

| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|-----------------------------|---|-------------|-----------|
| Footstep Homes (Hagley) Ltd | Detailed planning application for the demolition of existing buildings and erection of 12 houses, access, parking, amenity space and associated works. Land to the rear of the Prince of Wales Inn (PH), 65 Stourbridge Road, Hagley, Worcestershire, DY90QS | 20.06.2013 | 13/0304 |

RECOMMENDATION:

- a) MINDED to approve **FULL PLANNING PERMISSION**
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a landscape scheme, the satisfactory views of consultees following the completion of re-consultation and the completion of a suitable legal mechanism in relation to:
 - i) A financial contribution towards the provision of enhanced local education facilities.
 - ii) The provisional and subsequent maintenance in perpetuity of the on-site open space provision.

Consultations

Community Safety: 22.05.2013: The development has many positive features in keeping with secured by design principles, there are a number of improvements that can be made with respect of separating private space from public space; security features on dwellings and lighting.

Dudley BC: No comments received.

Highways Department- Worcestershire County Council: On-going negotiations on highway design. Comments on latest plans awaited.

West Mercia Constabulary: 17.05.2013: No comments or objections.

Landscape & Tree Officer: On-going negotiations as there is a provisional Tree Preservation Order on the site. Comments on latest plans awaited.

North Worcestershire Water Management: 15.05.2013 Stourbridge Road at this location has in the national surface water flood risk maps of the Environment Agency however been identified as a location that could suffer from surface water flooding. It is important that an adequate way of dealing with the surface water runoff from the proposed development will be established, to ensure that the development won't exacerbate the existing flooding problem of the road. Runoff from the development should be limited to pre-development rates up to the 1:100 year + 30 % climate change

allowance event. a full drainage scheme, including SuDS, should be submitted as part of the planning application. As much of the water as reasonably practicable should be discharged to the ground by infiltration. Other runoff destinations that could be considered when the infiltration capacity is exhausted are, in order of preference: surface water body, surface water sewer, combined sewer. Surface runoff from the development should not be discharged to a separate foul sewer. Comments on latest plans awaited.

Economic Development & Regeneration Service: No comments received.

Worcester Regulatory Services- 17.05.2013: Recommended that you take into account that Stourbridge Road is a declared Air Quality Management Area.

Strategic Planning: 22.05.2013 The proposal should contribute towards housing land supply and should be considered in the context of the presumption in favour of sustainable development. It is important to highlight that part of the site is located within the designated Green Belt and therefore policy DS2 of the Local Plan is particularly relevant in this instance.

It is noted that the proposal would result in the loss of a local facility, in this instance a public house. Paragraph 28 of the NPPF states:

“Local Plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”

The support for the retention of public houses within settlements is clear however each case should be dealt with on its own merits. In this case I understand that there are a number of public houses in Hagley and the surrounding area. Whilst the loss of any public houses in Hagley and the surrounding area. Whilst the loss of any public house is regrettable it is considered that in this instance any harm arising would be limited due to the availability of public houses in the locality.

Policies CP6 and CP7 within the Draft Core Strategy 2 are relevant to this application. CP6 emphasises the need for a high proportion of 2 and 3 bedroom properties. The delivery of just primarily large family homes fails to not only provide a wide choice of homes but limits the opportunity for first time buyers to access the market. CP7 requires 40% affordable housing on schemes of 5 dwellings or more (4 dwellings in this case). Contrary to policy C7 the scheme proposes no affordable housing.

In accordance with SPG11 the proposal should contribute towards open space provision. However I note that the applicant is intending to provide for 3485sqm of on-site open space which would be maintained via a management company and therefore no payment to the Council will be required.

Severn Trent: 14/05/2013: Requests conditions are imposed requiring surface and foul water drainage details to be submitted. Agreed scheme to be implemented before houses occupied. Comments on amended plans awaited.

Worcestershire CC Education: An education contribution is required for £4,905 for the three bedrooms and £7,358 for the larger properties.

