

Name of Applicant
Type of Certificate

Proposal

Map/Plan Policy **Plan Ref. Expiry Date**

Mr Mark Hughes "A"	Modifications and remodeling of existing building to create 7 apartments; erection of 3 detached dwellings; access, amenity space and associated works The Mount Hotel, Mount Lane, Clent	GB	12/0490
		CA	17/09/12
		LPA	

RECOMMENDATION:

That subject to the final satisfactory views of:

- (i) Worcestershire Highways
- (ii) Conservation Officer

(a) MINDED to APPROVE FULL PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) An updated viability review to be submitted at an agreed trigger point of either an agreed defined timescale or the prior occupation of an agreed number of dwellings, with the viability review updating the current Viability Report submitted with the current application.
- (ii) The District Council's fees and costs of the initial and subsequent viability reviews (as applicable) (index linked to RPI, plus expenses and VAT) to be borne by the applicant.

Consultations

WH Consulted 20.06.12 –

Deferral recommended as there is an imbalance in the car parking provision for the flats and the proposed dwellings. The applicant should submit a revised drawing addressing the car parking provision and indicate cycle spaces for each property.

Revised drawing received 26.09.12 – further WH comments awaited

Clent PC Consulted 20.06.12: No comments received to date

County Archaeological Officer	Consulted 20.06.12: No comments received to date
PROW	Consulted 20.06.12: No comments received to date
Ramblers WWT	Consulted 20.06.12: No comments received to date Consulted 20.06.12: No comments received to date
Drainage Officer	Consulted 20.06.12: No objection subject to foul and storm drainage conditions
Tree Officer	Consulted 20.06.12: Recommends refusal of the proposed scheme for the following reason(s): <i>“The proposal in it’s current form is likely to cause damage and loss of existing trees within the Conservation Area contrary to policies DS13, C17, C19 & S35A of the Bromsgrove District Local Plan, CTC.5 of the Worcester County Structure Plan and Para 118 of the National Planning Policy Framework.”</i>
Conservation Officer	Consulted 20.06.12: Verbal support received in relation to amended plans informally submitted on 26.09.12 however further revisions required in relation to minor design features. Revised plans received 24.10.12 – further comments awaited
Strategic Planning	Consulted 20.06.12: <i>“On the basis of 4x1 bed, 3x 2bed and 3x 4bed properties the development generates a requirement for 536sqm of play space. Where the play space generated is less than 1000sqm SPG11 suggests provision should be provided off-site. Using the formula within SPG11 a commuted sum of £120,064 would be required to deliver off-site play space. It is acknowledged that a figure of this size may impact upon the viability of the scheme and therefore depending”</i>
Urban Design Consultant	Consulted 14.08.12: <i>“The site, its topography, and the existing hotel building present considerable potential for a very distinctive development which could add notable character to the conservation area. But this potential is not being realised in the present proposal. The conservation area is not unified in character, with existing houses in varied styles and materials. There is an opportunity here for a</i>

development which, taking its cue from the tower, develops its own distinct and distinguished architectural language.”

WRS

Consulted 20.06.12:

“Due to the close proximity of existing residential properties to the proposed development, care should be taken during the construction phase to reduce any adverse impacts caused to local residents. I would therefore recommend that the applicant follow Worcestershire Regulatory Service’s Code of Best Practice for Demolition and Construction Sites”

Schools
Services

Comments received 29.06.12:

The schools affected are Clent Parochial Primary School and Haybridge High School. The following schedule of contributions applies:

2-bed houses £4,905
3-bed houses £4,905
4+ bed houses £7,358
2+ bed Flats /
Apartments £1,962

Viability
Consultant

Comments received 22.10.12:

The scheme is unable to support any Section 106 obligations.

Publicity

12 neighbour notification letters sent 20.06.12, 27.06.12 and 12.07.12 – overall expiry 02.08.12

Site notice posted 12.07.12 expires 02.08.12

Press Notice published 29.06.12 expires 20.07.12

Ten objections received: concerns raised in relation to the Conservation Area, traffic and highway safety, vegetation loss, residential amenity, waste collection problems, fire safety, overdevelopment, Green Belt harm, sustainability and drainage

The site and its surroundings

The application site relates to a former hotel building which has been vacant since 2008. It comprises a main 4 storey tower which fronts Mount Lane, and subservient single, two and three storey projections to the sides and rear. The buildings on the site are concentrated in its north-east corner with the remainder comprising hard surfaced areas and landscaping. Mature tree planting of varying species exists around the perimeter of the site.

