

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BANNER HOMES (MIDLANDS) LIMITED 'B'	Residential development of up to 88 dwellings, open space, realignment of Fiery Hill Road, 38 space car park, vehicular access from Fiery Hill Road, with appearance, landscaping, layout and scale reserved.	Unzoned GB TPO	11/0741-DMB 21.11.2011

As amended by:

Letter received 02.11.2011
Location Plan received 02.11.2011
Site Layout Plan received 25.11.2011
Design and Access Statement received
02.11.2011
Planning Statement received 02.11.2011
Affordable Housing Statement received
16.11.2011

As augmented by:

Open Space Provision Plan received
02.11.2011
Junction Improvements and Potential Station
Car Park Plan received 02.11.2011
Additional Photographs received 02.11.2011

Land at Fiery Hill Road, Barnt Green.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Play space provision;
 - (b) Highway improvement works;
- and (c) the securing of 35 affordable housing units.

Consultations

WH

Consulted - views received 14.12.2011:
No objection subject to Conditions relating to:

- Access, turning and parking
- Highway improvement work details to Fiery Hill Road
- Parking for site operatives

The application should also a Section 106 Agreement for the following purposes:

- To contribute £2000 to pedestrian crossing improvements in Bittell Road to provide improved links to the sports field

	<ul style="list-style-type: none"> To contribute £3660 to administer traffic regulation orders that require amendment as a direct result of the realignment of Fiery Hill Road
HA	<p>Consulted - views received 28.09.2011:</p> <ul style="list-style-type: none"> No objection
Drainage Engineer	<p>Consulted - views received 16.12.2011</p> <ul style="list-style-type: none"> No objection
STW	<p>Consulted - Views received 12.09.2011:</p> <ul style="list-style-type: none"> No objection subject to conditions relating to: Surface water drainage Foul drainage
WRS: Contaminated Land	<p>Consulted - views received 21.09.2011:</p> <ul style="list-style-type: none"> No objection subject to Conditions relating to: Contaminated land risk assessment
WRS: Air Quality	<p>Consulted - views received 13.12.2011:</p> <ul style="list-style-type: none"> No objection
WRS: Noise	<p>Consulted - views received 07.10.2011</p> <ul style="list-style-type: none"> No objection subject to Conditions relating to: Noise mitigation measures
Climate Change Officer	<p>Consulted 31.08.2011: views awaited.</p>
UD	<p>Consulted - views received 24.11.2011:</p> <ul style="list-style-type: none"> Significant improvements have been made to the proposal, in the areas of site layout and the design of open space There appears to be a determination not to increase the number of dwellings proposed, although the location justifies, and I would say requires, a higher density on the grounds of sustainable development In addition there is an absence of the information which is required to describe the intentions towards the appearance of the built form.
Strategic Planning Manager	<p>Consulted - views received 13.12.2011:</p> <ul style="list-style-type: none"> The site needs to be judged on its own merits and inline with existing policies and relevant material considerations. Bromsgrove requires additional housing across the district to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as require by national policy. The site is not in the Green Belt by virtue of the decision taken by the high court in 2004 and is therefore not afforded green belt protection. It is acknowledged that it is not an ADR but it has been recommended as being suitable as for development by the Planning Inspectorate. The Council has agreed with the view of the inspectorate via the inclusion of this site as a development site in its Draft Core Strategy, although it must be made clear that its inclusion cannot be given anything other than minimal weight at the moment. Therefore subject to other adopted policies in the local plan being adhered to, and in relation to a wide range of other relevant material

	planning considerations such as meeting the housing needs, I cannot see any overriding reason in principle why this site should not be brought forward for residential development.
Open Space	<p>Consulted - views received 07.11.2011:</p> <ul style="list-style-type: none"> ▪ No objection ▪ The parameters of SPG11 will apply to the application ▪ It is noted the application is in outline
Head of Leisure Services	<p>Consulted - views received 17.11.2011:</p> <ul style="list-style-type: none"> ▪ The indicative layout has limited value in relation to public open spaces ▪ Revisions should be made at the next stage if consent is granted to ensure the development provides a more valuable provision of open space. These should include: ▪ Centralising open space to create a larger community green space, whilst accommodating the TPO trees. ▪ The long parcel of land bordering the Cricket Ground and to the rear of the Barnt Green Inn car park does not offer valuable recreation space and relates more to a buffer strip for the development rather than true open green linkages in the centre of the development.
Strategic Housing Manager	<p>Consulted - views received 28.11.2011:</p> <ul style="list-style-type: none"> ▪ No objection ▪ The revised Affordable Housing Statement contains the following: ▪ A 40% on site provision of affordable housing ▪ A tenure split of 50% Intermediate/Shared ownership and 50% Social Rent ▪ The 50% rented units will be 'Social Rent' unless the LPA specifies otherwise. ▪ That a minimum of 6 bungalows will be provided within the AH provision
NE	<p>Consulted - views received 23.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection
WWT	<p>Consulted - views received 29.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection subject to conditions relating to: ▪ Implementation of recommendations outlined in submitted Ecological Survey ▪ Conservation Management Plan ▪ Use of SUDS
CO	<p>Consulted - views received 24.11.2011:</p> <ul style="list-style-type: none"> ▪ I am not opposed to some residential development on this site. ▪ I note the developer has taken into account the concerns I have in respect of the setting of the Grade II listed Barnt Green Inn. ▪ In terms of the neighbouring Conservation Area I consider the scheme needs to be sensitive to its proximity and to reflect its existence in terms of density and the positioning of houses especially on Fiery Hill Road. ▪ I will be interested to see proposed designs for the houses. ▪ I note that this is only an application for outline planning permission, and I will wish to comment further in respect of the reserved matters, should permission be granted.

WCC(CA)	<p>Consulted - views received 12.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection subject to Conditions relating to: ▪ Written scheme of investigation in relation to a programme of archaeological work
Tree Officer	<p>Consulted - views received 08.11.2011:</p> <ul style="list-style-type: none"> ▪ No objection subject to Conditions relating to: ▪ Tree protection during construction ▪ Tree planting schedule ▪ Securing of tree planting scheme ▪ Arboricultural maintenance regime
FC	<p>Consulted - views received 07.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection
WCC Landscape Officer	<p>Consulted 31.08.2011: views awaited.</p>
WMC	<p>Consulted - views received 14.12.2011:</p> <ul style="list-style-type: none"> ▪ The Barnt Green area is generally a low crime area, however there have been house burglaries in the area and vehicle related crime. ▪ A development of this size will have a significant impact on the surrounding area and will undoubtedly affect policing in the area. ▪ The Design and Access statement states that the developers are considering applying for Secured by Design and in order to achieve this, houses are orientated to maximise natural surveillance, whilst natural surveillance is an important factor in deterring crime it is not the only one. ▪ In my opinion the design of this development is likely to attract crime. As an assessor for Secured by Design the layout in its present form does not meet the Secured by Design standards.
Network Rail	<p>Consulted - views received 20.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection
WCC (Minerals and Waste)	<p>Consulted - views received 01.09.2011:</p> <ul style="list-style-type: none"> ▪ No objection
WCC Education	<p>Consulted - views received 03.11.2011 and 19.12.2011:</p> <ul style="list-style-type: none"> ▪ No objection. ▪ The local first school, St Andrew's CE First does tend to fill but some of the children come from outside the catchment area so we feel that there would be space for additional pupils from the village. The school has 45 places per year group giving a total capacity of 225. ▪ We will not be seeking an education contribution for this site so will not need to be included in the S106 agreement on that account. We are satisfied that the local schools have capacity to accommodate a development of this size at all phases.
CPRE	<p>Views received 08.11.2011:</p> <ul style="list-style-type: none"> ▪ Objection. ▪ If planning consent is granted for the whole site and this is rapidly implemented, there will be no easy means of providing for local needs again before 2021. ▪ Accordingly such local needs development could only be met by encroaching upon the Green Belt. That would be totally unacceptable.