Hagley Parish Council: 03/07/2013: Had a presentation from the applicants and forwarded highways and access comments directly to them. As they liked the proposal, they requested that any amended plans be forwarded to them for further comment. Comments on the amended scheme awaited.

Publicity

Site Notices were displayed on the site, and adjacent neighbours notified on 08.05.2103 and 18.09.2013 (a number of the immediately adjacent properties are vacant/in the same ownership of the applicant).

No third party representations have been received.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS2; DS4; DS11; DS13; S3; S7; S15; S28; C5; TR11; RAT6 (2.20);

Draft Core Strategy 2: CP6, CP7, C10.

Other: SPG1 Residential Design Guide and SPG11: Outdoor Play space.

National Planning Policy Framework (**NPPF**) including: Delivering a wide choice of high quality homes. 7 Requiring good design. 9 Protecting Green Belt land .Paragraphs 28 and 70 also relate to social, cultural and recreational facilities.

Relevant Planning History

The planning history relates to the previous public house at the site, including replacement and additional signs and lighting (B/16238/1988) and B/2005/1057) retrospective consent for the erection of small lobby to rear of premises and decking area.

The public house and adjacent dwellings were originally brought by the Highways Agency, with the intention of demolishing the buildings to allow for a road widening of the Stourbridge Road, originally proposed in 1996. The Highways Agency announced this scheme was not being pursued in 2006, with the public house retained in tenanted use until 2010.

Site and surroundings

The site is located on the western side of Stourbridge Road, within the northern part of Hagley close to the boundary with Dudley Metropolitan Borough Council (whose jurisdiction adjoins the current rear garden area to the north).

The site contains the Prince of Wales Public House and the former car park and gardens for that property, as well as part of the rear gardens of 41-59 and 67- 73 Stourbridge Road, which are predominantly terraced and semi-detached properties with shallow front gardens fronting onto Stourbridge Road. To the north of the site is a cul-de-sac of larger detached properties (Cherrington Gardens), to the south a private access with two semi-detached and a detached bungalow. There is open Green Belt land to the east and west.

The public house is a Victorian property with a four bedroom flat above that has been extended and altered to the rear. The property is vacant and boarded up, as are some of the adjoining houses. The garden and car park are overgrown, but along with the rear gardens contain some trees of note, such that the site has been the subject of a preliminary Tree Preservation Order.

The public house is not listed nor within a Conservation Area. The public house and main part of the car park and adjacent residential gardens fall within residential area on the Bromsgrove District Local Plan Proposals Map, with the western section of the site being designated Green Belt.

The site is approximately 0.84ha in size,

Proposal

This application proposes to demolish the public house and erect twelve detached houses within the site of the public house, its car park and gardens and the rear gardens of properties on the Stourbridge Road.

The main site access onto the Stourbridge road will be adjusted to improve visibility splays to the left (south towards Hagley). The layout will create a more central access road flanked by one dwelling to the north and two semi-detached dwellings to the south on the same alignment of the neighbouring properties, to create an entrance into the site. Two further dwellings are proposed to the rear of 67-71 Stourbridge Road (adjacent 8 and 9 Cherrington Gardens), with a further four dwellings fronting west towards a landscaped open space (backing onto 47-59 Stourbridge Road, with a further two dwellings within a courtyard to the south and the final plot to the west, adjoining 39 – 45 Stourbridge road.

The overall effect is to create a development where all the housing lies outside the green belt adjacent to existing residential property, with part of the roadway, front gardens to plots 3-6 and the landscaped open space area being within the Green Belt.

The housing design is for two and two and a half storey (incorporating dormer and velux in pitched roof designs), but with detailing of a Victorian vernacular not unlike the original public house and using red and multi-brick, rather than render.

Although not part of this application the adjacent dwellings within the control of the applicant will be refurbished and brought back into use.

