

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Piper Homes 'A'	Demolition of 129 Birmingham Road and construction of 27 no. dwellings with associated car parking, access and infrastructure provision - 129 Birmingham Road, Alvechurch, B48 7TD	ADR	11/0672-DK 01.08.2011

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

- (a) play space provision; and
- (b) the securing of affordable housing.

MINDED TO APPROVE

Consultations

Alvechurch PC Consulted 18.08.2011. Response received 12.09.2011.

Alvechurch Parish Council comments are summarised as follows:

- Excessive density of housing units on a small site
- Inappropriate mix of property types compared to local housing requirements
- Low proportion of affordable (social) housing
- Proximity of this dense development to the motorway and noise mitigation issues
- Design issues and unsympathetic assimilation into surroundings and geographic integration to the main village

WH Consulted 18.08.2011. Response received: 21.09.2011.

No objection subject to conditions:

1. HC5 Visibility Splays
2. HC14 Driveway Gradient
3. HC25 Access, Turning and Parking
4. HC35 Cycle Parking
5. HC40 Offsite works
6. HC41 On site roads submission of details
7. HC51 Parking for site operatives
8. HC53 Welcome Pack Condition

and the following informatives:

1. HN4 Private Apparatus within the Highway
2. HN6 Section 278 Agreement
3. HN7 Section 38 Agreement Details
4. HN8 Drainage Details for Section 38
5. HN9 No Drainage to Discharge to Highway

6. HN16 Design of Street Lighting for Section 278
7. HN24 Temporary Direction Signs to Housing Developments

HA	Consulted 18.08.2011. Response received: 02.09.2011. No objection.
ENG	Consulted 18.08.2011. No response to date.
SPM	Consulted 18.08.2011. Response received: 22.09.2011.

The above site is primarily situated within an Area of Development Restraint (ADR) adjacent to the residential area of Alvechurch in the Bromsgrove Local Plan, although does also include the curtilage of 129 Birmingham Road which falls within the settlement boundary of Alvechurch.

It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6th June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies (RSS) were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9th August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 10th November the High Court ruled that the Secretary of State's decision to revoke RSS was unlawful on 2 grounds. Immediately after this ruling the CLG Chief Planner wrote to all local authorities stating that the ruling changed little and the intention to remove RSSs was still a material consideration in the determination of planning applications. On the 19th November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29th November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions. On the 16th December the temporary block was removed by the high court and the weight that the RSS had in the Planning System was left for Local authorities to determine. Further to that a hearing on the 7th February 2011 ruled in the favour of the government and judged that it was lawful for Local authorities to consider the intention to remove

RSS's as a material consideration once again. Cala Homes appealed against this decision but on 27th May 2011 the Court of Appeal dismissed Cala Home's claim that the Government's intention to revoke regional strategies could never be a lawful material consideration in planning decisions. It has been recognised that in the majority of cases that the RSS is still a material consideration. The current draft Core Strategy 2 contains the most recent housing targets for the District which are in accordance with those published in the WMRSS phase 2 revision Examination in Public panel report and it is with these in mind that the application should be considered.

The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information. The housing target of 4,000 for the period up to 2021 is set out within the Draft Core Strategy 2. It should be remembered that the figure was also put forward by the Council at The Examination in Public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a significant element of the justification for this level of development was the existence of deliverable ADR sites across the district which could help meet the needs whilst not requiring Green Belt development or a full Green Belt Review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with what was the emerging RSS it is considered by officers as the most relevant target to use when addressing matters of housing supply.

At April 2010 when using the 4000 figure up to the year 2021 a supply of only 1.50 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period that the 4000 dwellings figure relates to.

In this case clearly material factors other than just housing supply still need to be considered when releasing an ADR for development. Of particular relevance is BDLP policy DS8 which states that permission for the permanent development of an ADR should only be granted following a local plan review. The BDLP policy was written before the introduction of the current planning regime, which itself is under scrutiny by the coalition government. The review of the Local Plan is taking place in the form of the Core Strategy. The Draft Core Strategy 2 was approved by

Cabinet and Full Council for consultation in January 2011. The consultation period ran for 12 weeks and has now closed. It should be noted that the purpose of the ADR designations in the BDLP was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021, this approach is consistent with emerging policy contained in the Draft Core Strategy 2.

The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period to 2021. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery.

When considering releasing any of this ADR land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging core strategy. The Draft Core Strategy 2 identifies Birmingham Road as a development site and highlights in policy 4B key considerations in the delivery of housing on development sites. These include that residential development should be a high percentage of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. It would appear that the proposals broadly comply with this policy as approximately 70% of the units are 3 bedrooms or smaller. It is acknowledged that only 30% affordable housing has been proposed, however a viability appraisal has been submitted to justify this.

The Draft Core Strategy 2 consultation has now closed and only 3 responses were received that focused solely on the Alvechurch Development Sites. It was highlighted that the sites should only come forward when a need had been proven and that the sites should be protected from speculative low density development.