- Accordingly it is imperative that this application should only be partly allowed, or that a condition should be imposed phasing the development, so that no more eight or perhaps ten houses should be built each year.
- Lickey and
Blackwell
Parish Council
- Views received 01.12.2011:
- Objection
 - We note that the latest proposals have made some improvements, improving sight lines to Barnt Green Inn, improving road and footway access to the village, and conserving some aspects for wildlife and diversity. But the latest details have raised some further concerns:
 - The "possible" car parking provided as a result of the road realignment at the junction should be made a condition if planning approval is given. This would help to improve the existing road problems which the proposed development would make worse.
 - Is there sufficient parking for the affordable housing to ensure that this additional parking is not used as "overspill" and therefore not available for parking for the station?
 - There have been assurances that there is sufficient capacity within the local primary schools for the larger catchment. However we are not convinced that the effect on the local middle schools has been sufficiently considered.
 - We do not think that sufficient consideration has been given to the increased traffic on the local linking roads, many of which are rural lanes.
- Barnt Green
Parish Council
- Consulted - views received 28.11.2011 (summarised version):
- For the avoidance of doubt we continue to strongly object to the planning application, do not consider the revised details to change the nature and harm of the planning application, and urge Bromsgrove District Council to refuse it.
 - Our comments on the planning application continue to address the following four points, with repetition of our previous consultation response only where necessary:
 - Lack of information;
 - Heritage assets;
 - Landscape and visual impact, and;
 - Design
- In conclusion:
- We have considered the revised material submitted with an open mind. We remain deeply concerned over the impact of the proposed development on the landscape and heritage context of the site. We believe it would do great harm to the character and quality of Barnt Green, and the absence of a thorough impact assessment by the applicant increases our concern.
 - The lack of quality information regarding what is being applied for is unsettling and concerning - we simply have little information on which to judge the scheme. What is submitted does not convince us that a high quality scheme that improves the quality and character of the area will emerge - quite the opposite.

- We therefore, firmly believe that the proposed development should not be permitted. In the words of PPS1, paragraphs 33 and 34, 'good design is indivisible from good planning Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

Members are encouraged to read the full version of the consultation response from Barnt Green Parish Council via the Council's Public Access system or in paper form within the planning application file.

Publicity

9 letters sent 31.08.2011 (expire 07.09.2011)
164 letters sent 07.11.2011 in relation to amended plans (expire 28.11.2011)
5 identical site notices posted 23.09.2011 (expire 14.10.2011)
1 press notice published 09.09.2011 (expires 30.09.2011)
1 press notice published 16.09.2011 (expires 07.10.2011)
1 press notice published 11.11.2011 in relation to amended plans (expires 02.12.2011)

189 representations received **objecting** to the scheme on the following principal grounds:

- Contrary to local and national planning policy
- Not compatible with Planning for Character in the Parish Plan (adopted 2006)
- Question how the land is designated white land and not Green Belt
- Vagueness of submission
- No full visual impact assessment submitted
- Set precedent for other unacceptable developments in Barnt Green
- Contribute to urban sprawl
- Barnt Green was never intended to be a suburb of Birmingham
- Engulfment to urban sprawl of Birmingham's wider conurbation
- Site prevents the merging of Barnt Green into neighbouring Cofton Hackett
- It is not a large conurbation that has built up around main A roads that can serve a transport conduit for much larger numbers of people, like for example Hagley and Rubery
- Barnt Green has and should continue to have the status of a small village near to but clearly separate from the outskirts of Birmingham
- It is a commuter village for those in the immediate area needing to use the train
- No regard to planning for sustainability of the local environment.
- Barnt Green has always been a dormitory settlement with the majority of its working residents travelling daily to the West Midlands Conurbation or further
- Housing on this scale would compromise the very essence of Barnt Green

- Whole development is disproportionate to the size of the village and will lead to a 12% increase in the residential house numbers and at least 14% in population in one small area
- Change and loss of vista to all gateway access points to the village: the site is highly visible from road and railway
- Urbanisation of the gateway to the village
- Remove semi-rural vista
- Significantly change character of village
- The rising site is extremely visible and thus the development will have greater harm and will further expose any development
- Development would destroy the view from the Cricket Ground
- Not only would the vista of new houses ruin the views but there would be the additional views of too many parked cars on driveways and two/three wheelie bins in a number of front gardens. This would detract from the country atmosphere and be a blot on the landscape
- Existence of housing of this size and density would completely downgrade the views of the village from the surrounding roads and railway line
- Existing site has value as open space
- Barnt Green's housing stock is varied and diverse, whereas the planned development seems to comprise multiple, homogenous, densely packed houses and apartments
- No compatibility between a large housing estate and the existing housing
- Destroy character of the village
- Development will be an eyesore
- Inappropriate in quantity and quality
- Out of keeping with the Green Belt and the Conservation Area setting of the village
- Out of character with the adjoining houses
- High density in an area where there are few houses set back in woods and trees with open fields
- The density should follow that of the adjacent area in Fiery Hill Road, Cherry Hill Road and Cherry Hill Avenue. It is not appropriate to compare the proposed density with that on the Hewell Road side of the railway track which divides the village into distinct character areas
- New houses will be disproportionately smaller and out of character with the surrounding properties
- The development will not enhance this site or the landscape that is surrounding this area
- Deterioration of preserving natural boundaries and green space
- Destruction of landscape which defines the area
- Totally out of keeping with the landscape of the area

- Detrimental to heritage assets of the village
- Distract from Barnt Green Inn, especially the winter setting due to leaf loss
- The Barnt Green Inn will no longer have a green setting, but modern housing as a backdrop
- Development will fundamentally change the setting and significance of this heritage asset
- Block views of the side elevation of the Barnt Green Inn and place modern development as a visual backdrop, removing the open space that helps establish the value and significance of this building
- Development will not respond in any way to the rhythms, heights or pattern of the Conservation Area, and as result harms the significance of this heritage asset
- Listed by UNESCO World Heritage Centre as worthy of comment for its character (World Heritage Papers 27 2010)
- No requirement for affordable housing in Barnt Green
- No need for housing in Barnt Green: there are numerous other locations within Bromsgrove District which would be more suitable, not least the Longbridge development
- Do not see why people from outside the village should get any easy access to the area
- Affordable housing will not go to local people
- Empty homes in Barnt Green should be utilised first
- The three roads adjacent to the site are either too narrow, too busy or have insufficient sight lines for additional vehicular access and egress
- Fiery Hill Road is not able to accommodate additional traffic, leading to displacement parking in other roads not suitable for development
- Increased traffic volumes and speeds through Barnt Green, and on Kendal End Road and Bittell Road in particular and the combined adverse effects of the Longbridge development and the current application
- Traffic congestion
- Road safety issues
- Village parking is already stretched beyond its capabilities
- Development would inevitably increase the need for road repairs
- Parking issues will be exacerbated
- Roads will not be wide enough to accommodate the householder's cars, or allow access for emergency and utility vehicles
- Cherry Hill Road has poor visibility and no footpath
- Cycle path to Cherry Hill Road is dangerous
- The proposed car park is too far from the station and will not be used unless it is free. The existing Pay and Display Station car park is underused

- Unless double yellow lines on both sides are imposed from the B4120 on Fiery Hill Road to Hewell Lane, people will still park on Fiery Hill Road
- Consideration should be made to providing free parking spaces closer to the station to stop people parking and creating a hazard in Fiery Hill Road
- Junction works will do nothing to make either junction safer due to the location of the railway bridge and the increased traffic
- The footpath alterations do nothing for those walking on the other side of Bittell Road
- The road should remain as it is and the development should be tailored accordingly
- Poor and limited bus service from Barnt Green
- The current cross city train line only goes towards Birmingham (apart from 2 early morning trains)
- Not well served for transport or employment possibilities
- The new occupiers should not lead to the loss of the Barnt Green Inn or the Cricket Club's second pitch
- Danger posed by cricket balls flying into the housing area from the cricket club
- A larger buffer zone with native tree planting should be provided around the cricket ground for health and safety reasons
- The new occupiers will in turn overcrowd an already crowded village
- Infrastructure of Barnt Green cannot support the population increase the new dwellings will create
- Pressure on available amenities
- Lack of school places, doctors/dentists, impact on post office
- More school buses will be needed to take the senior pupils away from the village
- No local employment opportunities, apart from those in the Longbridge area where housing development is underway
- Impact on protected tree cover, including root protection areas (with particular regard to large veteran Oak on Kendal End Road boundary (T2 in the TPO)
- Impact on wildlife, including protected species such as Badger and Bat
- Used for foraging by Badgers
- Loss of wildlife corridor
- Affect and damage recreational facilities and wildlife habitats of nearby woodland
- Site is prone to drainage problems
- There have been sewage problems at the bottom of Fiery Hill Road.