Assessment of Proposal

The determining issues in this case are whether the proposal would constitute sustainable development when assessed against:

- a) The principle of the development, the loss of the public house and creation of 12 3, 4 and 5 bedroom detached houses on a part residential area part green belt site.
- b) The impact of the proposal on the Green Belt.
- c) The detailed form and layout of development in relation to the street scene, adjacent properties, trees and landscape matters.

- d) Drainage and highways matters (including potential impact on the Hagley AQMA).
- e) The requirement for section 106 contributions.

The principle of the development.

As the proposed dwelling houses lie within the urban area, the proposal will create an additional eleven houses towards the overall housing stock in a sustainable urban location. It is important to view this scheme also within the specific context of having housing development both to the south and north of the site, such that whilst development is occurring beyond the ribbon of houses along the Stourbridge Road it will not extend built form into the Green Belt.

The type of houses proposed will not however contribute towards the two and three bedroom house types most identified as being needed within the District (policy C6), nor will any of the houses be offered as affordable, again to meet identified needs as articulated in policy C7 of the Draft Core Strategy 2.

The applicants have argued that the proposal does represent efficient use of a site, to contribute towards housing targets and emphasised that this part of Hagley already has a number of two and three bedroom houses (including those adjoining the site). These houses will be refurbished and brought back into use (a number are vacant) to serve the lower cost market. The applicant has also stressed that under current District Local Plan policy S15 (paragraph 9.25) there is no requirement to provide affordable housing on a scheme with an overall increase of eleven dwellings.

There is no specific policy with the Bromsgrove District Local Plan for the assessment of the loss of a public house use. Policy S28 requires:

The provision of new or enhanced community facilities and the retention of existing ones will be supported providing there is no conflict with other policies of this Plan.

The Draft Core Strategy 2: Core Policy 10 (Sustainable Communities):

The Council will support the provision of services and facilities to meet the needs of the community. It will also seek to retain existing services and facilities that meet a local need or ensure adequate replacement is provided. New developments that individually or cumulatively add to requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements in accordance with CP24.

To ensure that new development contributes to the provision of sustainable and inclusive communities to meet long term needs, the Council will seek to ensure community facilities are provided to meet local needs by:

- a) *Supporting the provision of new facilities for which a need is identified in locations accessible to the community served*
- b) *Supporting improvements to existing facilities to enable them to adapt to changing needs.*
- c) **Resisting the loss of existing facilities unless it can be demonstrated that:**
 - i) ***There is no realistic prospect of the use continuing for commercial and/or operational purposes***

- ii) The service offered by the facility can be provided effectively in an alternative manner or on a different site**
- iii) The site has been actively marketed for a reasonable period or made available for a similar or alternative type of service of facility that would benefit the local community.**
- iv) There are overriding environmental benefits in ceasing the use of the site.**

It is anticipated that a similar policy will be included within the Bromsgrove District Plan consultation in September as it is in line with the guidance provided in the NPPF.

With respect of the NPPF, Chapter 3 deals with Supporting a prosperous rural economy with paragraph 28 including public houses as community facilities. There is further guidance in paragraph 70 when dealing with community facilities includes to:

guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

With respect to the first part of Core Strategy policy 10c and the NPPF, the applicant has stated that the public house had been scheduled for demolition, has not traded since 2007. It has not provided a service for since this time and previous patrons have found alternative facilities such as The Lyttleton Arms and Station Inn in Hagley, the Badger Sett and Foley Arms in Stourbridge and a number of further public houses in the Hagley area. There have been no objections received in this specific case to the loss of the public house.

The applicant has also provided details of a marketing campaign carried out to sell the public house as a going concern or for alternative uses and then as a larger development site with adjacent houses in 2009 and 2010, the only substantiated interest in the site being from residential property developers, with the current applicant interest confirmed in February 2013.

With respect to the third section of Core Strategy Policy 10, there a number of environmental benefits associated with the demolition of the public house. In street scene terms the public house is not an unattractive building, but the new scheme will add new interest to the street scene, improve the site access and bring the wider site back into use, including the creation of a new area of open space. With an appropriate landscape scheme there will be overall environmental improvements.