The site is located amidst the village of Clent and is surrounded by existing residential development. The site is immediately adjoined by a dwelling known as Mount Rise to its eastern boundary, an area of trees and rough vegetation to its southern boundary and Mount Lane running along its northern and western boundary. Immediately opposite the hotel building there is a dwelling known as the White House. The domestic curtilage of Hill Crest is located opposite the car park area of the site.

The site is located in the Green Belt as defined in the Bromsgrove District Local Plan (BDLP). The main hotel tower is located within a defined Village Envelope but the remainder of the site falls outside of this designation into open Green Belt. The site is located within the Clent Conservation Area and within a Landscape Protection Area as defined in the BDLP.

The proposed development

The application proposes to demolish the subservient elements of the hotel building and retain and extend the main tower for conversion to 4 no. 1 bedroom apartments and 3 no. 2 bedroom apartments (7 in total). The application also proposes to construct 3 no. 4 bedroom detached dwellings within the car park area to the west.

The works to the main hotel building would comprise of a four storey extension to the rear of the tower which would accommodate three of the seven apartments. A three storey extension would be provided to the east side and rear of the tower providing undercroft car park access and a bin store at ground floor, a cycle store at first floor and two bedroom apartment on the second floor. The remaining three apartments would be provided within the tower building. Car parking for the apartments would be provided to the rear of the building accessed from Mount Lane via the undercroft passage.

Two of the proposed new dwellings (Plots 2 and 3) would be located to the south west side of the tower. They would both front Mount Lane with a varying set back of between 2 and 3 metres. Pedestrian access would be provided to these dwellings from Mount Lane via steps due to an existing level change (approx 2.5m). Vehicular access and car parking for these dwellings would be at the rear via the undercroft passage. The existing tree planting running along Mount Lane would be largely retained and incorporated into the development.

Plot 1 would be located in the south-western corner of the site close to the existing vehicular access. The frontage of this unit would be positioned at a perpendicular angle to the adjacent part of Mount Lane although due to the curvature of the lane in this location and the position of Hill Lane this unit would read as a corner plot. The unit would however be well set back from the corner beyond existing tree planting which is to be retained. This unit would utilise the existing access point from Mount Lane with car parking provided to the front.

All of the proposed dwellings would be for sale/rent on the general market. No affordable housing provision is proposed as part of the development.

Members should note that this application is in amended form. Various design and layout revisions have taken place since the original submission of the application to address concerns in relation to residential amenity, the location of the site in the designated Conservation Area and parking.

Relevant Policies

WMSS	QE3
WCSP	SD.3, CTC.1, CTC.5, CTC.8, CTC.20, CTC.21, D.12, D.16, D.38, D.39, T.1
BDLP	DS13, DS2, S9, C17, S35A, C1, TR11, ES1
Draft CS2	CP3, CP22
Others	NPPF

Relevant Planning History

None relevant

Assessment of proposal

It is considered that the main issues to assess in the determination of this application are as follows:

- The Green Belt
- The Conservation Area
- Residential amenity
- Site amenity
- Highways issues
- Ecological issues
- Planning obligations and viability

I will consider each of these matters along with any other material considerations under a separate below.

The Green Belt

Policy DS2 of the BDLP provides that permission will not be granted for new buildings or for the change of use of existing buildings in the Green Belt unless the development accords with various criteria (including proposals for the re-use of existing buildings (subject to meeting the provisions of C27) and the development of housing (subject to Policy S9)) or unless very special circumstances exist.

In this instance, a small element of the proposed development involves the re-use and conversion of an existing building. However, having regard to Policy C27 this part of the proposal would involve major new building works and is not therefore consistent with the policy. The proposed new dwellings are not considered to fall within any of the categories set out at Policy S9. Thus, having regard to Policy DS2 of the BDLP, the proposed development should not be approved unless very special circumstances exist.