- The site acts as a sponge by absorbing the run off from the Lickey Hills. Development would result in frequent flooding on Fiery Hill Road
- Loss of privacy
- Fear of crime
- Existence of restrictive covenant: only detached private dwelling houses may be built on the land and there is a build line of 60ft from Fiery Hill Road that must be adhered to
- Loss of amenity during construction phase
- Whole construction process would inevitably damage the existing hedges and trees

Barnt Green Cricket Club - views received 22.09.2011 and 12.12.2011:

- The cricket ground (the Douglas Ground) is used on up to 5 days/nights per week, including Saturdays, Sundays and Bank Holidays during the summer months.
- The Douglas Ground is small for a cricket ground - whether for junior or senior matches. The ball can easily be hit some considerable distance into the fields that comprise the development site more than 10 times in any game
- If the development goes ahead there is an almost inevitable risk of damage, and injury to property and people, and that much more serious financial, and health and safety, consequences may flow.
- This may lead to a restriction of the use of the pitch, or its abandonment.
- This would have potentially terminal consequences for the very existence of the club in its current form and status
- Suggest that the Section 106 monies are utilised to invest in Barnt Green Cricket Club in order to secure and improve the facilities available to local people

Members are encouraged to review all submitted documentation. All submitted information is available to view in full online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of 4.8 hectares to the north western edge of Barnt Green. The site is L-shaped, with levels falling from approximately 179.3m AOD in the south west to a level of approximately 161.1m AOD in the north east at an average gradient of approximately 1 in 21.3.

The site is currently vacant and has previously been in agricultural use as grazing land. The site contains well defined boundaries. To the northeast the boundary is formed by Kendal End Road, to the east by Fiery Hill Road and the railway line beyond; to the south by properties on Cherry Hill Drive and to the northwest by the cricket practice pitch,

Cherry Hill Road and the car park of the Barnt Green Inn. The site slopes from west to east with the area adjacent Cherry Hill Road forming a high point within the site. The railway line through Barnt Green station is located on an embankment to the east of Fiery Hill Road, with the tracks elevated approximately 7 to 8 metres above ground level of the site.

The site comprises grassland divided into two distinct parcels separated by a mature holly hedge that runs between Cherry Hill Road to the north and Fiery Hill Road to the south. Within the site and on the boundaries are a number of mature trees and hedges.

The Barnt Green Inn, a Grade II listed building, adjoins the northern boundary of the site. The southern boundary of the site adjoins the Barnt Green Conservation Area (Area 3: Cherry Hill). This comprises predominantly large detached 20th century residential development with dwellings set in large gardens with mature trees. Properties on Fiery Hill Road close to the site are semi-detached set within smaller gardens. A notable feature of the Conservation Area is an avenue of beech trees running alongside Cherry Hill Drive.

The site is designated as white land or unzoned under the Bromsgrove District Local Plan and a Development Site under the Draft Core Strategy 2 (retitled "Development Site"). This designation means the site is not subject to any Policy. The site is not located in the Green Belt.

Proposals

This development relates to an outline application for the erection of up to 88 residential units with associated infrastructure and open space.

The proposed development includes:

- An illustrative layout for 88 units
- Realignment of Fiery Hill Road
- Relocation of the footpath under the railway bridge
- A new car park with 38 spaces
- A range and mix of house types and sizes
- Affordable housing
- Retention of trees and hedges
- New areas of open space and enhanced biodiversity

Members will note the application has been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. Paragraph 52 of Circular 01/2006 states that detailed consideration on the use and amount of development of an outline planning permission will be required. In this respect, the applicant is duty bound to submit indicative parameter plans to detail the extent of the proposed development for consideration by the Local Planning Authority.

In line with the requirements, the applicant has submitted an indicative layout plan indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles to ensure a high quality scheme is delivered on the site.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 18 dwellings per hectare. The illustrative layout proposes 88 houses comprising a mix of 1 and 2 bed flats and bungalows along with 2, 3 and 4 bed houses. The proposed mix includes single, two and three storey dwellings and flats with a range of sizes:

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bedroom	6	7%
	3 bedroom	22	25%
	4 bedroom	23	26%
Bungalow	2 bedroom	6	7%
Flat	1 bedroom	4	5%
	2 bedroom	27	30%
Total		88	100%

Thirty-five affordable units are provided, which equates to a provision of 40% housing on site. This mix of affordable homes is as follows:

Property Type	Social Rent	Intermediate
1 Bed Flat	2	2
2 Bed Flat	5	5
2 Bed Bungalow	3	3
2 Bed House	3	3
3 Bed House	3	3
4 Bed House	2	1
Total	18	17

Play areas are proposed to be located within the body of the site and a landscape buffer to the majority of the western/south-western boundary to the cricket ground and the eastern, southern and northern boundaries. A balancing pond is located to the north-east boundary.

The proposal includes realignment of Fiery Hill Road to create a new junction with Kendal End Road further away from the railway bridge. This will allow improved visibility to the right for vehicles exiting Fiery Hill Road. It also allows the opportunity for the footpath under the bridge to be relocated to the southern side of Bittell Road/Kendal End Road. The proposal includes a car park for rail users on the land that becomes vacant as a result of the realignment of Fiery Hill Road. The car park is proposed to provide 38 parking spaces.

A single vehicular access is located from the realigned Fiery Hill Road. Pedestrian and cycle access will be available through a connection to Cherry Hill Road. No other vehicular access is proposed, including Cherry Hill Road.

The application has been accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Archaeological Comment
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Drainage Strategy
- Grassland Survey
- Heritage Statement
- Landscape and Visual Appraisal
- Nocturnal Bat Survey
- Noise Report
- Open Space Assessment
- Statement Community Involvement
- Transport Assessment
- Tree Survey

These documents are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, SD.8, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, CTC.19, CTC.20, D.6, D.14, D.38, D.39, D.43, T.1, T.3, T.9
BDLP	BG3, DS2, DS3, DS8, DS11, DS13, S4, S7, S14, S15, S19, S35a, S36, S39, S43, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
Draft CS 2	CP2, CP3, CP4B, CP6, CP7, CP10, CP14, CP16, CP17, CP18, CP19, CP20, CP21, CP22, CP23, CP24
Others	PPS1, PPS1 Climate Change Supplement, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11 Barnt Green Conservation Area Leaflet (2001) Barnt Green Conservation Area Appraisal (2002) Bromsgrove District Housing Needs Study (2004) Strategic Housing Market Assessment (2007) Housing Market Assessment (2008) Draft National Planning Policy Framework (DNPPF) Ministerial Paper: Planning for Growth

Relevant Planning History

None

Notes

The main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such as changes in national policy (including the Draft National Planning Policy Framework), the Draft Core Strategy 2 and housing supply.

The proposed car-park created by the realignment of Fiery Hill Road is located in designated Green Belt. In this respect, this aspect of the proposal must be considered in light of national and local Green Belt policy, with a focus on whether the engineering works are appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused.

Other issues to be considered include:

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality
- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

Housing Supply, Unzoned Status and Land Release

Members will note the site is designated as unzoned on the Proposals Map of the Adopted Bromsgrove Local Plan. The site is redefined in the Draft Core Strategy 2 as a "Development Site".

It is important to consider the issue of housing supply in the determination of this application. National planning policy contained in PPS3 requires Local Planning Authorities to demonstrate that they have 5 years supply of suitable land available for housing development. 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.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS 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.