Taken as a whole, given there are other public house facilities in the area, the site would create housing and there would be environmental improvements with the proposed use. It is considered therefore that the demolition of the public house and the re-use of the site for housing development in principle in this specific case could be acceptable.

Green Belt

The gardens and car park belonging to the Prince of Wales extend into land designated as Green Belt. There will be no buildings within the Green Belt, but the driveway and front gardens of three houses will extend into the Green Belt. Open space can be an acceptable use within the Green Belt, the applicant has put forward the case that there

was previously a larger extend of hard standing, as well as garden area for the public house, as part of the special circumstances for allowing the road. The majority of the Green Belt land will also be used for communal open space for the housing development, which will be further landscaped to provide a landscape buffer to the wider countryside and improve the site visually for new occupiers. A management agreement will be required to maintain the open space and can be the subject of a legal agreement. Overall it is considered that this arrangement would minimise the impact of the development on the wider Green Belt.

Layout and design

Policy guidance on layout is provided in Policy S7 of the BDLP and CP6 and CP7 of the Core Strategy, along with Chapter 7 Requiring Good Design and Chapter 9 Protecting Green Belt land. SPG1 is also of relevance.

The development will effectively create a new cul-de-sac, but one that follows the line of existing built form. The creation of three houses on the frontage to Stourbridge Road will create a new frontage, with the use of dual aspect houses onto the proposed new road, to ensure interest on both frontages. The subsequent houses have been orientated to front onto the new cul-de-sac or towards the new open space, with the road culminating in a courtyard/square.

There is a mix of 3, 4 and five bedroom detached house designs proposed, all with detached pitched roof garages. The proposed house designs has accommodated design aspects from the original public house, but also rural elements such as ranch style fencing and gates and metal fence and hedging details to create private and defensible space around the buildings.

Within the site, the houses have been sited on previous rear garden space within the urban boundary to prevent built form within the Green Belt. A new road and garden space and a wider open space will be created within the Green Belt land. This replaces the existing public house car park and the road is proposed to be a shared surface (pavement and road combined) in permeable block paving.

The proposal does reduce the garden size of a number of the adjacent dwellings in order to accommodate the new dwellings, however the overall relationship between new and proposed dwellings would for the most part meet with your SPG1 standards, and care has been taken to avoid overlooking and overbearing impacts occurring between existing and new properties.

The site contains a number of significant trees, being field trees on the boundaries and native and ornamental trees within gardens. These trees were of sufficient amenity value in your Tree Officer's view to warrant a Tree Preservation Order, which has prevented their immediate removal and allowed the trees to be assessed and integrated where possible into the scheme. Whilst there have been changes to the site layout to accommodate significant boundary trees, there will still be a number of trees lost within the centre of the site. The provision of an effective landscape scheme is important on this site for a number of reasons:

- To ensure existing boundary trees are protected and retained for Green Belt, residential amenity and to help mitigate the impact of pollution.
- To ensure the proposed open space within the site can be designed to accommodate ecological and landscape improvements as well as being usable space.
- To try and accommodate replacement planting in the front gardens of the properties (whose rear gardens are being reduced) to help balance their loss of amenity and help reduce absorb pollution from the road).

At the time of writing a landscape scheme has been the subject of negotiation and is expected to be submitted to address these concerns.

In layout and design terms it is considered that the scheme would accord with NPPF and local plan policy.

Highways, air quality and drainage.

The proposed road and car parking layout on site and off site works (extension of the ghost island on Stourbridge Road to allow right hand turn access into the site) have been the subject of negotiation with the County Highways, with final comments on the revised layout awaited.

Stourbridge Road is 40mph at this point and the provision of a right hand turning area, will allow safer egress for vehicles waiting on the carriageway to turn. The actual provision of the works can be conditioned and carried out under a 278 agreement under the Highways Act. With the road works and better sight line visibility proposed, vehicles should be able to access the site in a safer manner than at present. The Transport Assessment accompanying the application also provides comparable public house travel data which suggests that the public house use would have generated at least the same movements as the proposed development if not more, a view that the County Highways Engineer concurs with. There is therefore a potential benefit in traffic turns with the proposed scheme.

