

Name of Applicant	Proposal	Expiry Date	Plan Ref.
McCarthy And Stone Retirement Lifestyles Ltd	Demolition of existing buildings and creation of new access road, erection of 35 no retirement living housing (category II type accommodation), including provision of communal facilities, landscaping and car parking. Erection of 3 no retirement bungalows and 2 no retirement houses, new community sports pavilion including resurfacing of existing club car park, 15 public car parking spaces and emergency vehicle access point.	10.03.2015	14/0952
	Land At 2 And 2A And Part Of Alvechurch Cricket Club, Birmingham Road, Alvechurch		

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Alvechurch Parish Council Consulted 16.12.2014

Alvechurch Parish Council objects to the proposal on the following grounds:

- o Parking: there is insufficient parking for residents, visitors, the Cricket Club and the public and any public parking cannot be policed.
- o Access: access to the Wiggin Memorial Field would be restricted in terms of pedestrian entrance and traffic access. There is a pedestrian crossing at the entrance and that combined with the traffic from the service road would be a safety issue particularly during school start and end times. From the original idea it was understood that design would be an in and out traffic flow giving better and safer access to the site which has not been realised in this application.
- o Design: the application was believed to be too excessive, too high and can potentially spoil the character of the village, and it was felt that it could be revised to a less obtrusive development. Over development of the site is not in keeping with 2 Birmingham Road formerly the Veterinary Practice was perceived to be.
- o Clubhouse: this was felt to be a definite asset but not at the expense of loss of Green Belt.
- o It was felt that the existing building at 2 Birmingham Road is more in keeping with the Village Design Statement.
- o Green Belt: the application falls against this Council's principles on Green Belt and it was considered that no building should take place until the Green Belt review. This application was considered not to show any special circumstances to change that view. It is understood that this land will be brought forward in the Green Belt

review however Councillors views expressed that no land should be released until the Green Belt review.

APC are not against retirement housing on this site when applicable. The proposal was introduced in March 2014 and indicated that there would be a wide range of community benefits, this development however only shows a small number of benefits to the community and not enough to give the application special circumstances, even though a new building for the Cricket Club has advantages.

It was felt that a BDC Green Belt review has gone on far too long and could have been useful in this issue.

Highways Department- Worcestershire County Council Consulted 16.12.2014

Whilst a TA/TS is not expressly required for a development of this scale, the document itself falls short of the requirements of a TS in any event. I am satisfied that for a development of this scale that only a few key issues need to be addressed, but I will make wider comments as the applicant appears to be wanting to rely on this.

- The document only considers vehicle impact and it should fully exploit sustainable modes of transport as the primary means of access to the site.
- Accident analysis is not provided.
- No drawing of the visibility splay is provided.
- No reference is made to local or national policy.

Notwithstanding the above the following issues need to be addressed.

- The visibility splay is referred to but is not demonstrated, the applicant has decided to project the visibility splay away from the kerbline and references manual for streets, however an inconsistent approach is taken and the reasoning is not justified.
- The access is unacceptably large and creates a significant break to the pedestrian footway. This is required due to the excessively large access road. It is not clear if this access road is proposed to be dedicated as highway. The access design needs to be reduced in scale and made more suitable for a slow speed environment. The proposal does not assist pedestrians on Birmingham Road or encourage pedestrian access to the application site.
- The car parking provision for the C2 element should not exceed 13 spaces, 2 disabled spaces and 1 ambulance space. The applicant has proposed a number of public car parking spaces, there is no need for these spaces and they encourage car trips and there is no development linked to them, by definition these do not promote sustainable development. No cycle provision is made at the C2 unit which is a policy requirement.
- There is an emergency access provided, it is not clear why this is needed or where it goes. Clarification is sought here.
- The standalone dwelling houses need to provide sheltered and secure cycle parking spaces

- The applicant should give consideration to LTN 2/95 which indicates that there should be a minimum of 20m separation between a road junction and a signal controlled crossing.