Paragraph 71 of PPS3 also makes clear that the duty upon the Council to 'consider favourably' this application in the absence of a five-year housing supply is subject to other material considerations, including 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 housing target of 4,000 for the period up to 2021 is set out within the Draft Core Strategy 2. This figure was also put forward by the Council at the RSS 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 and non-Green Belt sites across the district which could help meet the needs whilst not requiring immediate 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 the emerging RSS, it is considered by Officers as the most relevant target to use when addressing matters of housing supply.

At April 2011 when using the 4000 figure up to the year 2021, a supply of only 1.33 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.

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 major constraints on the site and that the site is suitable and available for housing delivery.

Members will be aware that the history of this site is a complex one. The Inspector's Report into the Bromsgrove District Local Plan (1997) highlighted that the amount of the future development (ADR) land proposed by the Council was inadequate. The Inspector therefore recommended that the Council undertook a comprehensive review of the District to identify sufficient land to meet long term needs for 15 years beyond the plan period. The Council duly undertook a search for Areas of Development Restraint (ADR) land identifying sites in all the main settlements, including Barnt Green. A different site to the one in question was initially identified to the east of Twatling Road and north of

Cherry Hill Road (known as BG5). BG5 was included in the Proposed Modifications version of the Local Plan.

A Public Inquiry was held into the Proposed Modifications of the Bromsgrove District Local Plan and the Inspectors Report was published in March 2002. The Inspector identified that Barnt Green was a suitable location for some ADR provision, however he did not support the site promoted by the Council at Twatling Road (BG5) due to the reliance on car based travel and the inefficient use of land. Instead the inspector preferred the site at Kendal End Road (the application site) stating:

"The objection site would have little effect on the purposes and integrity of the Green Belt and, in particular, would not contribute to the merging of Barnt Green and Kendal End. Given it's degree of sustainability and encouragement to the use of public transport, particularly rail, and it's advantages over the BG5 (Twatling Road) site, I conclude that it would be appropriate to designate this land as an ADR, with the Green Belt boundary drawn to follow the line of Cherry Hill Road."

At that time the Inspector's recommendations were not binding and the Council rejected them, including this site within the Green Belt. A High Court Challenge was then submitted by the landowner to quash the part of the Local Plan that applied to the land in question at Kendal End Road. The submission made on behalf of the landowner was two-fold. Firstly, that there was no proper consideration given to the Inspector's report and secondly there were no proper reasons for not accepting it. The High Court Judge in June 2004 weighed up the arguments put forward by both the claimant and defendant (the Council) and found against the council. In summary the Judge stated:

"No proper consideration was given to the Inspector's report and recommendation and no proper reasons were given for not accepting it. Accordingly I order that the part of the Bromsgrove District Local Plan which applies to the claimants land at Fiery Hill Road and Kendal End Road, Barnt Green, Bromsgrove, in the county of Worcestershire, be quashed."

Whilst the Judge was not concerned with the planning merits of the site, it is quite clear from this judgement that the site the subject of this application is not in the Green Belt.

The Council then took legal advice on how to treat this site in future. This is given below. This advice remains valid.

The Order means that the land in question is not the subject of any adopted policy allocating land for any particular purpose. Any land use allocations in the Plan simply do not apply to it. Nor does any pre-existing Plan become revived insofar as it relates to the land.

Any planning application which is made in relation to the land would therefore have to be treated on its own merits in the light of any policies in the plan which are not site specific, such as general development control policies, and in the light of the normal range of material planning considerations, such as national and regional guidance and the like. Those material considerations would include the recommendation which the Inspector made in relation to the site, although it would not be straightforward to determine the precise weight to be attached to such recommendations. The decision would be best made in the light of a precise proposal and on a case by case basis.

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. The application site was included in this document as a Development Site, with the boundaries drawn to reflect the recommendations of the Inspector rather than the specific land which was subject to the High Court challenge. It is the view of the Local Plan Inspector and the increasing need for the District to release land for housing which prompted the inclusion of this site within the Core Strategy.

When considering releasing any 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 this site 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 significant proportion of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. Both of these aspects are integral aspects to the outline planning application before Members for consideration.

In conclusion, this site needs to be judged on its own merits and in line with existing policies and relevant material considerations. Bromsgrove requires additional housing across the District to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as required by national policy. The site is not in the Green Belt by virtue of the decision taken by the High Court in 2004 and is therefore not afforded Green Belt protection. It is acknowledged that it is not an ADR but it has been recommended as being suitable for development by the Planning Inspectorate. The Council has agreed with the view of the Inspectorate via the inclusion of this site as a Development Site in its Draft Core Strategy. Members must be clear, however, that the inclusion of the site in the Draft Core Strategy cannot be given anything other than minimal weight at the present time.

Therefore subject to other adopted policies in the Local Plan being adhered to, and in relation to a wide range of other relevant material planning considerations such as meeting housing need, the Strategic Planning Manager cannot find any overriding reason in principle why this site should not be brought forward for residential development.

I note reference to the Barnt Green Parish Plan (2006) arising from the publicity period. This has not been adopted by the Local Planning Authority and thus has no weight in the determination process of this application. The application site is located outside of the area covered by the Lickey and Blackwell Village Design Statement (2002). I again place no weight on the content of this document.

To remind Members, development has previously been approved on ADR land, for example the Bromsgrove District Housing Trust housing scheme at Perryfields Road (08/0758 approved 29th January 2009; 09/0518 approved 25th September 2009) and the recent application for up to 76 dwellings on land at Selsdon Close (11/0431 approved 15th July 2011). I would also refer Members to the appeal decision at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378) whereby 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. As such I am of the view there is an undisputed need for housing and the housing supply

situation is in crisis. This stance was taken by the Inspector in the recent appeal decision for Norton Lane, Wythall (APP/P1805/A/11/2150938) (application reference 10/0931). Members accepted this position in resolving to approve the residential development for 80 dwellings on the Church Road Catshill ADR in October 2011 (application reference 11/0343).

The proposal should thus begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

A number of shops and services are located approximately between 450 metres to 550 metres walking/cycling distance of the site. Most of the facilities available are less than 650 metres from the site. These key facilities include a Post Office, convenience store, First School, dentist and doctors/GP. There are also several independent retailers offering DIY, flowers, delicatessen, wine, pharmacy, butcher, optician, dry cleaners, hairdresser and takeaways. There is a range of social and leisure facilities including public houses and restaurants, sports facilities and community hall buildings. Millennium Play Area, an equipped area of open space, is located on Hewell Road and youth/adult open space is located on Bittell Road. The site is within walking and cycling distance of the Lickey Hills Country Park.

The site is also located reasonably close to a wider range of services within Bromsgrove Town Centre (located approximately 7.7 kilometres to the south-west), including schools, employment opportunities and leisure facilities.

Barnt Green contains a train station that lies on the cross-city line, linking Redditch, Birmingham and Lichfield. There is a half hourly service between Redditch and Birmingham, as well as links to Bromsgrove and a limited service to Worcester. Buses also travel through the settlement to Birmingham, Bromsgrove, Redditch and Alvechurch. A bus route utilises Kendal End Road and Hewell Road, linking Barnt Green with Redditch and rural areas of north Worcestershire with secondary schools. A ninety minute service links Cotteridge and Kings Norton railway station with Bromsgrove via Barnt Green.

As such I am of the view that the site is in a sustainable location and I raise no concern on this issue. The scheme would thus comply with the key sustainability aims of national policy aims detailed in PPS1 and PPS3. Policies SD.4, SD.8 and T.1 of the WCSP and policy DS13 of the BDLP support this approach. Furthermore, the first Local Plan Inspector identified Barnt Green as a sustainable settlement suitable for future development, together with the positive use of public transport, particularly rail.

Design, Form and Layout

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

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs).

Local Plan Policy S7 states that proposals involving development of new dwellings outside the Green Belt 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.

SPG1 states that residential layouts should make a positive contribution to the local environment and respect the character of the surrounding area. Paragraph 5.10 sets out a series of design objectives including adequate daylight and sunlight, adequate privacy

and outlook for new and existing dwellings, and provision of private and shared amenity space.