Policy DS2 and S9 of the BDLP are consistent with Green Belt policy advice within the NPPF which refers to such proposals as being inappropriate development. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

When considering the harm caused to the Green Belt by the proposed development Members should note the nature of the existing site and its surroundings. The site relates to developed land with significant buildings and hardstanding. The existing building on the site has a floor area of 883 sq m. The net built floor area on the site resulting from the demolition of parts of the existing building and the proposed extensions and new dwellings would be 865 sq m. This represents a 2% reduction to the amount of built floor space on the site which would have a corresponding improvement to the openness of the Green Belt. It is noted in relation to openness that the proposal would involve the reconfiguration of buildings onto more open parts of the site. It should also be noted however that the affected parts of the site relate to the hard surfaced car parking space associated with the former hotel use. These parts of the site are urbanised in nature and openness would have been significantly compromised by cars and coaches associated with the former hotel use. The reconfiguration of buildings on the site would not therefore have the effect of encroaching onto permanently open Green Belt. Taking these matters into consideration the proposal is found to be of minimal harm to the openness of the Green Belt.

Considering other harm that may result from the proposal it is considered that the development would perhaps have a more formal appearance than the existing situation given the orderly layout of the site, the proposed domestic gardens and the overall landscaping proposals. Members should however be mindful of the fact that the visual effect of the development must be considered in relation to the previous hotel use of the site and the potential for future re-use. It would be difficult to argue that a small-scale residential development would have a greater urbanising effect than a potentially thriving hotel business.

It is considered that proposal would cause no conflict with the five purposes of the Green Belt to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

On the above basis it can be determined that the proposed development would only be of very limited demonstrable harm to the Green Belt as a result of it reconfiguring the built form onto more open parts of the site. The proposal would still cause harm by reason of inappropriateness (although it is noted that the site already contains an inappropriate form of development) and it is necessary to consider if any very special circumstances exist that are capable of outweighing this harm.

It is noted that a number of points are made in the submitted Planning Statement. These are summarised below:

The NPPF introduces a presumption in favour of sustainable development. A more positive framework now exists for the determination of planning applications. Council's are required to make every effort to identify and meet the housing, business and other needs of their areas and respond positively to wider opportunities for growth. Council's should approach development on the basis of seeking to approve proposals rather than placing unnecessary burdens on development.

The development would result in an improvement to the openness of the Green Belt. The proposal would result in the cessation of a non-conforming use. The surrounding area comprises residential uses. The hotel and its associated bar and restaurant have unrestricted opening times which could conflict with the amenity of surrounding residents. The removal of the hotel would result in an improvement to residential amenity.

The proposal would have traffic benefits as the vehicle movements associated with the proposed residential use would be significantly lower than the hotel. The nature of vehicles would also be different (i.e. coaches and commercial servicing vehicles would be associated with the hotel). Access and egress for hotel traffic was via the existing access on Mount Lane which is considered to be substandard having implications for highway safety.

The proposal would improve the site's relationship with Mount Rise which would result in a benefit to the amenity of its occupiers. The replacement building to the north east side of the tower would be lower than and set back from the existing thus improving outlook and reducing the overbearing impact of the building on the windows in the front of Mount Rise.

The application would allow for the retention of the tower and involve a Conservation Area Improvement. The main hotel tower is considered to be of architectural merit making a positive contribution to the character and appearance of the Conservation Area. Significant investment is required to bring the fire damaged tower back into use and to convert a building designed for commercial purposes to residential use. This comes at considerable cost. The proposed development would upgrade the tower and bring it back into effective use which would secure its future maintenance and its positive contribution to the Conservation Area.

The Council only have a 1.31 supply of deliverable housing sites which is significantly below the 5 year plus 20% buffer requirement prescribed by the NPPF.

In response to the applicant's points, your Officer would comment as follows. Firstly with regard to the more positive approach to decision making advocated in the NPPF, Members should note that the location of the site in the Green Belt negates the presumption in favour of sustainable development. At a recent appeal in relation to a major proposed housing development in the Cheltenham/Gloucester Green Belt the Inspector referred to paragraph 14 of the NPPF, which provides that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless "specific policies in this Framework indicate development should be restricted". A footnote in the NPPF makes it clear that this applies, for

example, to those policies relating to (among other things) land designated as Green Belt. This point would not therefore represent a very special circumstance.

The comment made in relation to openness improvements is noted. Your officer is however of the view that any 'improvement' to openness would be marginal. Nonetheless, it is accepted that the proposal would not cause any notable increased harm to the openness of the Green Belt.

The benefits associated with the cessation of the hotel use are accepted and your officer agrees that the proposal would remove the potential for noise and other nuisances associated with the leisure and day to day business functions of the hotel. It is considered however that such benefits may be achieved via the conversion of the hotel alone and this point does not necessarily support the applicant's argument in respect of the new build dwellings.

The submitted Trip Rate Assessment is noted and the comments made in relation to traffic improvements are accepted.