This application fails to accord with national and local requirements and the application appears to rely on a transport assessment which doesn't cover key issues of pedestrian safety and vehicle access. The unsuitable design combined with the proximity of a controlled crossing result in a severe impact on the highway network particularly for pedestrians. Whilst it is accepted other matters could be resolved the applicant has not sought to exploit sustainable transport opportunities. The application is there contrary to the adopted local transport plan and paragraph 32 and 35 of the National Planning Policy Framework.

Landscape & Tree Officer Consulted 16.12.2014

No objection to the proposed development in view of any tree related matters subject to conditions protecting existing trees, enforcing no dig methods of construction and the provision of arboricultural method statement.

Leisure Services Consulted 16.12.2014

The following comments have been raised:

- The management plan for the open space should include a 20 year maintenance programme to include the continual management and eradication of the Japanese Knotweed
- Any POS to be managed and maintained by Management Company
- Car parking allocation is limited for the Cricket Pavillion and should be increased, or arrangements provided for shared use of car parking spaces provided on new development. This to be shown and referred to within the documentation for the development.
- Concerns are raised over the presence of the emergency access which leads into the playing fields. Currently there is no road or path that could be used vehicles in emergencies.
- Financial contribution of £34,127 is sought to mitigate for the increased usage of Wiggins Memorial Playing Fields. The money would provide for a new 250m footpath, 4 benches and 2 bins.

Strategic Housing Consulted 16.12.2014

Requirement for 40% affordable housing to be provided for this development.

Strategic housing broadly accepts the reasons for the applicant not to mix affordable housing in the main block of flats however it does feel that consideration could be given to low cost discounted sale units thus widening accessibility to this type of accommodation and would add to the provision of affordable housing.

It is requested that the 5 dwellings on-site are affordable and off-site contribution is provided that is equivalent to a further 11 dwellings. This equates to £909,700.

The age restriction on the 3 bed dwellings is not supported. This would lead to under-occupation if they were affordable units.

Drainage Engineer Consulted 16.12.2014

The site boundary shown on the plans is only up to the bank of the stream and a metal railing fence is shown on one of the plans. I would like to enquire as to whether this is entirely correct as under 'normal' circumstances, landowners own up to the centre of the stream. If land ownership is to the centre of the stream, then I have concerns that this fence may prevent maintenance of the watercourse and would ask that a gate is installed to allow for access.

No objection subject to conditions requesting details about the attenuation tank and methods of drainage.

Conservation Officer Consulted 16.12.2014

The proposed development, particularly the three storey retirement flats and 2 storey club house, due to their scale and massing will detract from the rural setting of this part of the Conservation Area. The retirement flats in particular being significantly larger, in terms of height and mass, than the surrounding buildings. The architectural treatment is also poor.

I am therefore of the opinion that the proposed development would have a negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the policies in the BDLP 2004, and the draft policies in the new plan.

The application should therefore be refused.

Natural England Consulted 16.12.2014

No objection

Urban Designer- Joe Holyoak Consulted 16.12.2014

The principles of the proposal are acceptable. But the architectural expression of the main building is inadequate, and needs serious rethinking. There are other design issues where improvement can be made. The existing house on Birmingham Road is worthy of retention, and should be retained within the development.

NHS England Primary Care Arden, Herefordshire & Worcestershire Consulted 16.12.2014

No objection

A financial contribution could not be justified in this case.

Sport England Consulted 13.02.2015

Whilst the proposed development may not have any direct physical impact on the adjacent cricket pitch, consideration of the impact of the existing cricket use on the proposed residential development needs to be made.

It is acknowledged that the application proposes protective netting along the southern boundary of the cricket pitch to prevent balls entering the proposed development. This in theory will help to avoid future conflict between the two uses, such as potential personal injury and damage to property. However it is not clear how the necessary height and coverage for the proposed netting was calculated or if a risk assessment has been undertaken. Therefore it is not clear whether or not the netting proposed will be adequate to protect the proposed residential uses. It is therefore recommended that the applicant address these queries.