Whilst I note the views of third parties and Barnt Green Parish Council in relation to the lack of information accompanying the application, Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. The application does contain an indicative site layout plan with an accompanying Design and Access Statement that provides information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in four respects. Firstly the site is clearly visible from existing residential properties on three sides and the wider Green Belt landscape to the northern boundary beyond Cherry Hill Road and Kendal End Road and the setting of the Barnt Green Conservation Area to the south and the Grade II Listed Barnt Green Inn to the north.

The western part of Fiery Hill Road and Cherry Hill Road exhibits buildings of the 1890's and 1930's and more recent infill development that has occurred at a higher density than other parts of Cherry Hill Drive. Barnt Green is also characterised by a variety of detached, semi-detached and terraced dwellings built in post war years at much higher densities and on smaller plots. Development to the east of the railway is of a denser character with continuously built up frontages softened through mature vegetation.

I accept the site is visually prominent in a wider sense, given the views afforded by the expanse of the site boundary fronting Fiery Hill Road and Kendal End Road. Such views from Fiery Hill Road would be more definitive given the combination of the access road and the open character of this boundary facing the highway. Views from Cherry Hill Road and Cherry Hill Drive would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. The development would result in the loss of open land, but I am of the view that the impact of the development on the landscape and visual character would be moderate to low and there would no material loss of an attractive landscape.

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the southern boundaries, and the eastern boundary formed by Fiery Hill Road and the defined railway line embankment. All boundaries contain screening of varying amounts and these would remain following development of the site, with enhancement created by additional planting. This would serve to further filter views both of and toward the site, to the benefit of both existing and future residents. As such I am of the view that the proposals can be accommodated without detriment to the Green Belt setting in compliance with paragraph 3.15 of PPG2.

The views of the Urban Designer (UD) are noted, with particular reference to the submitted Design and Access Statement. This document should set out a clear set of site planning and design principles based on analysis and good practice. The UD is critical of the Design and Access Statement document and the content and approach taken, including an absence of information required to describe the intentions towards the

appearance of the built form. Concern is raised over the low density of development advocated by the scheme and the need to contribute towards Policies of sustainable public transport and land use. The UD notes that the revised indicative layout plan denotes significant improvements in the areas of site layout and the design of open space.

I have noted these views. The UD has placed much emphasis on the relatively low density nature of the scheme. I would disagree with this stance. Higher density would be appropriate to the east of the railway track but not in this location given the pattern of existing residential development and the need to respect the setting of the Grade II Listed Building and the Conservation Area. I am thus satisfied that the site is able to comfortably accommodate up to 88 residential units, with associated landscape and open space measures. However, as advocated by the UD, I do accept the design aims of the scheme need refining (with particular regard to views of the development from the wider landscape on the highest points of the site to the west adjacent to the Cricket Club).

Members will, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. However, to provide some comfort to Members, the Design and Access Statement and the indicative site layout plan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied. It is at this stage that the views of the UD can be utilised to shape the design context of such matters. The issue raised by third parties in relation to the principle of the scale and siting of the flatted accommodation aspect of the scheme can also be filtered into this process.

Density

The development provides a density of 18 dwellings per hectare based on the erection of 88 units. Members will be aware of the views of the UD raising concern over the low density of the scheme. The applicant has responded to these concerns and referred to a number of influential factors that have governed density, including the topography of the site, the need to adequately buffer the cricket ground to the west and the requirement to ensure the setting of the Grade II Listed Building and Conservation Area is preserved. The development proposal will also create a linear streetscene that will echo the existing housing pattern in Fiery Hill Road and will be of a similar density.

I accept the density figure of 18 dwellings per hectare is relatively low when compared to the removed thresholds previously contained in PPS3. However, the Cherry Hill is area of the Conservation Area is more densely developed than other areas and yet the density still only equates to around 10 dwellings per hectare (Barnt Green Conservation Area Appraisal: 2002). In reverse of the views of the UD, the CO takes the view that the density of the scheme should be reduced to something nearer to that of the neighbouring Conservation Area.

Whilst the density thresholds have been removed from PPS3 (30-50 dwellings per hectare), there is still a requirement to make the most efficient use of land. I have therefore considered both the conflicting views of the UD and the CO. I am therefore of the view that the combination of the three factors: efficient use of land, character of the

locality and the site-specific constraints to all be material circumstances in this instance to permit the development at the proposed density to be acceptable.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings. The development also contains 4 bed dwellings and 1 bed and 2 bed flatted accommodation and bungalows. The proposed mix includes single, two and three storey dwellings and flats. Thirty-five affordable units are provided, which equates to a provision of 40% affordable housing made within the site. These dwellings will need to be designed to Lifetime Homes Standard, whereby the design of each unit must have in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement.

Local Plan Policy S15 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.

Members will note the application has been accompanied by an Affordable Housing Statement. The Strategic Housing Manager has raised no objection to the scheme and notes that the tenure split within the affordable housing provision is reflective of 50% Intermediate/Shared ownership and 50% Social Rent and that a minimum of 6 bungalows will be provided within the AH provision.

As such I consider the scheme accords with policy S14 and S15 of the Local Plan.

Impact on the Amenity of Adjacent Occupiers

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

I note the concern regarding the loss of privacy arising from the development. Members will be aware that such detailed matters of layout and scale are reserved for future consideration. Given the site characteristics and based on the submitted Concept Masterplan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably

satisfied that any resultant development can be accommodated without detrimentally affecting 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. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

For reference, 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 (Cherry Hill Drive/Fiery Hill Road/Kendal End Road/Cherry Hill Road) would not wish to lose their existing 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.

Impact on the Setting of the Grade II Listed Building (Barnt Green Inn) and the designated Barnt Green Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard is paid to the desirability of preserving the setting of Listed Buildings. Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 places an obligation on the LPA to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies S39 and 35a of the BDLP and Policies CTC.19 and CTC.20 mirror this with a commitment to ensuring the protection of Listed Buildings and their settings and preserving or enhancing Conservation Areas.

National planning policy in Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) provides advice on planning applications affecting designated heritage assets such as conservation areas. Policy HE7 sets out the need to identify and assess the particular significance of any element of the historic environment and policy HE9 sets out a presumption in favour of the conservation of designated heritage assets. Policy HE10.1 states 'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.' PPS5 also defines setting in Annex 2 as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Barnt Green Conservation Area was designated in December 2000 and contains three distinct areas. The area of Cherry Hill located adjacent the application site is characterised by higher density one and two storey houses on narrower plots, typically in distinctive styles dating from the early twentieth century. Older properties have mature gardens, with trees and hedges fronting tree-lined roads. There is some modern infill. Cherryhill Coppice, at the top of rising ground, provides a backdrop, adding to the character and setting of the area (Barnt Green Conservation Area leaflet: July 2001).

The Barnt Green Inn (Listed Grade II) is located to the north-west of the site. Barnt Green Conservation Area lies immediately to the south and south-west. Members will note the site is currently open, with a significant number of trees and hedgerows to the majority of the boundaries. As a consequence the Barnt Green Inn is only visible across

the site from mid-way along the Fiery Hill boundary, and from the corner of Fiery Hill Road and Kendal End Road, where there are particularly good views. From the Barnt Green Inn there are few views into the site. As a result the semi-rural isolated setting of the listed building is therefore enhanced.

The CO is of the view that some development of this site is possible but with the caveat that any scheme must be laid out in such a way that it does not impact on the setting of the listed building. In this respect the extent of the development on the part of the site to the rear of the Barnt Green Inn must be carefully considered. This is of particular importance due to the way the site level falls from this end of the site towards the junction of Fiery Hill Road and Kendal End Road. Equally views of the Barnt Green Inn from the corner of Fiery Hill Road and Kendal End Road could be partially obscured by houses and thus totally obscured when viewing the listed building from half way along Fiery Hill Road. The applicant has responded to these concerns and has demonstrated this through the revised indicative layout plan. I would point out that the Urban Designer has not advocated treating the listed building as an isolated object, with space left around it to obtain long-distance view. He views this approach as an old-fashioned attitude in treating an historic building.