SPM Open
Space

Consulted 18.08.2011. Response received: 22.09.2011.

As the proposal is for 27 units SPG11 should be applied. It should be noted that there is a net increase in 26 dwellings as 1 x 4-bed dwelling will be demolished. For the purposes of this calculation the proposal consists of 2 x 1-bed, 4 x 2-bed, 12 x 3-bed and 8 x 4-bed dwellings and

therefore the amount of play space generated by this development is 2,522sqm. In accordance with SPG11 a LAP should be provided onsite however, the submitted plans highlight no on-site provision therefore an off-site contribution is required. In light of existing level of play facilities within Alvechurch, as set out within the PPG17 study, a contribution towards an additional facility cannot be justified. However, maintenance costs towards the existing nearby MUGA at Swans Length can be justified as residents of the new development are highly likely to use this facility. On this basis a contribution of £67,589.60 is considered appropriate to improve this youth / adult play space in this instance.

In conclusion there is not currently a 5 year supply of housing land and it appears that the proposal would not undermine the Draft Core Strategy 2, subject to the validity of the viability appraisal being confirmed. If this is the case, there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this work would need to begin on site promptly as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting that work commences within 12 months of the date of the permission. It is important that this development does actually happen within five years.

Head of Leisure Services Consulted 18.08.2011. Response received: 31.08.2011.

There seems to be provision of buffer strips and very little open space of any amenity value available.

We would like to see a the green linkage into the site into an open 'village green' type landscaped open space which is available as a central location for informal play -this needs to consider road traffic and garages, etc.

At the moment reviewing the open space we would not consider adopting the space or approving the scheme from a leisure and amenity value.

Additional Comments received: 19.10.2011.

A contribution for offsite provision of Public Open Space is preferable to on site provision in this instance and this would fit into our strategy to provide and improve larger, quality open spaces to increase and benefit community cohesion.

Through the recent PPG17 audit there is evidence that there are qualitative issues within the Ward regarding provision for children and young people. The audit identifies Wiggin Memorial Play Area within the Bromsgrove East Ward as lowest quality play sites for children and young people and would benefit from investment.

WCC
Landscape
Officer

Consulted 18.08.2011. No response received.

Urban Designer

Consulted 18.08.2011. Response received 26.08.2011.

The principle of developing this site for residential use seems acceptable. There will be little or no loss of amenity caused to existing land users. The proposed density is 33 dwellings/hectare, which is respectable. The site enjoys a long southerly boundary with exposure to sunlight, and with views of nearby attractive mature poplar trees. I would describe the site's gradient up to the west as an asset rather than, as the Design and Access Statement defines it, a constraint. It could enable more interesting three-dimensional massing of houses, and it provides extensive and attractive views to the east (not mentioned in the Statement), particularly from the western half of the site. The principal defect of the site is the noise from the adjacent M42. The Noise Assessment report contains a lot of technical measurements, but the bottom line is that the noise is tolerable, and can be mitigated to some extent by site planning and technical specification, but only marginally.

Site planning

It appears from the Noise Assessment report that the acoustic consultants advised the designers after the site layout had been designed. A more appropriate method would have been to draw the site layout based on the acoustic consultants' findings. However, the findings suggest that, whatever arrangement of houses on the site were to be made, the physical arrangement would have only marginal effects on the reduction of noise in external spaces.

Paragraph 2.18 of the Design and Access Statement describes one of the main site planning principles to be the positioning of houses facing north towards the motorway, so as to form a barrier to noise to their south-facing rear gardens. This is a sound principle, but the Noise Assessment explains that, because of the spacing of the houses, it will have only a marginal effect. I believe that

only a continuous wall of houses (a smaller version of the Byker Wall in Newcastle-upon-Tyne) would have a significant sound barrier effect. This would be a possible site planning strategy here, but probably not one which the client would find attractive.

A second stated main planning principle is the formation of south-facing courtyards opening off the access road, serving houses which are perpendicular to the "noise barrier" row. The courtyards would open up views to the large poplars to the south of the site. However, these two principles, both desirable, are of course at odds with each other. This has two consequences. Firstly, the courtyards reduce the sound barrier effect, probably to the point where it hardly registers. Secondly, there is insufficient space left for the courtyard houses (which number only 12 of the 27 total) to enable positive, enclosed, well-designed public spaces, with a sense of place, to be formed.

In the compromise which is being made between the two principles, I consider that the second consequence is the more serious of the two. Noise attenuation to the dwelling interiors can be made satisfactorily by technical detailed design; but without forming a Byker Wall of houses, noise is not going to be significantly reduced in back gardens. The Noise Assessment report concludes that noise levels are within an acceptable band, and one assumes that the village location, and the environment created by the development, will have compensating attractions so that the developer's customers will also perceive the noise levels as acceptable. I propose that the layout could be improved by investing more in the three courtyards; enlarging them, so that they are not merely car parking spaces, and increasing the proportion of houses located there, to achieve a greater degree of physical enclosure and social setting. This would also have the benefit that more houses, particularly those in the western, more elevated, half of the site, could enjoy the extensive views to the east.