Furthermore the application states that the netting should be erected on the poles by the club before matches. It does not seem reasonable for the club to have to do this. There are various netting systems available which do not need erecting on fixed poles before each game and would be less onerous to the club. The proposed netting solution should be discussed with the club (if this has not already been done) and the ECB.

I am keen to avoid a situation in the future where residents of the proposed development make complaints about the cricket club and the club itself has to invest in further protective measures or in the worst case that use of the cricket field is reduced because of any conflict.

It would also be useful to understand how the lease/ownership of the pavilion is intended to operate (to ensure the cricket club have future security to use the pavilion), who will have use of the pavilion, and at what times the pavilion and car park will be available for the cricket club or for wider community use (if that is what is intended). This is to ensure that successful operation of the cricket club in the future.

Sport England recommends that the LPA requests further information from the applicant addressing the questions raised in this letter. This additional information will help to clarify the outstanding issues and allow Sport England to recommend appropriate condition(s) if required.

Publicity:

61 letters sent on the 16th December 2014 (expired 6th January 2015)

3 identical site notices posted on the 6th January 2015 (expired 27th January 2015)

1 press notice published (Redditch Standard 9th January 2015 (expired 23rd January 2015))

A number of responses have been received in relation to the application and they are a mixture of both support and objection.

10 letters of support have been received and they address the following issues:

- Development provides much needed parking;
- New cricket pavilion could become community hub;
- A second access to the park is needed;
- Development is essential to create a sustainable future for the local sports clubs;
- The loss of scrubland is a benefit as it is unmaintained, over grown and used for fly tipping;

- Proposals should be approved now to prevent more harmful development through the Green Belt Review in the future;
- Changing facilities would be used by those using Wiggins Memorial pitches ensuring that these pitches are better utilised;
- No evidence that the GP or dentists are overstretched;
- There would be no pressure on school places;
- Development would lead to extra expenditure in village shops and services;
- The provision of much needed elderly housing and will free up family homes in the village;
- An increase in the rabbit population has damaged lawns, gardens and wildlife;
- Other development types would have worse consequences;
- Would lead to an improvement in appearance in comparison to the former vets, MOT garage and scrubland; and
- The community hub would benefit community spirit and keep people active improving their health and well-being

5 letters of objection have been received highlighting the following considerations:

- There would be a loss of Green Belt;
- No community benefit;
- Increased pressure on health and social care infrastructure which is already stretched;
- Increased congestion and risk of accidents;
- Development will not benefit most elderly people as it is over-priced;
- Impact on character of the village as 3 storey building is out of character and eyesore;
- Land is important wildlife habitat;
- Loss of privacy for neighbours;
- The car park is too small and would lead to overspill on the Birmingham Road;
- Development would cause harm to the conservation area;
- There may be anti-social behaviour in the car park if used by customers of the Red Lion pub;
- Changing rooms are too far from the football pitches;
- Development is visually intrusive and leads to a loss of view for some occupiers of adjacent dwellings;
- Emergency exit through playing fields is inappropriate;
- No need for the accommodation in Alvechurch;
- Concerns raised over the relationship between McCarthy and Stone and the cricket club;
- The council has a 5 year land supply so there is no pressure to release land for housing;
- Premature to release Green Belt site prior to the Green Belt Review; and
- Increase risk of flooding from River Arrow

Other comments have also been raised as follows:

- Sound proofing is required for the cricket pavilion as events are noisy;
- Evening opening hours should be restricted to 11pm for the cricket pavilion; and
- The cricket club should no longer be allowed a marquee for events

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
S7 New Dwellings Outside the Green Belt
S8 Plot Sub-Division
S35A Development in Conservation Areas
S36 Design of Development in Conservation Areas
TR8 Off-Street Parking Requirements
C17 Retention of Existing Trees
SPG1 Residential Design Guide

Relevant Planning History

No relevant history

Assessment of Proposal

The Site and its Surroundings

The application site is located on the edge of the settlement of Alvechurch and is bounded by residential development to the south, east and south-west. The Wiggins Memorial Playing Fields is located to the north east and the cricket ground abuts the northern boundary. The site consists of a residential dwelling (2 Birmingham Road), an MOT testing centre, entrance drive and car park of the cricket club and the cricket pavilion. An area of scrub land is also included at the rear of the site.