This site is also immediately adjacent to the designated Barnt Green Conservation Area, and in particular the Cherry Hill Area of the Conservation Area. Being adjacent to the Conservation Area does not automatically denote that development should not take place on this site. The key test is whether redevelopment makes a positive contribution to the setting and to the character and local distinctiveness of the historic environment. HE7.5 of PPS5 states 'Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.'

The general character of this part of the Conservation Area pertains to reasonably large houses on generous plots, set back from the road. The CO notes the indicative site layout plan illustrates a significant contrast between the Conservation Area and the proposed development, which appears to be a very intensive high density development with some houses positioned close to the road, others sideways to the road, small plots, a general lack of spaciousness, and a generic 'housing estate' feel. In terms of principles for any development on this site, the CO considers that houses on the Fiery Hill Road side of the site should face the road, and positioning of houses sideways on to the site should be avoided.

Any development on this site must ensure the form of the development preserves or enhances the character or appearance of the Conservation Area in compliance with Policy HE7 of PPS5, together with the setting of the Listed Building. In conclusion, the CO is not opposed to some residential development on this site and Members will note the view of the CO and the UD on the particular issue of how the development of the site interacts with the setting of the listed building. The views of both the CO and the UD can be used extensively in any subsequent Reserved Matters application dealing with siting matters if Members are minded to grant outline application at this stage. These relate to careful attention to the setting of the Grade II Barnt Green Inn and ensuring that the development is sensitive to the proximity of the Conservation Area (with direct reference to density matters immediately adjacent the CA boundary and the positioning of the new

dwelling on Fiery Hill Road), in addition to the design of the new dwellings. This may give some comfort to Third Parties and the Parish Councils in addressing concerns over the scale, form and character of any future development on this site.

Landscaping and Tree Issues

The site is covered by an area TPO that specifies those individual trees and groups included. This was served as a draft TPO in March 2011 and was confirmed in its final form 15th August 2011 (served on the landowners on 16th September 2011).

The proposed development requires the loss of a total of 37 individual trees (3 x Hawthorn, 6 x Oak, 1 x Holly and 1 x Pear fronting onto Fiery Hill Road) and 26 x Hawthorn trees forming the hedgeline on the corner of Fiery Hill Road and Kendal End Road. All these trees are of sufficient merit to have been included in the recently confirmed Tree Preservation Order 2011(2). One further tree is proposed for removal - a large dead Oak in the south-east corner of the site. While this tree has considerable value for wildlife as standing deadwood habitat, its decaying and unsafe condition makes it unsuitable for inclusion in the TPO or retention as part of a development scheme. While these trees proposed for removal are of sufficient value to include in the TPO, they are the trees of lesser value on the site and thus I consider that their loss will be adequately mitigated by the new tree and hedge planting being proposed and shown on the indicative plans submitted. The revised indicative layout plan retains the large veteran Oak on the Kendal End Road boundary. The retention of such features, enhanced planting and mitigation to replace removed specimens can be filtered into the Reserved Matters process in order that such measures are carried and to ensure any notable features remain integral to the final layout.

The Tree Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Members will note the agricultural land on the application site is Grade 3 under the Agricultural Land Classification. Grade 1, 2 and 3a land is considered to be the most flexible, productive and efficient land. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28). I note the land is not part of a larger agricultural holding and as such is not well-related to agricultural land in the locality given the location of the site. Given the size of the land, the physical constraints and the adjoining residential dwellings, the loss of the land in agricultural terms does not present me with any concerns.

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide

sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Members will note the internal road network is not for consideration at this stage.

Members will be aware that third party representations have raised concern with regard to highway safety and traffic congestion (with particular regard to Cherry Hill Road and Fiery Hill Road and Kendal End Road and the junction of the two latter roads), egress matters created by ongoing on-street parking on Fiery Hill Road and inadequate public transport provision.

The existing bridge located on Kendal End Road restricts visibility the Fiery Hill Road/Kendal End Road junction. The scheme proposes to relocate the simple priority junction to the north-west, which will significantly improve visibility and safety at this location. The junction improvement works include the option of relocating the footway to the south side of the carriageway beneath the railway bridge. This will improve visibility to oncoming traffic but also provide connectivity between the site and the local facilities at Barnt Green.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that a full Transport Assessment has accompanied the application. Members will note this document demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic and the scheme will have a negligible impact on the operations of the junctions in the locality, including Kendal End Road and Fiery Hill Road. The proposed realignment of Fiery Hill Road and changes to the junction of this road and Kendal End Road will be beneficial - both for vehicular traffic and for improved connectivity to the facilities and functions located in Hewell Road.

Given the consideration of all highway related matters, including the views of third parties and the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on Fiery Hill Road and that there would be capacity within the existing network to cope with the development proposal, including Kendal End Road and Bittell Road. Although I note the lack of a designated footpath on Cherry Hill Road raised by third parties, the use of the new access leading off Cherry Hill Road for walking and cycling opportunities, would also promote sustainable transport choices for future residents. This would also enable greater permeability.

Members will note Worcestershire Highways has raised no objection to the scheme subject to the imposition of Conditions. As such Members are thus reminded that there is no technical objection to the scheme on the grounds of adverse impacts on the highway network grounds.

Barnt Green contains a train station that lies on the cross-city line, linking Redditch, Birmingham and Lichfield. There is a half hourly service between Redditch and Birmingham, as well as links to Bromsgrove and a limited service to Worcester. Buses also travel through the settlement to Birmingham, Bromsgrove, Redditch and Alvechurch. A bus route utilises Kendal End Road and Hewell Road, linking Barnt Green with Redditch and rural areas of north Worcestershire with secondary schools. A ninety minute service links Cotteridge and Kings Norton railway station with Bromsgrove via

Barnt Green. Given these circumstances I consider the site benefits from good public transport opportunities, with a number of alternative modes of transport available to future occupiers of the development.

Green Belt Policy and New Car Park

The proposed 38-space car park is located on land that results from the realignment of Fiery Hill Road. The existing road lies in the Green Belt and therefore the proposed car park is located in the Green Belt. The Green Belt in this location applies solely to the line of the road and the railway. It is a linear strip that projects into the built up area from the wider countryside north of Kendal End Road.

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming from PPG2 and reflect paragraphs 3.1 and 3.2 of PPG2. Paragraph 3.12 of PPG2 states that engineering operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt include checking unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment as set out in paragraph 1.5 of PPG2. Paragraph 3.15 of PPG2 goes on to state that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

The proposal constitutes an engineering operation as it involves the laying out of a parking area by adaptation of a hard standing and, as a result, the material change of use of land. I accept the hardstanding is *in situ* and this will not alter as part of the proposals. The hardstanding in itself would not lead to any greater element of encroachment than the current situation or impact on Green Belt openness *per se*. However, the ability of the hardstanding to facilitate the open parking of vehicles of unrestricted sizes and colours would harm the openness of the Green Belt in this location. On this basis I consider this aspect of the proposals to represent inappropriate development in the Green Belt contrary to Policy DS2 and the provisions of PPG2.

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" (Council emphasis).

The LPA takes 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. For instance this could mean one very special circumstance or a number of individual circumstances, which although some or all of them may be common, combine to form very special circumstances. Whether or not the applicant has put forward very special circumstances, must of course be decided within the factual context of the application.

The applicant has put forward the following points:

- (a) The use is similar to that which currently exists, that is, as a road way where vehicles are frequently parked, maneuvering and driving through. The only difference being that more vehicles will be parked and none will be driving through.
- (b) Visually, the land is already surfaced and this will not change.
- (c) The resulting benefits of the proposals in achieving off road parking which provides the opportunity not only of removing undesirable on road parking that takes place at present but also the enhanced sustainability of the location this brings as result.

I have considered these points. I accept the new car-park will utilise the existing hardstanding that currently constitutes the Fiery Hill Road carriageway and the new use will have little impact over and above the existing highway use. I also note the net benefit from the provision of a dedicated parking area in this area that will reduce on-road parking and thus improve highway safety in the locality. I am therefore of the view that these points constitute very special circumstances to outweigh the inappropriateness of this aspect of the scheme in due consideration of Green Belt Policy.

