

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

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WCC(HP) Consulted - views received 18.07.2007:

- No objection subject to Conditions.

Reconsulted on amended plans 09.08.2007: views awaited.

ENG Consulted - views received 11.06.2007:

- The disposal of storm water shall be by means approved by the LPA.
- This site is bordered by a stream on its northern and eastern boundaries. There are also ditches within the site making this "bottom land" which is unsuitable for development unless ground levels are raised in conjunction with a land drainage scheme if a suitable outfall can be proved.
- A flood risk assessment is required, especially if the above-mentioned stream is culverted in any way. Any discharge into this watercourse will also need to be attenuated.

Planning Policy Consulted - views received 19.06.2007:

- The main issue for affordable housing on this Green Belt site is whether or not it complies with rural exception housing policy. The broad principle behind providing affordable housing in rural areas is not in question and such developments are supported wherever possible.
- Policy S16 of the Bromsgrove District Local Plan is the most relevant to this application. This policy contains five criteria upon which such schemes are assessed. The views of the Strategic Planning Manager have been sought on the proposals and these are given below for your reference following the criteria set out in policy S16 of the BDLP.
 - Criteria (a)

I accept the site is adjoining the boundary of the settlement, although I do not believe the proposal is small scale or suitable for this location without further justification. The current proposal for 20 dwellings is a significant addition to the village which currently only contains around 60 dwellings and, as such, a specific need for this level of development needs to be proven (see (b) below).

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

Reconsulted on augmented information 08.08.2007: views awaited.

Planning Policy: Consulted - views received 07.08.2007:

Open Space

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

Tree Officer

Consulted - views received 20.08.2007:

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

NEO

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

Consulted - views received 13.06.2007:

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

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

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

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

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

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

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

Strategic
Housing
Manager

Consulted - views received 04.07.2007:

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

EHO
Contaminated
Land
Urban Design

Consulted - views received 05.06.2007: No objection subject to Conditions

Consulted - views received 29.06.2007:

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

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

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

EA

Consulted 02.08.2007 and 22.08.2007: views awaited.

Rights of Way

Consulted 30.05.2007: views awaited.

Ramblers

Consulted - views received 05.06.2007: No objection.

Association

WMC

Consulted - views received 11.06.2007:

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

WWT

Consulted - views received 03.08.2007:

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

WCC(CA)

Consulted 07.06.2007: views awaited.

Alvechurch
Village Society

Views received 21.08.2007:

- The AVS supports the District Council's policy of affordable housing and, specifically, its development in the parish of Alvechurch but expresses concern about the development of this site.
- Concern over scale of proposal in settlement with few facilities and poor access arrangements and due to Hopwood demonstrating a minimal housing need compared to the main settlement of Alvechurch.

Alvechurch PC

Consulted - views received 15.06.2007:

- Alvechurch Parish Council are strongly in favour of building affordable dwellings in the Parish of Alvechurch.
- The site is one of those considered by the Parish Council and deemed suitable and sustainable.
- At the public meeting held 12 June 2007, the Members listened to concerns voiced by local residents.
- Of the concerns raised, it was felt that some regarding safety issues were valid.
- The Planning Committee therefore suggested that the recommendation be submitted for the plans to be amended for Smedley Crooke Plans to be extended to allow vehicle access to the development.
- The section of the road shown leading from Plot 10 to the junction with extended Smedley Crooke Place then being made pedestrian access only. Also, if possible, allow a small area adjacent to Plot 10 as a turning area.
- This would effectively half the traffic flow from the development onto Ash Lane and improve emergency access.

Publicity

Reconsulted on amended plans 09.08.2007: views awaited

6 letters sent 31.05.2007 (expire 21.06.2007)

1 letter sent 08.06.2007 (expires 29.06.2007)

25 letters sent 08.08.2007 in relation to amended plans (expire 22.08.2007)

2 site notices posted 13.07.2007 (expire 03.08.2007)

3 press notices published 08.06.2007 (expire 29.06.2007)

56 letters received (including responses in relation to amended plans):

- Loss of privacy.
- The scheme contravenes Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
- Sensitive area, being a green buffer between Birmingham and Worcester.
- Spoil rural character and aspect of Ash Lane.
- Removal of hedgerow would alter visual character.
- Scale of development is out of proportion to the existing community in Ash Lane and Smedley Crooke Place.

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

1 letter received from Julie Kirkbride MP 09.07.08:

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

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

The site and its surroundings

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

Proposal

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

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

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

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

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

Relevant Policies

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

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

Relevant Planning History

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

Notes

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

Green Belt and Affordable Housing Issues

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

Affordable housing is defined in PPS3 Annexe B as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Harm Caused

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

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

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

The words "very special" to be given their ordinary, natural meaning: the meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

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

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

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

SPG10 Issues

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

Density

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

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

Form and Layout

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

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

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

Impact on the Amenity of Adjacent Occupiers

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

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

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

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

Tree Issues

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

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

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

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

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

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

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

Ecological and Biodiversity Issues

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

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

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

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

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

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

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

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

Flooding Issues

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

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

Traffic and Highway Implications

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

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

Conclusions

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

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

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

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

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

As such, I find the scheme to be unacceptable.

RECOMMENDATION: that permission be **REFUSED**.

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

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

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

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

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