The Proposed Development

This application seeks to demolish the MOT garage, No. 2 Birmingham Road and the existing cricket pavilion. In place of these buildings the following is proposed:

- 3-storey building containing 35 age restricted retirement apartments with associated private amenity space, parking and communal facilities;
- 2 x 3 bed 2 storey age restricted dwellings;
- 3 x 2 bed age restricted dormer bungalows;
- A new 2 storey cricket pavilion; and
- 15 public car park spaces

Planning Considerations

The main issues to be considered in assessing the application are the following:

- i) Whether the proposal amounts to inappropriate development in the Green Belt
- ii) If inappropriate, do very special circumstances exist to clearly outweigh the Green Belt harm
- iii) Residential Amenity
- iv) Street Scene & Character Impact
- iv) Access, Highways & Parking
- v) Ecology
- vi) Landscape and Trees;
- viii) Impact on the Sports Use; and

viii) Planning Contributions

i) **Green Belt**

The five detached dwellings and 12 of the public parking spaces are located outside of the Green however the proposed block of retirement apartments associated parking and the new cricket pavilion are located within the Green Belt.

Policies DS2 of the Bromsgrove District Local Plan and paragraph 89 of the NPPGF set out the exceptions to inappropriate development. The proposal of a development of 35 retirement apartments does not fall within any of the exceptions listed. This element of the proposal is considered to be an inappropriate form of development in the Green Belt, it is important to note that this is not disputed by the applicant. The applicant will therefore need to demonstrate that there are very special circumstances to clearly outweigh the harm to the Green Belt.

In addition to harm by definition it is also necessary to consider whether the proposal causes harm to any of 5 purposes of including land within the Green Belt.

Checking unrestricted sprawl:

It is considered that the proposal would lead to an element of sprawl into the wider countryside surrounding Alvechurch as a large 3-storey building is proposed on an area of currently undeveloped land.

Preventing neighbouring towns from merging:

The proposal would not lead to Alvechurch merging with any settlement.

Safeguarding the countryside from encroachment:

The proposal involves the development of a 3 storey development on previously undeveloped land, therefore ensuring that there is encroachment into the wider countryside on the periphery of Alvechurch.

Preserving the setting and special character of historic towns:

Alvechurch is an historic settlement and the site lies adjacent to the Alvechurch Conservation Area. The Councils Conservation Officer has highlighted that the proposal causes significant harm to the setting of the Conservation Area.

Assist in urban regeneration:

By definition the development of greenfield land on the edge of Alvechurch does not assist in urban regeneration. If development occurred, investment is potentially being drawn away from derelict sites within the Major Urban Area to develop this primarily greenfield site.

In summary, in addition to the harm by definition the proposed apartment building causes harm to 4 of the purposes for including land within the designated Green Belt. It is therefore considered that the proposal causes substantial harm to the Green Belt.

As stated above, the sports pavilion and community hub building are also located within the designated Green Belt. Policy DS2 permits essential facilities for outdoor sport and recreation and paragraph 89 of the NPPF has a less stringent approach by stating that

appropriate facilities for outdoor sport and recreation are an exception to stringent Green Belt policy. Both emphasise that any proposals must maintain the openness of the Green Belt.

In this case it does not appear the proposal falls under this category as the building is described as a community hub. The plans show a large function room covering 107sqm which will potentially have many uses for the local community that are not associated with outdoor sport and recreation. It is therefore considered that this element of the proposal also amounts to an inappropriate form of development in the Green Belt.