Any improvements to the amenity of Mount Rise are only considered to be marginal as the front elevation is already severely affected by the development. It is not considered that this aspect of the development creates any real amenity benefit for this adjoining occupier.

You officer agrees that the tower is of architectural interest and of value to the character of the Conservation Area. It is considered that the Council should support proposals to bring the hotel tower back into effective use so to ensure its ongoing maintenance and its positive contribution to the Conservation Area. Again however it is considered that such benefits may be achieved via the conversion of the hotel alone and this point does not necessarily justify the new build element of the proposal. It is argued by the applicant in relation to this point that the new build units are required to make the conversion of the tower financially viable. The costs for converting the tower are very high given its commercial design and its poor state of repair given the previous fire damage. This point seems reasonable although no specific viability information is available for review in respect of tower conversion costs in relation to sales revenue. This matter could not therefore be substantiated as a very special circumstance. Nonetheless, it is considered by your officer in relation to this matter that converting the tower alone would not make the most efficient use of a brownfield site within a settlement. Allowing a higher density development on this site would increase the rural housing supply in a more sustainable manner and help to take pressure off the release of open, undeveloped Green Belt sites. It is considered therefore that the conversion of the tower alone would not be a preferred scheme for the site in planning terms and there are clear policy benefits associated with the proposal.

In relation to housing supply it is understood from the Council's Strategic Planning Department that the Council currently has a housing land supply of 4.94 years. This figure is significantly higher than the 1.31 year supply noted by the applicant, but still below the minimum requirement of 5 years (including a 5% buffer) required by the NPPF. Increasing the supply of sites for housing would therefore have strategic benefits, but it is important to consider the specific benefits attributed to this proposal

against the identified harm caused to the Green Belt. This matter is only capable of representing a very special circumstance if it clearly outweighs the harm caused to the Green Belt. In this instance it is considered that the development of ten dwellings at the site would make a relatively small albeit valuable contribution to the supply of housing land within the District.

On balance, it is considered that the development would be of minimal harm to the openness of the Green Belt and its urbanising impact would not be materially different to that of a potentially thriving hotel business on the site. The proposal would cause no conflict with the purposes of the Green Belt given its developed nature and its location within the settlement of Clent. The proposal would cause harm by reason of inappropriateness but there is an established precedent for inappropriate development at this site given the hotel business. It is considered that slightly increasing the supply of housing land and making efficient and effective use of a brownfield site should be given some weight in the determination of this application. There are also considered to be some amenity and traffic benefits associated with the cessation of the hotel use, and Conservation Area benefits associated with bringing the hotel tower back into effective use. Although these benefits are not considered to be significant, it is accepted that they would outweigh the relatively limited amount of harm to the Green Belt that would result from the proposal. It is therefore considered that very special circumstances exist that would justify the granting of planning permission for this inappropriate form of development in the Green Belt.

The Conservation Area

This part of the Clent Conservation Area is considered to be of a mixed character. It shows clear signs of evolution over time and contains buildings of various ages, forms and materials. If any predominant characteristics are to be identified it would be the traditional form and relatively modest nature of dwellings. As noted earlier the hotel tower building is considered to make positive and important contribution to the character and appearance of the Conservation Area.

Policy S35A of the BDLP is considered to be consistent with the heritage advice contained within the NPPF in stating that the District Council will seek to preserve or enhance the character or appearance of Conservation Areas. This policy is considered to be consistent with the Historic Environment advice set out in the NPPF.

This application involves the retention of the hotel tower and it is therefore considered that this part of the proposal would preserve the contribution this feature makes to the Conservation Area. Members will note that significant additions are proposed to the hotel building and it is important to ensure that these do not detract from this building's contribution to the Conservation Area.

Members will be aware that various revisions have been made to the design of the proposed development. Having regard to the views of the Conservation Officer (CO) and the Council's Urban Design consultant (UDC) the detailing of the rear extension to the hotel tower has been revised so to add interest to this feature and improve its visual relationship with the tower. The link between the extension and the tower has

also been revised to provide a fully glazed elevation rather than the incongruous brickwork previously proposed. It is considered that the glazed link would have the effect of providing a design break and visual distinction between the two elements of the resulting building thus preserving the individual character of the tower and its status as the original and dominant feature. It is considered that the amendments to the detailing of the extension would make it an interesting feature in its own right whilst complementing the architectural merits of the tower. No specific comments have been made by the CO or the UDC in relation to the side extension to the tower. It is considered by your officer that this addition would respect the design and character of the tower whilst being sufficiently subservient to preserve its status in the street scene. It is also considered that the irregular placing of windows in this addition would reflect the ad hoc nature of the street scene and the wider Clent Conservation Area. Taking these matters into consideration it is considered that the proposed conversion and extension of the former hotel building would preserve and enhance its contribution to the character and appearance of the Conservation Area in accordance with Policy S35A of the BDLP and associated advice in the NPPF.