It is anticipated that the car-park will be utilised for rail users. WH have requested a financial contribution within the Legal Agreement to finance the administration of traffic regulation orders that require amendment as a direct result of the realignment of Fiery Hill Road. This will ensure the car-park replaces on-road parking provision and thus meets the objective of improving highway safety matters on Fiery Hill Road. This approach accords with Policy BG3 of the BDLP that encourages schemes that lead to an improvement in parking provision that meets the needs of both the railway station and shopping area. The Legal Agreement and a condition requiring the applicant to re-align Fiery Hill Road will secure both these aspects of the scheme.

Open Space and Play Space

Members will note the views of the Open Space Officer and the use of SPG11 which uses a standard formula for the calculation of contributions and is used as a starting point for negotiation. SPG11 relates to the assessment of the need to make contributions towards the maintenance of on-site open space and commuted payments in lieu of on-site provision. Such monies are thus made available for the capital expenditure towards the quantitative and qualitative improvement of areas of open space which residents of the development could then make use of. Members will be aware that the circumstances under which financial contributions should be considered appropriate are detailed in Circular 05/2005.

The views of the Head of Leisure Services are noted. The application is submitted in outline and as such Members are being tasked with dealing with matters of principle.

However, the indicative site layout plan does show the provision of 6 areas of open space to be provided on site, which totals 7,850 square metres of public open space. Based on SPG11 calculations, this attracts a commuted sum for suitable off-site provision or enhancement (deficit of 326 square metres). The formula utilised by SPG11 has, however, calculated a significant maintenance contribution. The submitted Open Space Assessment accompanying the application suggests a financial amount for such maintenance based on the average rate for off-site contributions for play for the adjacent Local Authorities to Bromsgrove District. Based on this mean figure for four adjoining District Authorities To Bromsgrove District, I suggest the financial amount for such off-site contributions should equate to £44,000. The applicant has agreed to this in principle. The applicant has also agreed that all on-site open space shall be laid out as grassland with no equipped areas and that all on-site provision will be subsequently maintained by a management company. The balancing pond proposed to be located adjacent Kendal End Road on the indicative site layout plan will also be maintained by a management company.

Ground Conditions, Flood Risk and Drainage Issues

Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

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 indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

PPS25 states that a sequential approach to site selection should apply in relation to flood risk, which gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

No watercourse is located within or adjacent to the site boundary. A small watercourse crosses below Kendal End Road approximately 0.17km north west of the site boundary. Having passed below the road the watercourse changes direction to run south east through a field some 0.14km north of the site boundary where it enters a culvert before passing below the railway line. Eventually this watercourse flows into Lower Bittell Reservoir which lies approximately 0.80 km east of the proposed development. The Worcester and Birmingham Canal runs north to south approximately 1.20 km east of the site.

The FRA indicates that the site is located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable. The Environment Agency flood map indicates that the proposed development does not lie within the flood plain and therefore no additional flood plain storage volume is required nor will any storage volume be displaced.

I thus raise no objection on flooding grounds. In order to ensure that new dwellings are not affected by overland flow it is recommended that the finished floor levels of new houses should, wherever possible, be set 0.15m above surrounding finished ground levels. This can be secured via the imposition of a suitable Condition.

Surface water management will be designed to sustainable principles with sufficient storage on site to enable discharge from the site to be regulated to no greater than the rate of runoff from the undeveloped site. Foul flows arising from the development will be discharged to the existing public foul sewerage system at a rate not exceeding that agreed with Severn Trent Water.

Whilst I note third party comments, the Council's Drainage Engineer and Severn Trent Water have raised no objection to the scheme, including the provision of the balancing pond.

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.

Members will note the views of third parties and Worcestershire Wildlife Trust on this issue. Natural England has referred the Local Planning Authority to non-site specific generic standing advice.

The site consists of two large open fields divided by a robust Holly hedge that runs from north-east to south-west. Across both fields a small number of mature scattered broadleaved trees are present, whilst several pockets of scattered scrub has become established around the boundaries of the site, in particular the larger field, especially where private gardens bordered the site. The smaller of the two fields contains stands of tall ruderal vegetation, with this featuring heavily towards the centre of the site.

The following habitats are recorded across the site:

- Scattered broadleaved trees
- Scattered scrub
- Improved grassland
- Tall ruderal vegetation
- Hedge with trees

The site is generally of limited value to wildlife, primarily due to the small number of habitats and the improved nature of the grassland. The scattered broadleaved trees are mature and a number of these specimens support attractive features such as broken limbs and woodpecker holes, or are heavily cloaked with Ivy making them suitable for both roosting bats and nesting birds. A mature False Acacia in the middle of the lower field was dead and provided valuable habitat for saproxylic invertebrates. Small patches

of scattered scrub offer limited cover to foraging and nesting birds. The mature Holly hedge is robust enough to provide excellent cover for feeding and nesting birds in addition to many insects associated with Holly such as the Holly Blue Butterfly. The improved grassland is poor in diversity of grasses and wildflowers, and as such, offers little of ecological interest. However, there is evidence that a large Rabbit population is using this habitat. The tall ruderal vegetation is relatively scarce and offers little value for wildlife.

Grassland was identified in the western field of the site that was considered to be a good example of MG1 grassland. A further study of this found that MG1 grassland is virtually ubiquitous throughout the lowlands of Britain with the sub community found here the most widely distributed. However, the western corner of the western field is a good example and could be retained on site where possible through translocation to areas of informal open space.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter). Although I note the views of third parties, the submitted Ecological Survey states that although records indicated the presence of Badgers in Pinfields Wood 200 metres to the west, no signs of Badger activity on the site were recorded. No great crested newts were identified on the site. The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. Some of the existing trees support features such as decay cavities, woodpecker holes, fissures and exfoliating bark considered suitable for bat roosting and/or hibernation. A nocturnal bat survey has therefore been carried out. This concludes that there were no roosting bats present as the nocturnal survey no animals emerging from or returning to the trees. The bat activity recorded is generally restricted to the hedge lines and the edge of the site adjacent to Cherry Hill Road, the Barnt Green Inn and the cricket pitch. These routes can be retained within a layout and will not be affected by the development.

In overall terms, the site will ensure that biodiversity is maintained and enhanced, in particular through the retention of features that are of biodiversity value. Where features of biodiversity value are to be lost, these are to be mitigated for through new planting and enhancement of retained habitats. Natural England and Worcestershire Wildlife Trust have raised no objection to the scheme.

I am thus of the view that the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity, subject to the imposition of suitable Conditions relating to the implementation of mitigation measures.

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments (for example, housing) must be located away from existing sources of significant noise. Proposals potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. Members will be aware that the impact of noise is a material planning

consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

The key dominant noise sources affecting the site include road traffic on Fiery Hill Road/Cherry Hill Road/Kendal End Road and trains passing on the railway embankment, which include stopping services, faster services that do not stop at Barnt Green and occasional freight services.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The assessment details that the site predominantly falls into noise exposure categories A and B which are generally considered suitable for residential development. The presence of the proposed buildings themselves would further reduce noise across the site ensuring that the properties away from the perimeters are exposed to lower noise levels.

The acoustic report recommends that properties close to Barnt Green Inn are set back 15 metres from the site boundary with the Barnt Green Inn, which would allow for a landscaping strip and rear gardens. It is also recommended that an acoustic fence (2.5 metres in height, be imperforate and sealed at the base) be erected to shield properties close to Barnt Green Inn. It is suggested the fence should be incorporated into the rear garden fences of the properties. The report also suggests the use of acoustic glazing.

Subject to such mitigation measures to be secure through appropriate Conditions, I raise no concern on this issue. The issue of the fencing surrounding the Barnt Green Inn will, however, need careful consideration given the duty of the Local Planning Authority to preserve the setting of the Listed Building. WRS has raised no objection to the scheme subject to the imposition of Conditions to ensure the mitigation measures are implemented.

Air Quality

Members will note the views of WRS. I thus raise no issue on this point. A Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

Archaeological Issues

The views of the County Archaeologist are noted. The WCC(CA) has raised no objection to the scheme subject to a written scheme of investigation in relation to a programme of archaeological work.