Design Principle No.8 states that instead of children's play space being provided within the development, a financial contribution will be made towards its provision elsewhere. While acknowledging the difficulties of planning a site of less than one hectare, this provision will be of no use to parents on the site with small children. Larger courtyards, not so dominated by car parking spaces, could also succeed in providing small well-surveilled spaces for children.

Appearance and house types

Section 5 of the Design and Access Statement describes the intention to base the design of houses on the local vernacular found in the centre of Alvechurch, and to produce "modest cottages". This is a welcome decision; the house types proposed are refreshingly simple and economical. However, although the individual house-elements of the development are well considered (including the design of appropriate corner-types, and the enclosure of back gardens by brick walls), their grouping is disappointing. Building lines on the access road are indeed varied, as stated in the Design Principles in Section 4, but opportunities to create interesting groupings of houses, in the vernacular tradition, are not taken. The rather dull assembly of houses is indicated in the Street Scene elevation and in the perspectives, particularly Perspective View 4.

A more interesting grouping of houses may be assisted by the redistribution of houses suggested in my previous section on site planning, with fewer houses, perhaps more clustered, on the access road, and more houses enclosing the courtyards, again clustered into small groups of three or four.

The proposal to have shared movement space within the development, with no footpaths, as described in paragraph 5.29, is appropriate and welcome. If done imaginatively, this can add considerably to the character of the development. However, the principle appears to be contradicted in the proposed site plan, in which a rather uniform road geometry, including a formulaic turning-head, is bordered by a continuous pavement. This needs to be significantly amended.

I observe that two sets of design consultants are responsible for the proposals; one appears to have produced the Design and Access Statement, and the other the design drawings. This is not a satisfactory arrangement, and I wonder whether it is responsible for the divergence between design intentions and realisation, in both housing layout and shared spaces, noted above.

Sustainability

Although the proposed house types are admirably ordinary and vernacular, the reverse side of this virtue is that the development exhibits little in the way of sustainability measures that take it out of the ordinary. The measures listed in paragraph 5.36 amount to little more than south-facing gardens and spaces to encourage cycling. There are

no large south-facing openings, no solar panel installations, and no PVs. There is no mention of sustainable drainage. I suggest that more ambition should be required here, particularly in passive solar energy generation, because of the advantages which the site possesses. Modern generating devices are not incompatible with an attractive vernacular scale and character, as some good recent precedents demonstrate, but this does require some creative imagination.

Building for Life

Building for Life, though not perfect, is the most objective method we have for assessing housing quality. But the assessment needs to be done by an objective third party; for the applicant's agent to propose their own assessment in the Design and Access Statement, as has been done here, cannot be taken seriously.

COMSAF	Consulted 18.08.2011. No response to date.
CLIMHCG	Consulted 18.08.2011. No response to date.
Western Power Distribution (formerly Central Networks)	<p>Consulted 18.08.2011. Response received 05.09.2011.</p> <p>No objection. However, the applicant is reminded that Western Power Distribution have a network within the site and any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Western Power Distribution.</p>
WRS (Contaminated Land)	<p>Consulted 18.08.2011. Response received: 12.09.2011.</p> <p>No objection subject to the imposition of the following condition:</p> <p>The site is within 250m of a registered landfill site. A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.</p> <p>Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.</p>

WRS (Noise)	<p>Consulted 18.08.2011. Response received: 16.09.2011.</p> <p>If the proposal is to be approved, it should be conditioned appropriately to require a noise mitigation scheme including enhanced glazing, ventilation and screening measures to be submitted to and approved by the local planning authority, and for such approved scheme to be completed before occupation of the development.</p>
WCC (Archaeology)	Consulted 18.08.2011. No response received.
WMC	<p>Consulted 18.08.2011. Response received 08.09.2011.</p> <p>The area in which the development is situated is generally a low crime area. The orientation of the houses and the location of the parking areas maximises natural surveillance within the confines of the site. Some of the rear gardens will be exposed and therefore it is important to ensure that the perimeter is secure and all gates are fitted with locks.</p>
BW	<p>Consulted 18.08.2011. Response received 12.09.2011.</p> <p>No objection subject to conditions relating to:</p> <ol style="list-style-type: none"> 1. Finished floor levels 2. Landscaping
Natural England	<p>Consulted 18.08.2011. Response received 05.09.2011.</p> <p>Standing advice provided. A checklist from the Association of Local Government Ecologists (ALGE) has been provided to assist the LPA in identifying whether they have sufficient information in terms of relevant species before determining a planning application.</p>
WWT	Consulted 18.08.2011. No response received.
EA	<p>Consulted 18.08.2011. Response received 24.08.2011.</p> <p>The application does not require direct consultation with the Environment Agency. The proposed development is less than 1Ha located within Flood Zone 1 (low probability) and the standard Surface Water Management Advice note should be applied.</p>
WCC (EA)	<p>Consulted 18.08.2011. Response received: 01.09.2011.</p> <p>The schools affected by the proposal are Crown Meadow First, Alvechurch Middle and Shared North/South Bromsgrove High. The total required is £61,766.</p>
Viability Consultant	<p>Consulted 16.09.2011. Response received: 14.10.2011.</p> <p>Our appraisals demonstrate that the land value is critical in the assessment of the viability of the scheme. It is our contention that in this instance Bridgehouse Property</p>