With regard to the proposed new build dwellings Members should note that these features have undergone significant revision. Comments made by the UDC relate the original scheme whereby the new dwellings were considered to be too formal and symmetrical. Concerns were also raised by the CO at this stage over the semi detached nature of plots 2 and 3, their overall height and dominance in the street scene and their bland suburbanised appearance. The comments made by the UDC in relation to the new dwellings replicating the character and appearance of the hotel tower are noted but not supported. Members will note the mixed, ad hoc character of the street scene and the variety of building forms and materials. It is considered that the new build dwellings should respect the tower but also be reflective of the variety of buildings in the street scene and representative of the evolution of the Conservation Area over time.

Various revisions have been made to address these concerns and reflect the LPA's aspirations for the site. It is considered that the current scheme before Members reflects the traditional form and detached, cottage style characteristics of other buildings in the street scene. It is also noted that the scheme employs three similar but different house types at the site. It is considered that this avoids the development taking on a uniform suburbanised appearance and reflects the variety of buildings in the street scene. It is noted that the new dwellings display exposed rafter feet to eaves and brick dentil detailing below a large overhanging eaves. It is considered that these features add to the overall architectural interest and quality of the buildings.

Members will note that the revised scheme has received verbal support from the CO. Full written comments will be provided to Members as an update prior to their meeting. On the above basis it is considered that, subject to high quality, vernacular external materials being used for the scheme along with appropriate windows and doors, the proposed development would preserve and enhance the character and appearance of the Conservation Area in accordance with Policy S35A of the BDLP and associated advice in the NPPF.

Members will note that the application proposes to retain most of the trees along the site boundary with Mount Lane. This would help to preserve the existing green corridor effect of the lane.

Residential amenity

Members will note the residential context of the site and the close proximity of a number of dwellings to the proposed development. Members will also note the objections raised by these occupiers in relation to their amenity. It is considered that, if any adverse residential amenity impacts are to result from the development, these would be experienced by the occupiers of The White House, Mount Rise, Briar Cottage and Hill Crest. I will consider the impact of the development on each of these properties in turn.

With regard to The White House, concerns are raised by this occupier in relation to the development overlooking this property, causing a loss of privacy and causing a loss of light. Concerns raised in relation to overlooking and a loss of privacy relate to the windows in the side (facing Mount Lane) and rear of this property. The windows in question serve bedrooms and a kitchen (in relation to the side windows) and bedrooms, a dining room and a lounge (in the case of the rear windows). I appreciate the concerns of this occupier and Members will note that the scheme has been revised so to improve the relationship of the new build units (plots 2 and 3) with this property. Comments made in relation to the impact of the revised scheme on this property are as follows. Firstly, Members will note the Site Cross Section Drawing (P110) demonstrating that there is a level change between the site and the White House meaning that the ground floor windows in units 2 and 3 are set at a similar level to the first floor windows in the side of the White House. Members should note from the Proposed Site Plan that it is only the lounge and ensuite window in unit 3 that would (potentially) directly overlook the windows in the side of this property with the other windows in units 2 and 3 being at an obscure angle. It is considered that the ensuite window can be obscurely glazed and this will prevent any overlooking of the White House. A condition securing this should be attached to any planning permission granted. The application also proposes to retain the existing boundary trees along Mount Lane and this would prevent any views being gained from the lounge window in unit 3 into the windows in the side of The White House.

In general terms it is your Officer's view that the privacy of the windows in the side of the White House is already compromised given their exposure to Mount Lane. Members will note that the separation distance between unit 3 and the side of the White House has been increased from 6 to 8 metres and it is your officer's view that 'over the road' overlooking between opposing dwellings is commonly experienced at such distances.