Other Issues

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty *"to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."* Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard

and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I am also mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of PPS1).

The views of the Crime Risk Manager are noted. I note the concerns regarding the failure of the site layout to meet the Secured by Design standards, with particular regard to lack of natural surveillance opportunities with respect to parking provision, the orientation of dwellings and the number of footpath entry points leading off Fiery Hill into the development. Members will be aware that the application is submitted in outline and contains an indicative site layout plan which is purely indicative at this stage. Any concerns raised by the CRM can thus be addressed through the Reserved Matters process. I thus would find it difficult to raise an objection with respect to the issues raised by the CRM at this outline stage.

Climate Change

Local Plan Policy DS13 states that the Council will take full account of the need for future development to be sustainable so that present demands do not compromise the ability of future generations to meet their own demands or enjoy a high quality environment. The Climate Change Supplement to PPS1 makes climate change considerations integral to the planning system, including in the design of new developments. Paragraph 105 of the Guidance on Information Requirements and Validation states that Design and Access Statements for outline planning applications should:

'demonstrate how climate change mitigation (through the minimisation of energy consumption, efficient use of energy, and the supply of types of energy including from low-carbon and renewable sources to help reduce overall carbon emissions) and adaptation measures (to provide resilience to future climate impacts) have been considered in the design of the proposal.'

The submitted Design and Access Statement provides an indication of such measures, such as the use of solar hot water heating solutions, air source heat pumps and photovoltaic solutions. Further strategies can be employed to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

As such I consider regard has been paid in the submission to matters of climate change mitigation and adaptation measures. I am therefore of the view that the proposal complies with Local Plan policy DS13 and PPS1 and its supplement.

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members

will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as demographic change, parental choice and/or with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in or surrounding Barnt Green.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision in the Catshill area will not be required in this instance as there are spare places in all of the local schools. In relation to the local first school, St. Andrew's CE First School, it is noted that the school does tend to fill but some of the children come from outside the catchment area and thus the County Council Education Service take the view that there would be space for additional pupils from Barnt Green. The school has 45 places per year group giving a total capacity of 225.

Other Matters

Restrictive Covenant

Members will note the issue of a restrictive covenant attached to the site. This is a legal issue rather than a planning issue and therefore is not a material consideration to be taken into account in determining the application.

This principle is supported by Section 70(2) of the Town and County Planning Act 1990 where case law establishes that to be 'material' they must be planning considerations. The broad interpretation adopted is that considerations must relate to the use and development of land and whilst in some instances private interests can be material considerations, such as the personal circumstances of the applicant, planning is generally concerned with the public interest and therefore the existence or absence of private rights are irrelevant in determining a planning application. This is also the case where rights are separately protected by other legislation such as those governing covenants. The covenant is therefore not relevant for the purposes of assessing the planning merits of this application.

Construction Matters

Deliveries to the development site during the construction phase are able to be controlled through a Construction Traffic Management Plan. This could include the following:

- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods
- Restricting construction vehicles to designated routes
- Restrictions of the hours of working on site

I intend to impose a suitable Condition on this basis.

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Members will note the following agreed Heads of Terms breakdown of contributions for inclusion in the Section 106 Agreement:

Amount	Reason for contribution	Payable To
£44,000	Off-site play space provision/enhancement	Bromsgrove District Council
£2,000	Pedestrian crossing improvements in Bittell Road to provide improved links to the sports field	Worcestershire County Council
£3,660	To administer traffic regulation orders (TRO) that requires amendment as a direct result of the realignment of Fiery Hill Road.	Worcestershire County Council

Members will note the Agreement will also include the provision and securing of 35 affordable housing units.

As detailed above, the application generates financial contributions for the shortfall in on-site open space provision. Your Officers are in discussions with the applicant's agent and the Head of Leisure Services in relation to the target location for such monies to provide new facilities or enhance existing provision within the locality. Members will note the views from Barnt Green Cricket Club arising from the publicity process. I will update Members at your Committee on this issue.

WCC Education Services has confirmed no monies are required for education provision as local schools have capacity to accommodate the development at all phases.

It is considered that the agreed level of contribution detailed above meet the Circular tests in that it is relevant to planning, is considered necessary to make the proposed development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related in scale to the proposed development.

The Section 106 Agreement is currently being drafted. Again, I will update Members at the meeting of the Committee on the progress of this document.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

In planning policy terms, this site needs to be judged on its own merits and in line with existing policies and relevant material considerations. Bromsgrove requires additional housing across the district to attempt to rebalance its housing market, and there is not currently a 5 year supply of housing land in Bromsgrove as required by national policy. The site is not in the Green Belt by virtue of the decision taken by the High Court in 2004 and is therefore not afforded Green Belt protection. It is acknowledged that it is not an ADR but it has been recommended as being suitable for development by the Planning Inspectorate. The Council has agreed with the view of the Inspectorate via the inclusion of this site as a Development Site in its Draft Core Strategy. In weighing up all the issues, including compliance with other adopted policies in the Local Plan and meeting the housing crisis the District is facing, there appears to be no basis for resisting the release of this land and the proposal should begin to address the serious shortfall in housing land supply. The proposal would additionally assist with the Council's task *"....to maintain a flexible and responsive supply of land for key sectors, including housing..."* as urged in the Ministerial Statement 'Planning for Growth'.

I am aware that paragraph 71 of PPS3 seeks favourable consideration where there is a shortfall in the 5 year supply but Members will be aware that the wider context should be taken into account. PPS1 sets out that sustainable development is the core principle underpinning planning, the heart of which is a spatial planning approach. The site has been identified as a suitable and sustainable site for housing development in the Draft Core Strategy 2. In my view the development of this site would not conflict with the key sustainability aims of PPS1 and PPS3 and thus would contribute to housing in a sustainable location, in addition to addressing the shortage of affordable housing in the District by supporting a 40% element of such dwellings.

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

The proposed on-site public open space, the approach to high quality design advocated by the Design and Access Statement, the re-alignment of Fiery Hill Road and the resultant improvements to highway safety and new landscaping would be of local benefit which are factors that weigh in favour of the proposals. This application would establish the principle of releasing the land for up to 88 residential units. If Members are minded to approve outline consent, the Reserved Matters stage will require the submission of definitive details for the development of the site, thereby permitting the Local Authority to

carefully consider the form, layout and spacing of the new units and how such a scheme would relate to the context of its surroundings.

With respect to the process for dealing with this outline application, Circular 08/05 states:

"Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, **but an Authority could chose to direct a longer or shorter period as appropriate**. The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**" (Council emphasis).

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development occurs within five years and satisfy the lack of a five year supply as advocated by the applicant in support of the scheme.

I am content that the site is able to support the erection of up to 88 residential units in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land with the acknowledged constraints of the site (with particular reference to the setting of the Barnt Green Inn and the Barnt Green Conservation Area), in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of highway related concerns, Members will note WH have raised no objection to the scheme and furthermore I am not in receipt of any technical objections to the outline proposals. Having considered all material considerations, I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision, highway improvement works and the securing of 35 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon completion.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (a) Play space provision;
- (b) Highway improvement works;
- and (c) the securing of 35 affordable housing units.

For the reference of Members I intend to impose suitable Conditions relating to:

- Submission of the outstanding Reserved Matters for approval (appearance, landscaping, layout, and scale)
- Application for approval of the Reserved Matters not later than twelve months from the date of the outline consent
- Commencement of development not later than twelve months from the date of approval of the last of the Reserved Matters to be approved
- Compliance with approved drawings
- Materials and external appearance finish
- Finished floor levels
- External lighting
- Number and location of the affordable housing units to be provided.
- Soft and hard landscaping
- Landscape Management Plan
- Boundary treatments
- Details of the treatment and finishes to all areas of communal public open space
- Tree and Landscape Protection Plan
- Habitat Management Plan for grassland
- Details of bat and bird boxes
- Noise mitigation measures
- Construction Management Plan (including Construction Traffic Plan)
- Programme of archaeological work
- Contamination investigation and remediation programme as applicable
- Surface water drainage scheme
- Foul drainage disposal
- Highway matters (access/turning/parking, highway alignment works)