Consultants (BPC) (acting on behalf of the developer) has assumed too high a benchmark value. If a value reflecting the planning policy context is assumed for the site, in line with our appraisal, then affordable housing provision of 40% based upon our mix of affordable units is achievable with a slightly reduced developer's profit.

BPC has also argued that S106 payments in respect of educational provision are unaffordable. However, by reducing both the build costs of the affordable units to the levels contained within BPC's 30% affordable appraisal and developer's profit to 18.56%, the scheme can still be delivered with the full amount of estimated S106 contributions and 40% affordable housing.

STW Consulted 20.10.2011. No response received.

TREES Consulted 18.08.2011. No response received.

CSO Consulted 27.06.2011. No response received.

Publicity 4 letters sent 18.08.2011. Expired 08.09.2011.

2 Site Notices posted 12.09.2011. Expire 03.10.2011.

Press Notice posted 25.08.2011. Expired 15.09.2011.

5 Responses received summarised as appropriate:

- The development is substantial when considered in the context of the development proposed on the opposite side of Birmingham Road
- Children would be at risk on their way to school because of fast moving traffic
- There would be additional noise pollution and damage to the countryside.
- Insufficient capacity in local schools
- The village is becoming increasingly overcrowded
- Harm to wildlife that live and hunt in the field
- There is inadequate visibility turning left out of the entrance towards Birmingham because of the motorway bridge
- There would be an increased risk of flooding due to runoff down the slope into properties fronting Birmingham Road
- The density of the proposal is too high
- Other sites are available within the village
- The applicant has failed to show that there is unmet demand for additional housing in Alvechurch
- There would be parking problems along Birmingham Road
- There would be a loss of privacy to 125 Birmingham Road.

- The proximity of the motorway will cause pollution problems for future residents
- The proposed dwellings have been advertised and there should not be a presumption that permission should be granted
- This site should remain protected as Green Belt
- The proposal is premature in the context of the emerging Core Strategy - this prejudices the plan led approach outlined in the Draft National Planning Framework
- The allocated sites in the villages of the District are coming forward early meaning that future needs can only be met by releasing the Green Belt
- Alvechurch, like Hagley is part of a rural area and is not an identified market town in the WMRSS meaning that development should be restricted to local needs
- There is a five year supply of housing land in Alvechurch which can be fully met by existing commitments
- Whilst the site should not be released yet, it is suitable for housing development
- The scheme should not necessitate the removal of an additional dwelling on Birmingham Road and should make arrangements for access to the remaining part of the ADR land

The site and its surroundings

The site consists of two components. Firstly, it consists of a self contained field to the west of Birmingham Road Alvechurch and is accessed by a track which follows the northern boundary of No. 129 Birmingham Road. The second part of the site is the existing property (No. 129 and its curtilage) which will be removed in the development. The current access to the site is via a gate located between the entrance to No.129 and the M42 Motorway overbridge to the north. There are attractive views of trees to the south on the site and the land of the motorway verge is substantially wooded on the north side. The site adjoins Nos. 121-127 Birmingham Road to the east and there is an abandoned arm of the Worcester and Birmingham Canal to the west of the site.

Proposal

The proposal is a full planning application for the demolition of No. 129 Birmingham Road and the construction of 27 No. dwellings and associated car parking, access and infrastructure. There will be 4 two bedroom 12 three bedroom and 9 four bedroom houses. The proposal will also provide 2 one bedroom flats. 30% of the units would be affordable which amount to the delivery of 8 affordable dwellings. (5 social rented and 3 intermediate). The applicant has also presented material details for consideration. The application is accompanied by a Design and Access Statement, Planning Statement, Ecological Assessment, Flooding and Drainage Statement, Scheme Viability Assessment, Arboricultural Survey, Heritage Desk-based Assessment, Noise Assessment, Transport Statement and Pre Application Consultation Statement. Members

are encouraged to read all of the submitted documents which are available on the planning file and on Public Access for Planning. The applicant has also submitted a statement in response to the consultation responses which was received on 20.10.2011. In the interests of clarity, there is a Proposed Site Layout Plan presented with a code indicating each of the house types proposed in the scheme. The elevations of the proposed dwellings are also referenced using these codes.