In relation to the privacy of the windows in the rear of this property it is noted that these would be at a perpendicular angle to the windows in the front of units 2 and 3 and it is considered that this would obscure any views of these windows. Members' attention is also drawn to the proposed floor plans and street scene drawing relating to units 2 and 3. The internal layout of these units has been configured so that the first floor windows in the development facing The White House would serve bathrooms or en-suite bathrooms and will therefore be obscurely glazed. Retained

boundary trees would obstruct any views from the ground floor windows. The ground floor windows not obstructed by boundary trees both serve a car port and are not therefore habitable rooms likely to cause overlooking. The above features would also protect the privacy of the rear garden to the White House.

With regard to the effect of the development on the light currently received by the White House, it is considered that daylight and sunlight levels in the kitchen and side bedroom areas are already severely compromised by the retaining wall and evergreen boundary trees. It is not considered that the development would have any adverse effect over and above the existing situation. It is considered that sufficient separation distance would be provided between the proposed development and the White House for it to not cause any loss of daylight or adverse sunlight reducing effects on its rear windows and domestic garden.

Mount Rise is set a considerable distance further back from the existing hotel building and Members should note that the light and outlook from its front windows is already severely compromised. I note the concerns raised on behalf of this occupier but it is not considered that the proposed extensions to the hotel would have any additional impact on the light and outlook from this property over and above the existing and well established situation. I note the concerns raised on behalf of this occupier in relation to the proposed undercroft access and parking area. It is considered that these features of the development would harm the amenity of this occupier due to noise from vehicles. It is accepted that the proposed development would generate a certain level of vehicle noise at this part of the site but it is important to consider that this would only be associated with the comings and goings of residents which is likely to be concentrated at certain periods during the day (i.e. at the start and finish of the working day) and not a constant level of noise at all times. It is also considered that the proposed boundary planting and the installation of a solid boundary fence/wall would help to reduce noise levels. As such, it is not considered that noise from vehicles would have an unacceptable impact on the amenity of the occupier of Mount Rise.

In relation to Hill Crest and Briar Cottage, although the comments made by these occupiers are noted, it is considered that the proposed development would be too far away from these properties for any adverse residential amenity impacts to result.

In relation to overlooking from the front elevation of the hotel tower, Members will note the previous use of the building and the existing views that could be gained of nearby properties from hotel patrons and staff. This part of the proposal is not therefore considered to be an issue.

Site amenity

It is considered that each of the new dwellings would provide sufficient amenity areas suitable for family accommodation. It is noted that the rear garden to unit 3 would potentially be overlooked by the windows in the side elevation of the extension to the tower. Members will note however that blanking panels would be installed in the upper level windows thus preventing views and securing reasonable levels of privacy for the future occupiers of unit 3. Whilst this situation may not necessarily be ideal or acceptable in relation to existing forms of development, Members should note that any overlooking internal to a proposed development may to some extent

represent a marketing issue for the developer and a 'buyer beware' situation. In this instance therefore it is considered that the amenity provisions for unit 3 are acceptable. Members will note that no communal amenity space is provided for the occupiers of the apartments. It is however noted that these are small units (1 and 2 bedrooms) and are therefore less likely to be occupied by families. Furthermore, abundant public open space exists nearby in the form of the Clent Hills and this would cater for the needs of these residents.

Members will note the verdant nature of the site and the existing mature trees along its boundaries. Members will also note the Arboricultural Report and Tree Survey submitted with the application and the comments of the Tree Officer (TO). Members should note that none of the trees on the site benefit from a TPO although their location in a Conservation Area affords them protection. It is noted that the application proposes to remove a number of trees, particularly along the southern site boundary. The survey classifies the majority of these trees as being of low quality and value although three are considered to be of moderate quality and value. The report identifies that the trees of moderate value to be removed from the southern boundary of the site (trees T28 and T30 as indicated on the Proposed Site Plan) are the subject of extensive root damage and their future stability is compromised. The safe retention of these trees within the scheme may not therefore be feasible. The topography of the site and the necessary re-grading of the land to accommodate the proposed development would require the removal of other low quality trees and a tree of moderate quality (tree T37). The proposed tree removal is therefore considered to be necessary to accommodate the proposed development. I note the concerns raised by the TO in relation to the removal of trees that are considered to contribute to the character and appearance of the Conservation Area. Policy S35A relates to Conservation Areas and states that the District Council will seek to retain trees of importance to the street scene. It is considered in this instance that the retention of boundary trees on the Mount Lane boundary would help to preserve the verdant appearance of the street scene in accordance with Policy S35A.

