedroom unit. Three of the proposed dwellings will occupy the oldest of the existing buildings on the site and the remaining buildings will be demolished and replaced with nine new dwellings, 7 of which will face the village green. The vehicular access will be from Hartle Lane and there is a pedestrian access proposed from the new units from the village green. The proposal will be for general market housing.

Relevant Policies

WMSS	QE1, QE2, QE3, QE5, QE7, CF4
WCSP	SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1
BDLP	DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1
Others	PPS1, PPS3, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement

Relevant Planning History

B/2010/0101 Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2x 3 bed units and 1x4 bed unit)with access road, car parking and amenity space. Granted 22.07.2010.

Notes

It is evident from the planning history that residential development has been allowed on the site through the conversion of the existing buildings. This provides an important context for the determination of the above application. The main issues in the consideration of this application are:

- (i) whether the proposal amounts to appropriate development in the Green Belt and if inappropriate, whether there are very special circumstances,
- (ii) the design of the proposal and its impact of the proposal on the conservation area
- (iii) the impact of the proposal on residential amenity
- (iv) protected species

Green Belt

The proposal involves the conversion of an existing building and the demolition of other buildings. I will consider the conversion of the existing buildings in the first instance. These are located at the eastern end of the application site and Members should note that these have already been considered acceptable for conversion to residential use in application B/2010/0101.

Policy C27 is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of conversion without major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

There are limited changes proposed to the northern elevation facing the car park and the changes to the southern elevation allow for the removal of modern lean to extensions and reflect the character of the opposite side of the building. There are additions, comprising set forward gables facing the access road. Whilst these amendments would not comply with the strict terms of policy C27, the context of the site must be considered. I note that the building is located within the Village Envelope. There are gardens and an open field located immediately to the south of the site but beyond these lies the recently constructed 'Glebe Fields' development. The impact of the addition of the extensions is mitigated by the removal of existing extensions and the enhancement of visual amenity. As such I am of the view that the proposal is located in an enclosed context in which the proposed extensions would not have a material effect on the openness or visual amenity of the Green Belt.

Moreover it is important to note that a number of structures are to be demolished including the large building to the south of the site, lean to extensions to the front and rear elevations and a section of the modern part of the building to the north west of the site. The floor area of these structures is 378m². Thus, considering the scale of the buildings to be demolished I am satisfied that the proposal would not have a materially greater impact than the present use on the openness of the Green Belt.

With regard to criterion (c), a structural survey of the building has been carried out by a qualified Structural Engineer. The report from the survey has been submitted with the application. This confirms that the building is sufficiently stable to be retained and converted to the use proposed. I do not therefore have any concerns in relation to this part of Policy C27.

With regard to criterion (d), it is generally considered that the form, bulk and design of the development would be similar to that of the existing building. The only aesthetic changes to the building would result from the gable wall extensions and entrance porches.

The surrounding area is of a very mixed character. There are older, more traditional buildings located to the south east boundary of the site (no's 4 – 10 Hartle Lane) and along High Street near its junction with Hartle Lane. The street scene along the opposite side of Hartle Lane is comprised of a mixture of old and more modern buildings. There is also modern development located along The Glebe and Woodhouse Orchard. It is noted that gable walls and canopy porches are a common feature throughout the surrounding area. On this basis I am of the view that the form, bulk and general design of the building is in keeping with its surroundings.

Taking the above points into consideration I am of the view that the proposal in respect of Units 1-3 is in accordance with Policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

The proposal for the nine new build units is now considered. The previous application (B/2010/0345) was for the conversion of the all of the buildings on the northern side of the application site. These are now proposed for demolition and nine new units are planned. This will not fall within the scope of policies DS2 or C27 and I consider that this aspect of the proposal amounts to inappropriate development in the Green Belt. I note the comments from Strategic Planning but consider that the proposal would not be classified

as infill and must be simply considered as inappropriate development for which very special circumstances are warranted.

Paragraph 3.4 of PPG2 makes it clear that inappropriate development is, by definition, harmful and should only be allowed, if the harm, by reason of inappropriateness and any other harm are outweighed by very special circumstances to justify the proposal.

Members should note that the applicant has presented a case for very special circumstances. The case of River Club, R v Secretary of State for Communities and Local Government [2009] has been cited in which it was held that 'other harm' as referred to in PPG2 could include matters in addition to harm to the Green Belt.

'Paragraph 3.2 (of PPG2) is dealing with what is required to make inappropriate development acceptable in the Green Belt. That means evaluating development as a whole to evaluate the harm that flows from it being inappropriate, together with any other harm that the development may cause, to enable a clear identification of harm, against which the benefits of the development can be weighed so as to be able to conclude whether very special circumstances exist so as to warrant a grant of planning permission'

Therefore the scope of other harm in addition to the harm to openness needs to be considered. The following are put forward as very special circumstances:

- Improvement to the openness of the Green Belt
Taking demolitions into account, there will be an improvement to the openness of the site by 358sqm
- Improved relationship to the village and its Conservation Area
The development provides an active frontage for the village and would enable the improvement of the character of the conservation area and would improve the visual amenity of the Green Belt.