Relevant Policies

WMRSS	CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1
BDLP	DS3, DS8, DS11, DS13, S4, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, ALVE6
Draft CS2	CP2, CP3, CP4, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	PPS1, PPG2, PPS3, PPS9, PPG13, PPG17, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Strategic Housing Land Availability Assessment (2011), Draft National Planning Policy Framework 2011 (DNPPF)

Relevant Planning History

P10/0102	Proposed residential development of 22 dwellings with associated access and landscaping. Pre application advice
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Notes

The site is an identified Area of Development Restraint (ADR6) and the main issues in respect of the application are firstly whether the site should be released for development in the context of the prevailing development plan policies, national guidance including the Draft National Planning Policy Framework and other material considerations. Secondly, it must be considered whether the density, form and layout of the development is acceptable in the context of the development plan and local character. It must also be considered whether the proposal is meeting the related requirements for physical and social infrastructure.

I consider that the main issues in the consideration of this application are the following:

- (i) The principle of releasing the ADR site for development
- (ii) The Type of accommodation provided
- (iii) The Design, Form, Layout and Density of the proposal
- (iv) Impact on residential amenity
- (v) Highway impact
- (vi) Tree and Ecological Issues
- (vii) Noise

(i) Principle

Members will note the site is identified as an Area of Development Restraint (ADR 6) on the BDLP Proposals Map of the adopted Bromsgrove District Local Plan (BDLP). This is one of two sites which have been removed from the Green Belt to the north of Alvechurch. The site is classified as a development site in the emerging Draft Core Strategy 2 (Draft CS2). Members should refer to Core Policy 4B of the Draft CS2 (Other Development Sites Policy) in which the existing ADR sites are outlined in Table 3 and Map No. 2. The minimum housing capacity of the ADR sites is stated to be 42.

Policy DS8 of the BDLP refers to the ADRs as selected sites where land will be held in reserve for future development and the explanatory text states that the ADRs are subject to the same strict measures as land within the Green Belt *until such time that the release of this land can be justified*. Policy ALVE6 specifically identifies the site as an ADR following the recommendation of the Inspector at the (Proposed Modifications) Inquiry 2001. The summary of the site from the report is as follows:

This particular site of 1.4ha is located at the northern-most point of the settlement in interim Green Belt and is bounded to the east and south by existing residential development. The northern edge of the land abuts an embankment of the M42 motorway while the western limits are defined by a disused arm of the Worcester-Birmingham Canal. These provide for a well-contained site with very strong defensible boundaries. In terms of the purposes of the Green Belt set out in Paragraph 1.5 of PPG2, future development in this location would not lead to encroachment into the countryside, would not encourage settlements to merge and would not represent the sprawl of a large built up area. Instead, it would provide an opportunity to 'round off' the settlement up to the highly defensible boundary of the motorway.

I agree with the BDLP Inspector that Alvechurch is a suitable location for designation of ADR land due to its size and sustainability credentials. This is a large village with a reasonable range of facilities and services including local shops. It is located in a transport corridor as defined by the County Council's Transport Corridors Study, being within the 15 minute cycling/walking isochrone of a railway station.

In terms of justification for the release of the site, Members should note the views of Strategic Planning. The release of an ADR largely depends on whether there is a five year housing land supply in accordance with the requirements of PPS3. The SPM has commented that the five year supply figure is based on a need to provide 4,000 additional homes in the District up to the year 2021, a figure based on robust local evidence and advanced during the Regional Spatial Strategy (RSS) Review. On the basis of these figures, a supply of only 1.5 years can be demonstrated when taking into account completions and current commitments since 2006, which is the start of the plan period that the 4,000 dwellings figure relates to. The 1.5 year supply figure was also endorsed in a recent appeal decision at Norton Lane (APP/P1805/A/11/2150938) (Application Ref: 10/0931). In another appeal at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378), the Inspector placed weight on the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District.

Members should note that the site is also included in the Council's Strategic Housing Land Availability Assessment (SHLAA). The assessment concludes that the site is identified as having no obvious constraints and is suitable and available for housing delivery.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to other policies in PPS3.

Taking all of the above matters into consideration and most notably the absence of a five year housing land supply, there is sufficient justification for the release of ALVE6 for the purposes of housing development.

(ii) Type of Accommodation

Core Policy 4B of the emerging Draft CS2 states that (for solely housing sites), residential development should reflect local need and should contain a high proportion of 2 and 3 bedroom properties. Proposal should also seek to create a sustainable and balanced community that integrates into the existing built fabric of the settlement to which it relates. Development should also contain 40% affordable housing with a tenure mix of 66% social rented and 33% intermediate.

Paragraph 71 of PPS3 states that development needs to achieve a good mix of housing, reflecting the accommodation requirements of specific groups, in particular, families and older people.

The scheme will provide for 2 one bedroom, 4 two bedroom, 12 three bedroom and 9 four bedroom properties. Therefore, 66% of the proposed dwellings are three bedroom or smaller types. Members should note that Strategic Planning have confirmed that the mix of property types proposed is acceptable and would conform with the principles of the emerging Core Strategy and with the advice of PPS3.