Some respondents have referred to the Council's intention to undertake a Green Belt Review and the potential for this site to be removed from the Green Belt via this process. The proposed Submission Version of the Bromsgrove District Plan in policies BDP3 and BDP4 states that the Council will undertake a Green Belt Review to identify additional land for housing and this would be completed prior to 2023. This Review has not yet been begun and it is premature to assume that any site may or may not be removed from the Green Belt via this process. It is considered that the Council's intention to undertake a Green Belt Review is not key factor in the determination of this application. Although, granting consent for major developments in the Green Belt is premature in this regard and potentially ad-hoc development control decisions could undermine this strategic Green Belt review process.

ii) **Very Special Circumstances**

The applicant has put forward 4 very special circumstances that can be summarised as follows:

1. The lack of suitable and available sites for the development of sheltered housing within Alvechurch
2. The critical need for sheltered accommodation for the elderly
3. The development doesn't conflict with the purposes of Green Belt designation
4. Community benefits including a new sports pavilion, improved access to the park and additional public parking spaces

Each of these circumstances will be addressed in turn below.

Site Availability

The applicant has commissioned Darren Blower Estate Agents to assess alternative sites for their potential for retirement housing. 11 sites were considered and discounted for a variety of reasons including ownership constraints, size, Green Belt and lack of footpaths and street lighting. The validity of the report by Darren Blower Estate Agents is not queried however the need for elderly accommodation is district wide and there is no evidence that a site must be developed in the Green Belt around Alvechurch at the current time.

Need for Sheltered Accommodation

It is acknowledged that Bromsgrove District has an aging population and there is a need elderly accommodation. The Council is seeking to address this need through key development sites that are outside of the Green Belt. For example, there is a current planning application at Recreation Road, Bromsgrove (14/0821) for a development of an

81 bed care home, 66 bed extra care apartments and 26 age restricted apartments. In addition a 200 unit extra care facility is proposed on the Perryfields Road site as part of a much larger allocation within Policy BDP5A of the Proposed Submission Version of the Bromsgrove District Plan. An outline planning application is expected on this site shortly.

Regardless of the extent to which housing needs for the elderly are being met in the District the National Planning Practice Guidance (NPPG) in paragraph 034 (Ref ID: 3-034-20141006) emphasises that:

"Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt."

It is also important to note that the Council currently has a 5.3years supply of housing land (January 2015). This adds further weight against the need to release land from the Green Belt for housing.

Doesn't Conflict with the purposes of Green Belt Designation

In the above section it concludes that the site conflicts to a certain degree with 4 of the 5 purposes of including land within the designated Green Belt. This is not therefore considered to be a benefit of the scheme that can contribute towards a very special circumstances case.

Community Benefits

The main community benefit is linked to the new cricket pavilion which is described as a community hub building. This new structure is in itself an inappropriate form of development that adds to harm of the Green Belt caused by the apartment block.

It is understood that a legal agreement is being progressed between the Alvechurch Cricket Club, the Parish Council and Alvechurch Lions to secure the communal use of the building. Although at the current time details of this have not been provided as to how this is progressing and how shared facility would be used in reality. Alvechurch Lions is a youth football club with teams in different age categories and it is understood that they would have access to the changing facilities. It is considered that currently further information is required to understand how the new facility would be successfully shared in perpetuity.

A large function room is proposed within the building. No details of how this would be made available to the community have been provided. It is assumed that it would be available for hire for functions in a similar manner to the existing smaller function room within the current cricket pavilion.

It is noted that additional parking facilities have been provided however there is no evidence to suggest that they are needed to support the Parish Council owned Wiggins Memorial Playing Fields. This could be described as a local facility that would be primarily be used by residents of Alvechurch, who in the main would live within a reasonable walking distance. In addition the Council's Highway Engineer had objected to the provision of the additional parking as it would encourage unsustainable travel patterns.

Whilst the scheme does appear to provide some benefits they are not considered to be substantial.

Conclusion

When considered individually or cumulatively it is not considered that the very special circumstances put forward by the applicant clearly outweigh the substantial harm to Green Belt. The proposal is therefore contrary to Policy DS2 of the BDLP and paragraph 89 of the NPPF.

iii) **Residential Amenity**

The development is bounded by residential development on 2 sides primarily to the south and east. Properties on Meadow Lane, Birmingham Road and Red Lion Street directly adjoin the application site.