There are a number of factors to be taken into account here. The site is already substantially developed and surrounded by other development within the village. The site is identified as a possible housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA). The principle of housing development on this site has been established in B/2010/0101. The removal of the existing industrial buildings (and attendant enhancement of openness) amounts to a very special circumstance and the existence of previously developed land on this scale in a rural village amounts to an entirely unique circumstance. Whilst the development is inappropriate in the Green Belt, there are very special circumstances in this instance which justify the development.

If however members decide to take the opposite view and consider the proposal to be inappropriate in the Green Belt then it is considered that the context of the site and the demolition of the existing buildings would outweigh any resulting harm.

Conservation Area

The rear elevation of the building is clearly visible from within the Conservation Area. Policy S36 of the BDLP provides that, where development is proposed in or adjacent to a Conservation Area, a high standard of design will be expected which demonstrates 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 amendments proposed for the building for retention are a considerable enhancement above the character of the existing structure and the design of this element of the scheme is acceptable.

The new build blocks A and B consist of two storey buildings with the lofts converted into units 8 and 9. There are varying heights proposed to create interest in the streetscene. The detailing proposes painted and unpainted brickwork to match the character of the surrounding area. There is pedestrian access proposed to connect the car park and interior of the development to the Village Green and this also provides a focal point when accessing the site from High Street.

The demolition of some of the existing buildings on the site would result in the exposure of the development to Hartle Lane but this is not a significant concern. I consider that the removal of incongruent existing buildings would enhance the visual amenity of the area. Members should note the support of the Conservation Officer and the Parish Council and the considerable efforts made in respect of pre application discussions and consultations with interested parties

Residential Amenity

I will refer to the advice of SPG1 in determining whether the development is acceptable in terms of preserving the privacy and amenity of neighbouring residents. The layout of the development follows the arrangement of the site in a linear pattern along the northern boundary of the application site. This generally follows the pattern of development in the village. I do not consider the density of development inappropriate or out of context.

In terms of residential amenity, I would refer to 8 and 9 of SPG1. There is approximately 60m across the car park to Nos. 15 -19 High Street and 25m to the rear of 10 High St. I consider that the separation distance to Nos. 4 – 10 Hartle Lane is sufficient and note the boundary treatment proposed. There is a 12m separation distance between Blocks B and C but there are no windows in the elevation of the latter. Block A is at a 90 degree angle to Block C and there is only a view of the parking area directly to the front and this complies with SPG1. The comments received from neighbouring residents are noted. In the case of the tree close to unit 10, there is no objection from the Tree Officer. I do not consider that Block C would result in any significant loss of amenity to the gardens to the rear of Church Lane. It is well separated from them with boundary treatment. The third floor referred to consists of velux roof lights and I do not consider that any loss of privacy or amenity would arise.

With regard to private amenity space for the individual dwellings, with the exception of unit 12, all of the units would provide areas below the guidelines set out in SPG1. As a general guide SPG1 advises that dwellings with 6 habitable rooms should provide 70m² of private amenity space. Small house types such as one bedroom apartments and flats should provide a minimum garden area of 42m². The area provided varies from between 35m² and 51m².

Appeal decisions on this subject (Hertsmere Borough Council 18.07.95, Torfaen Borough Council 06.04.94, St Helens Borough Council 06.07.93) indicate that below standard private amenity space in residential development should only be a basis for refusal if it would result in harm to interests of acknowledged importance i.e. residential amenity. As noted above, it is not considered that the layout of the scheme would result in any unacceptable loss of light or privacy and I do not consider that the living conditions of the future occupiers of the properties would be cramped or substandard. I note the presence of the substantial village green which will provide high quality public amenity space.

Protected Species

Members should note that the application has been accompanied by a Bat Survey. It concludes that the site offers potential for roosting bats but the activity survey noted a lack of bat activity. I take into account the policy advice contained in PPS9 and the administrative guidance set out in Circular 01/2005, it is not considered that the proposal would result in harm to protected species.

Other Issues

Members will note the comments of Worcestershire Highways and the Drainage Engineer. The required contributions towards education and play space facilities have been agreed with the applicant. I recommend that any planning permission granted is subject to the satisfactory completion of the agreement.

Conclusion

The proposal involves both the conversion of existing buildings and the demolition and replacement of other buildings with new housing.

The proposal is found to be in accordance with Policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The new build element amounts to inappropriate development in the Green Belt. However, there are very special circumstances, as outlined above, which justify granting permission. The general support for the proposals from the representations and the Parish Council are noted and permission should be granted.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (a) play space provision
- (b) education provision

MINDED TO APPROVE

Conditions:

1. C1
2. C1A
3. C3 (Modified)

4. C5
5. C7
6. C10
7. C13
8. C22
9. C27
10. HC5
11. HC14
12. HC25
13. HC36B
14. HC51
15. HC53

16. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.

17. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

18. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

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

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

21. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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

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

WMSS	QE1, QE2, QE3, QE5, QE7, CF4
WCSP	SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1
BDLP	DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1
Others	PPS1, PPS3, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement

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.