Affordable Housing

Policy S15 of the BDLP states that on any major site which comes forward, the District Council will negotiate with developers to achieve a mix of housing types and to ensure that a proportion of affordable housing is provided. Satisfactory arrangements should be made to ensure that:

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and
- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

The proposal provides for 8 affordable dwellings or 30% of the total and the views of the SPM are noted in this respect. Whilst the figure is below the 40% indicated in the Core

Strategy (Core Policy 4B) and advised at pre application stage, the applicant has presented a viability assessment of the scheme in the form of Planning Obligations in the context of Scheme Viability. This has been prepared by Bridgehouse Property Consultants. The report concludes that 30% affordable housing is the maximum which can be achieved without compromising further scheme viability or reducing the level of financial contribution required from the scheme. This viability assessment has been independently examined by a Viability Consultant and it is concluded that:

'Our appraisals demonstrate that the land value is critical in the assessment of the viability of the scheme. It is our contention that in this instance Bridgehouse Property Consultants (BPC) has assumed too high a benchmark value. If a value reflecting the planning policy context is assumed for the site, in line with our appraisal, then affordable housing provision of 40% based upon our mix of affordable units is achievable with a slightly reduced developer's profit.'

BPC has also argued that S106 payments in respect of educational provision are unaffordable. However, by reducing both the build costs of the affordable units to the levels contained within BPC's 30% affordable appraisal and developer's profit to 18.56%, the scheme can still be delivered with the full amount of estimated S106 contributions and 40% affordable housing. The issue of education contributions will be dealt with later.

Members should note that the provision of an independent viability assessment enables the Council to negotiate for additional affordable housing provision on the basis of its findings. I have concerns about the level of affordable housing proposed in the scheme.

(iii) Design, Form, Layout and Density of the proposal

In respect of the above criteria, policies S7 and DS13 of the BDLP and the advice of PPS1, PPS3 and SPG1 are most relevant. Policy S7 of the Bromsgrove District Local Plan states that proposals involving development of new dwellings will be considered favourably providing that they meet the following criteria:

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area;
- the proposal minimises the loss of mature hedges, trees and landscaping;
- the proposal does not adversely affect the existing amenities of adjoining occupiers;
- the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- the development can be appropriately serviced;
- the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- it conforms with other relevant policies of the Plan.

Members should also be mindful of paragraph 69 of PPS3 which requires the Council to have regard to:

- Achieving high quality housing;
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;

- Using land effectively and efficiently; and
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The advice of PPS1 is also noted in terms of housing design. Local Planning Authorities should not be overly prescriptive in terms of design but new development should be responsive to local character.

Design

The approach to the design of the scheme is outlined in the Design and Access Statement. There is a detailed appraisal of the existing physical landscape features of the site, neighbourhood character, movement to and from the site etc. I note that the appearance of the proposed dwellings reflect the modest traditional character of many buildings in the rest of the village. I consider that the Design and Access Statement contains clear principles in respect of the design concept and accords with the *Guidance on Information Requirements and Validation* (March 2010) in that respect. Members should note the views of the Urban Designer (outlined above) and the applicant has submitted supplementary information to address these points. Members should note that the comments of the Urban Designer are solely a critique on the design of the proposal; these are a material consideration but must be weighed against the other factors weighing in favour of the proposal.

In terms of the appearance of the proposed dwellings, they are notably simple and vernacular, a design concept which is endorsed by the Urban Designer.

Form and Layout

The layout of the site has been informed largely by the proximity of the motorway to the north. The properties have been oriented towards the north to assist in noise attenuation in the rear gardens. The view of the urban designer is that this is ineffective. However, there are other design principles such as the positioning of gardens to achieve sunlight. The development also proposed south facing courtyards and the urban designer would prefer to see larger, better designed public spaces rather than just access and parking spaces.

Whilst these are valid criticisms, there are a number of constraints overlooked and the applicant has responded to the design comments received. The final layout had to account for the constraints of the motorway as achieving a layout which would have the support of WH. No more than 6 dwellings off a private drive will be accepted. I consider that there is simply not enough land available to achieve positive, well designed public spaces. The land to the south is in separate ownership and there are constraints in term of protected trees. Notwithstanding that, the applicant has put forward the possibility that future development on the remainder of the ADR to the south could be linked to the scheme and this could mutually enhance both schemes potentially. I consider it important that the opportunity for integration with the remainder of the ADR be achieved in the future.

I do not consider that it is feasible to provide on site open space given the size of the site and an off site contribution is preferable in this instance. Members should note the support of Strategic Planning and Leisure Services for this approach.

Density

The site will contain 27 units on an area of 0.8Ha which is a density of 33.75 dwellings per hectare. I consider that this density makes an effective use of the available land and is not unacceptably high in the context of the surrounding area. The comments from Alvechurch Parish Council are noted and the response miscalculates the actual density, which is not 46 units/hectare. I note that the Urban Designer strongly endorses the density proposed.