Policy C17 of the BDLP provides that development proposals should retain existing trees wherever possible. New planting should be related in scale, size and species to the existing planting. In this instance it is considered that the proposed tree removal is necessary and it is noted that comprehensive replacement tree planting is proposed by the application which would compensate for trees lost along the southern and eastern boundaries. The proposal would not therefore cause conflict with this policy.

Highways issues

Members will note the concerns raised by local residents in relation to the safety of Mount Lane and its capacity for the traffic associated with the proposed development. Members will also note the Trip Rate Assessment submitted with the application and the comments of the County Highways Engineer.

Policy T.1 of the WCSP requires that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Policy TR11 of the BDLP

requires that development incorporates a safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking in accordance with the Council's parking standards. These policies are consistent with the sustainable transport provisions within the NPPF.

The Trip Rate Assessment concludes that the proposed residential development would generate fewer vehicle movements than the hotel use during the morning peak hour and similar movements to the hotel use in the evening peak hour. It estimates that daily traffic generation is expected to be 25-30% lower than the permitted hotel use of the site. The assessment also identifies that the relocation of the primary access to the site further along Mount Lane would also provide additional highway benefits with respect to access constraints and potential conflicts. It is argued that the proposal would result in the less intensive use of a poor existing access in terms of visibility, due to the bend in Mount Lane and proximity to Hill Lane. The proposed access would provide significantly improved visibility with fewer vehicle movements.

It is appreciated by your officer that current vehicle movements associated with the site will be very low or non-existent due to its vacant nature. It is necessary however to consider traffic associated with the permitted hotel use of the site. Such a use is established part of the area and there is clear potential for the continuation of this use in future.

Having regard to the submitted Trip Rate Assessment and considering the absence of an objection from the Highways Authority based on traffic and highway safety it is considered that the proposal would accord with Policy T.1 of the WCSP and Policy TR11 of the BDLP.

The comments made by the Highways Authority in relation to the parking layout are noted. The scheme before Members is in revised form. The two tandem parking spaces have been removed and car ports are being pursued for units 2 and 3 rather than garages. This addresses the comments made by the Highways Authority. Final comments including recommended conditions are awaited. Members will be updated with this prior to their meeting.

Members will note that no concerns have been raised by the Highways Authority in relation to access for fire trucks and refuse vehicles.

Ecological Issues

Members will note that an Ecological Assessment has been submitted with the application. This surveys habitats within the site including its buildings, hard standing, amenity grassland and scrub and trees. The survey concludes that the site is and has been much affected by the activities of man and is assessed as being of very low ecological value given its small size, species-poor nature and limited diversity of habitats. The site is very unlikely to support any protected or otherwise notable species or assemblages and no evidence of any such species was found. The survey also concludes that the majority of the building is considered to have very limited or negligible bat roost potential and impacts on these areas would not cause any offence or significant impacts on bats or bat populations.

The survey does however find that the long section of roof above the bar and reception to the hotel has some albeit limited bat roost potential and it recommends that additional surveys are conducted to confirm the absence of roosts. Members will note the legal obligations placed on Local Planning Authorities in relation to protected species. The implications of which are set out in Circular 06/2005 (Bio-diversity & Geological Conservation) which requires that when habitat is viewed as suitable for protected species, *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision”*.

Additional survey work has been carried out (received 24/10/12). This finds no evidence of roosting bats within the areas of roof subject to the semi-destructive survey despite unfettered access and close inspection. It is concluded by the survey that it is highly unlikely that these sections of the building identified in the previous survey currently support any active roosts.

The survey concludes that the remainder of the building has reduced in its potential to support roosting bats and this coupled with continued lack of evidence makes it safe to conclude roosts are also very likely to be absent from these areas.

On this basis it is considered that the Council has complied with its duties under the relevant habitat legislation and that the development would have no adverse impact on protected species in accordance with the natural environment advice contained within the NPPF.

Planning obligations and viability

Members will note the comments received from the Directorate of Children’s Services at WCC and the required financial contribution towards local education provisions. Members will also note the comments received from the Council’s Strategic Planning department and the required contributions towards play space provisions. The total contribution requirements amount to £149,494 comprising £29,430 for education and £120,064 for open space. Members will note that the number of units to be provided on this site falls below the threshold for affordable housing.

Members should be aware that the issue of financial viability is a material consideration in decision making. In the current economic climate project viability is often a key barrier preventing development from proceeding. It is important to ensure that the Council’s financial obligations on the developer do not render the scheme unviable. A viability appraisal has been submitted with this application which demonstrates that the required contributions would seriously undermine the viability of the scheme. It infers that, for the scheme to remain viable, the developer cannot afford the additional costs imposed by the Council’s required contributions.