The layout provides for a road to serve six dwellings of sufficient width to allow for a refuse lorry to enter and turn within the site in a forward gear, the remaining 6 dwellings will be served by a shared surface private road, providing a less engineered option within the Green Belt section of the site. Each property has 3 or 4 car parking spaces allocated.

There is no change proposed to the car parking provision for the adjacent houses.

The site is on a 2 hourly bus route (with a bus stop opposite the site and to the south on the western side within 150m of the furthest house on site); the applicant is also proposing to provide a travel pack for new residents to highlight alternative transport provision to using the private car.

There have been no contamination issues raised with respect of the site.

The impact of the proposal on the Air Quality Management Area (AQMA) is a material planning consideration, with implications for the user of the site and pollution levels.

The possible reduction in overall traffic movements proposed by the development and the promotion of alternative travel to the private car would all minimise the impact of the development on the AQMA. In this respect it could be argued the public house use could have had more impact.

The suggested layout, with only two of the twelve dwellings fronting onto Stourbridge Road would also reduce the impact of traffic noise and pollution for the residents of the proposed houses, the majority of the houses will be set back from the Stourbridge Road and screened by existing properties. The scheme will reduce the private amenity space currently enjoyed by the houses which directly front the Stourbridge Road. There is an opportunity for additional planting to be created within the shallow front gardens of the adjacent properties to help absorb air pollution.

A further drainage scheme has been submitted for the site to illustrate how Sustainable Urban Drainage principles can be achieved on site. This can be conditioned to ensure provision is in place before the dwellings are occupied and maintained.

Section 106 requirements

The affordable housing issues have been discussed above, the proposal does not contain any provision.

Highways

The County Highways Engineer has determined that the public house use will generate a greater level of movements on the highway network than the submitted housing scheme. As there will be an overall benefit in highway terms there is no requirement for a financial contribution.

Education contribution

An education contribution of £4,905 is required for the one three bedroom house and £7,358 for the eleven larger properties. This would provide contributions towards Hagley Primary School and Haybridge High School.

Public Open Space

The proposal contains communal open space on site for the residents, which is proposed to be privately maintained by a management company. Subject to the receipt of an appropriate landscape scheme the provision and maintenance of this space can be secured as part of a legal agreement under section 106.

Conclusions:

In summary the proposal does raise a number of issues with respect of the loss of a public house and the wider development of the site. However the site specific considerations of this case and the resultant specific scheme before Members is considered to be acceptable subject to the receipt of a satisfactory landscape scheme, the suggested conditions below and the completion of a legal agreement. As the scheme has been the subject of amendment and the re-consultation, it is recommended

that permission be delegated to the Head of Planning to complete negotiation with respect of a section 106 agreement subject to no representations being received.

RECOMMENDATION:

- a) **MINDED** to approve **FULL PLANNING PERMISSION**
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a landscape scheme, the satisfactory views of consultees following the completion of re-consultation and the completion of a suitable legal mechanism in relation to:
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Suggested conditions:

- 01. COO1 (Standard time limit)
- 02. C1a (Implementation in accordance with approved plans)
- 03. C003 (Materials to be submitted/ built in accordance with approved plans)
- 04. C7 (Means of foul and storm incorporating SuDS scheme)
- 05. HC53: (Modified) Welcome pack condition.
- 06. C014 (Modified) Tree protection (boundary trees)
- 07. C026 Demolish existing building.

Please note Members will be updated on further highway and landscape conditions.

Informatives:

- HN4 Private apparatus within the Highway.
- HN5 Alteration of highway to provide new or amended vehicle crossover.
Hn9: No Drainage to Discharge to Highway.
- HN24 Temporary Direction Signs to Housing Developments.

Case Officer: Suzanne Clear Tel: 01527 881694
Email: suzanne.clear@bromsgroveandredditch.gov.uk