Sustainability

Sustainability is a broad concept which encompasses both the need for accessibility to a variety of means of transport as well as design innovations to reduce energy consumption. There is a bus route on Birmingham Road (the Number 146 Service) and the village centre is within walking distance. I note that the applicant has produced a Building for Life Assessment and it would be preferable if this were carried out independently. When the site was considered for allocation as an ADR, the issue of sustainability was one of the reasons for selection. I am satisfied that it is a sustainable location for development in accordance with the requirements of policy DS13 of the BDLP, PPS1 and PPS3.

(iv) Residential Amenity

Policy S7 and the advice of SPG1 are relevant to the consideration of residential amenity. 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 and overbearing affects. 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.

This is a full planning application and so the detailed design and layout can be considered at this stage. Members should note that there is a gradient on the site from east to west and there is a proposed site layout plan identifying the finished floor layouts of the development.

Firstly, the dwelling No. 129 Birmingham Road will be replaced by two 2 bedroom dwellings in a single unit in a traditional type of form which relates effectively to the design of the dwellings to the south on Birmingham Road. These units are separated by at least 35m from plot 3 to the west. There are no properties opposite on Birmingham Road.

Members should note the levels differences on the site and there is a detailed plan provided of the finished floor levels (Ref: 3027104 Rev B). The majority of the properties have their principal elevations facing north to the access road and motorway verge beyond.

In terms of the remainder of the scheme, the following are noted. I have some concerns about the relationship of plots 4 and 6 and the flank wall of plot 6 is approximately 10m from plot 4 in a southerly orientation. This conflicts with the advice of paragraph 8.7 of SPG1. However, I consider that amendments to this arrangement are possible. The garden of plot 6 is separated sufficiently from the rear windows of plot 3. There is sufficient separation (notwithstanding the change in levels) between the rear windows of the plots 6 - 9 and Nos. 125 and 127 Birmingham Road (>45m with substantial boundary treatment). I consider that there is sufficient distance from the rear first floor windows on plots 6 - 9 from the private gardens to the east.

Plots 5 and 12 are oriented to the west and east respectively. The rear elevation is close to plot 4, but this only contains a door and en-suite window. The side elevations contain living room windows and one side faces the access road and the other the rear garden. The parking area for plots 6 - 9 is directly opposite this elevation and I note that whilst the side elevation of plot 6 is approximately 13m away, there are no windows in this elevation and the view is indirect as a result of the position of a garage. The position of plot 5 in respect of plot 12 is unacceptable as it breaches the arc of Fig. 14 of SPG1. This can be remedied by reorientation of both plots. This would also overcome the overlooking of the rear garden of plot 5 through the position of front windows on plot 12. There are no windows on the side elevation of plot 11.

Plots 10 and 11 are positioned 18m from Plots 6 - 9 opposite and 20m from plots 17 and 18 to the rear. I consider that these distances are just about acceptable for 2 storey properties. The levels differences are noted. However, there are fencing and boundary treatments proposed which I consider would mitigate this impact. However, plots 10 and 11 are indicated as three storey units. This will need to be amended.

The position of plots 14 and 15 and their relationship to the proposed dwellings to the rear (south) are noted. The set off of plot 14 from the private garden of No. 11 is slightly below the requirements of SPG1. However, the level of proposed screening is noted such that I do not consider that the any loss of privacy would be significantly detrimental. The position of the garages to the rear of plots 12 - 16 are noted and I consider that their southerly position in respect of the dwellings, reduces the potential of the south facing orientation of the properties. I consider that this is a matter for future purchasers of the properties.

The rear elevation of plot 20 is sufficiently separated from the flank wall of plot 19. The separation distance between plots 17, 18 and 19 are inadequate given the levels differences (approximately 2m). Plot 19 needs to be moved further west. In doing so, plot 23 also needs to be amended through a reduction in size and a reorientation. The design for plot 21 would be more appropriate here.

In terms of private amenity space, the smaller house types in the scheme have sufficient amenity space in accordance with the requirements of paragraph 9.1 of SPG1. Whilst the larger house types are shorter than the 10.5m minimum garden depth, they all have more than 70sqm of private amenity space and I consider that this is sufficient.

Members should note that the levels on the site are a constraint but an acceptable scheme with sufficient separation distance is possible through the amendments suggested above. Amended plans are awaited from the applicant.

(v) Highway Issues

The proposal has been subject to pre application consultation with WH and due to the constraints on the site including the gradient of the access road and the visibility on Birmingham Road. The development plan requires sufficient parking to be provided and a safe means of access and egress from the site. The application is supported by a Transport Statement.

The development would be served by a simple priority junction with Birmingham Road. The existing access to No 129 Birmingham Road would be closed as well as the gated access to the north of the site. Members should note that there is no objection from the Highways Agency or from WH subject to conditions.