The Council has sought specialist advice on the applicant’s viability appraisal from its Viability Consultant (VC). This identifies that due to the abnormally high costs associated with retaining and converting the hotel tower the scheme is unable to

support any Section 106 obligations. Indeed, even with no S106 contributions, the level of developer's profit is still at the lower end of the range of acceptable values. On that basis, the VC accepts that the scheme cannot support any S106 contributions. It does however recommend that the Council puts in place a deferred contribution mechanism as part of a S106 Agreement that allows it to benefit from any subsequent uplift in sales values in the scheme whilst also providing an incentive to the developer to maximise values achieved.

Having regard to the views of the VC it is recommended that the Council do not pursue the required financial contributions towards play space and education as doing so will render the proposal unviable and prevent the development from taking place. Such actions would hinder the delivery of the identified benefits of the scheme namely the rural housing supply improvements, the Conservation Area benefits associated with the retention and ongoing maintenance of the tower and the economic benefits associated with the construction and sale of the dwellings/apartments.

Your officer is exploring the feasibility of the VCs recommendation in relation to deferred contributions in legal terms. Members will be updated in relation to this matter prior to their meeting.

Conclusion

The proposal would represent an inappropriate form of development in the Green Belt however it is considered that the proposal would be of limited harm to the Green Belt. It is considered that the benefits of the scheme would outweigh the identified harm and that very special circumstances exist that justify its approval in Green Belt terms. It is considered that the proposed development would preserve and enhance the character and appearance of the Conservation Area and its effect on the amenity of nearby residential occupiers would not be adverse or unacceptable. The development is considered to provide adequate levels of site amenity and the development would have no adverse impact on protected species. The traffic generation, parking and access provisions associated with the development are found to be acceptable. No planning obligations are required in the interests of ensuring viability. Taking the above matters into consideration the proposal is found to be in accordance with the relevant policies of the adopted Development Plan and associated guidance within the NPPF. As such it is recommended that planning permission is approved.

The final views of Worcestershire Highways and the Conservation Officer are currently awaited and this is reflected in the recommendation. I will update Members at your Committee on these matters.

Members will also note the requirement for a Section 106 Agreement to deal with viability matters. I am thus minded to grant planning permission subject to the application entering into such an Agreement. Delegated Powers are requested from Members to deal with this issue.

RECOMMENDATION:

That subject to the final satisfactory views of:

- (iii) Worcestershire Highways
- (iv) Conservation Officer

(a) **MINDED to APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) An updated viability review to be submitted at an agreed trigger point of either an agreed defined timescale following or the prior occupation of an agreed number of dwellings, with the viability review updating the current Viability Report submitted with the current application.
- (ii) The District Council's fees and costs of the initial and subsequent viability reviews (as applicable) (index linked to RPI, plus expenses and VAT) to be borne by the applicant.

Suggested Conditions:

1. C001 (three year time limit for commencement of works).
2. C001A (development must be carried out in accordance with the approved plans)
3. C003 (materials to be submitted)
4. New and replacement window and door details to be submitted for approval.
5. Details of external surfaces to be submitted for approval.
6. C010 (Landscaping scheme)
7. C007 (Storm and foul drainage)
8. C005 (obscure glazing required in first floor windows in front elevation of proposed new dwellings at Plots 2 and 3)
9. CO13-19 (existing trees to be retained as shown on approved site plan, protective measures required for existing trees)
10. C022 (removal of permitted development rights)
11. C027 (specified demolition works to take place and debris removal prior to commencement of development)

12.No external lighting shall be installed in the car parking and driveway areas without the prior written consent of the LPA.

13.During the construction works hereby approved no operations including deliveries to and from the site shall be carried out on the site other than between the hours of 08:00 and 19:00 on Monday to Friday, 08:00 to 14:00 on Saturdays and at no time on Sundays and Bank Holidays.

Notes:

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

WMSS	QE3
WCSP	SD.3, CTC.1, CTC.5, CTC.8, CTC.20, CTC.21, D.12, D.16, D.38, D.39, T.1
BDLP	DS13, DS2, S9, C17, S35A, C1, TR11, ES1
Draft CS2	CP3, CP22
Others	NPPF

It is the Council's view that the proposed development complies with the provisions of the Development Plan and the National Planning Policy Framework 2012 and that, on balance, there are no justifiable reasons to refuse planning permission.