(vi) Trees and Ecological Issues

Members should note that the application is accompanied by an Ecological Assessment which included a Desktop Study and Field Survey. The assessment includes examination of the habitat and investigation into any protected plants and animals that may be present. A specific survey was also undertaken of the existing dwelling to check for the presence of bats. In the case of both of the loft voids examined, no evidence of bats was discovered. On the remainder of the site, there were few opportunities identified for protected or notable faunal species. It is concluded that there are no habitats of nature conservation interest or protected species which would be adversely affected by the proposals. A number of recommendations for ecological enhancements are identified.

There has been an Arboricultural Survey presented with the application and carried out in accordance with BS5837:2005 'Trees in relation to Construction'. Whilst there are some protected trees on the site to the south, there are none on the application site. There are a small number of scattered trees mainly on the field boundaries. The remainder of the field is substantially open. The views of the Tree Officer are awaited.

(vii) Noise Issues

Policy ES14A of the BDLP states that proposals for noise sensitive developments must be located away from existing sources of significant noise.

Members will note the proximity of the M42 motorway to the north of the application site and a detailed Noise Assessment has been conducted to address this issue. The report concludes that the noise levels are not particularly high and the majority of the site falls within the Noise Exposure Category (NEC) B during the daytime. Members should note the advice of PPG24 (Planning and Noise) in respect of acceptable Noise Exposure Categories for residential development. NEC B represents a circumstance where noise mitigation measures may make development acceptable. Members should note that the dwellings have been oriented in such a way as to provide a noise barrier from the motorway and the position of fencing will also have a mitigating impact. The views of Worcestershire Regulatory Services are noted and the noise issue can be adequately dealt with through conditions.

Other Matters

Members should note the representation received in terms of flood risk. The application is accompanied by a Flooding and Drainage Statement. The site lies within Flood Zone 1 (low probability) and the response from the EA is noted above.

In terms of surface drainage, the applicant has consulted Severn Trent Water through the developer enquiry process and the company has provided details of the existing drainage arrangement and capacity on Birmingham Road. There is no objection from the Drainage Engineer.

The application has been accompanied by an Heritage Desk based Assessment which concludes that there are no heritage assets recorded within the site with a low potential for unrecorded below ground archaeological remains to lie within the site. The views of the WCC Archaeologist are awaited.

S106 Agreement

In terms of planning obligations for education and public open space infrastructure, (as required by policy DS11), the applicant has been notified of these requests. Members should note that document entitled 'Planning Obligations in the context of Scheme Viability' has been received. The applicant has attempted to demonstrate that the scheme would not be economically viable if full contributions and 40% affordable housing were required. Therefore 30% affordable provision has been offered.

Members should note that any planning obligation required needs to be relevant to planning, necessary to make the development acceptable, be reasonable and directly related to the scale and nature of the development. These provisions from Circular 05/05 are repeated in Section 122 of the Community Infrastructure Levy Regulations 2010.

It is understood that the applicant is willing to contribute towards public open space provision off site and this has been broadly agreed at pre application stage. However, no agreement has been reached on the issue of education contributions and a report has been prepared by Peter Foale Consulting which concludes: 'If the purpose of a Section 106 contribution is to mitigate the impact of a development, it should only be used to provide additional places, i.e. address a sufficiency issue. It should not be used to address other asset management plan issues associated with condition or suitability unless it can be demonstrated that they arise as a direct consequence of any additional pupils having to be admitted. This would not be the case with either of these schools. Developer contributions should not, of course, be used to subsidise other capital projects that the school or the local authority wish to undertake'. This document has been sent to WCC and a response is awaited.

In terms of affordable housing and viability, a Viability Consultant has been engaged by the Council to independently assess the Viability Report. It is concluded that the additional affordable housing and education contributions can be provided without making the scheme unviable. This information has been sent to the applicant's consultant and the issue will be the subject of continued negotiations. Members will be updated on the progress of this matter.

Conclusion

The proposed residential development is located in an identified 'Area of Development Restraint (ADR) to the north of Alvechurch. The site is identified as a development site in the emerging Core Strategy. As stated above, there is currently an issue of housing undersupply in the District and a five year housing land supply cannot be demonstrated. On the basis of the current and emerging development plans and on the advice of paragraph 71 of PPS3, the proposed development is supported in principle.

Notwithstanding the acceptability of the proposal in principle, there are a number of significant constraints on the site including proximity to the M42 motorway and a considerable gradient on the site. The proposal is acceptable in highway terms following lengthy negotiations with WH. As outlined above, there are amendments required to the scheme to achieve an acceptable degree of privacy and residential amenity for future residents. In general, the scheme has a relatively limited impact on the existing residential properties on Birmingham Road which are set a considerable distance away from it. The level of affordable housing provision is still not agreed and will be subject to further negotiation. Members will be updated on this matter at the meeting of the Committee. Provided that these negotiations are concluded satisfactorily and the design amendments requested are acceptable, then permission should be granted.

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

- (c) play space provision; and
- (d) the securing of affordable housing.

MINDED TO APPROVE