The property most affected by the application is No. 54 Red Lion Street. A new 2-storey dwelling is proposed adjacent to No. 54 and 3 bungalows are proposed adjacent to the rear garden of this property. 2 of the 3 Bungalows are within 1m of the side boundary of No. 54 and the third retains a separation distance of 2m. Whilst, it is acknowledged that the current MOT garage is in a similar location this currently retains a distance of 3.5m to the side boundary and is a single storey building. These bungalows are 6.2m in height and would have an overbearing impact on the adjacent property which would severely impact upon amenity levels experienced by the occupiers of no. 54.

The 3-storey apartment building is at the nearest point within 12m of the boundary of properties on Meadow Lane. SPG1 would normally expect 5m per storey to prevent overlooking and in this case 15m would be required. However, the properties on Meadow Lane have rear gardens that are 60m length and therefore it is not considered that there would be a significant amenity impact on the occupiers of the properties on Meadow Lane.

The proposed new pavilion is in the same place as the existing but is 2-storey in height. A distance of 14m is retained at the nearest point to the rear boundary of No. 6 Birmingham Road. This exceeds the requirements within SPG1 and is therefore sufficient to ensure that there is no significant loss of privacy for the occupiers of No. 6 Birmingham Road.

12 public car parking spaces are provided adjacent to the side boundary with No.4 Birmingham Road. There would appear to be no restriction as to when these parking spaces could be used. It is therefore realistic that there could be vehicle movements associated with these spaces late in the evening, particularly if there is a function at the cricket club. Currently this area provides the rear garden to No. 2 Birmingham Road and therefore this change would increase the level of noise and disturbance throughout the day and evening having a significant impact on the amenity levels experienced by the occupiers of No. 4 Birmingham Road.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed apartments and dwellings. The apartment block contains 35 individual private apartments which provide sufficient access to natural light as well as a communal lounge and garden area located in the north east corner of the site. This

would provide a pleasant private space for residents to enjoy. Sufficient amenity space is also provided with the 2 dwellings that front onto the Birmingham Road to comply with SPG1. However, concerns are raised in relation to the bungalows, particularly plots 3 and 4. The 3 bungalows each have between 39 and 49sqm of private amenity space which is at the lower end of what could be considered acceptable however it is acknowledged that these bungalows are not family homes and would not be occupied by children. Of greatest concern is the close relationship between the bungalows of just 6.5m. In the case of plots 3 and 4 the main window into the living room is 6.5m from a 6.2m high blank elevation of the adjacent bungalow. This is considered to have an overbearing impact on the occupiers of plots 3 and 4 and would greatly reduce the level of light that this habitable room would receive.

Overall it is considered that the proposal will have a significant impact on the occupiers of adjacent residential properties and create an undesirable living environment for the occupiers of plots 3 and 4 and is therefore contrary to Policy S7 of the BDLP, the guidance within SPG1 and the NPPF.

vii) Street Scene & Character Impact

The application site is contiguous with the top northwest corner of the Alvechurch Conservation Area, and the frontage of the site on the Birmingham Road is separated from the Red Lion Road frontage of the Conservation Area (Red Lion Road being a continuation of the Birmingham Road) by three houses. This part of the Conservation Area, and indeed the end of Red Lion Street and the beginning of Birmingham Road is characterised by modest 2 storey houses with long back gardens. Most of the houses on the north side of Meadow Lane, which backs onto the application site, are one and half storey. The houses are predominately a mixture of 18th, 19th and early 20th century properties, with a few dating from the mid 20th century. They are generally red brick with pitched clay tile roofs, the more modern ones have pitched concrete tile roofs, although in terms of colour these roofs generally tone in reasonably well. Some of the houses on the Birmingham Road have converted lofts, but remain clearly two storey houses with attic conversions rather than three storey properties. There are also a couple of bungalows at this end of the Birmingham Road, and one on the south east side of Meadow Lane.

This end of the Conservation area has an edge of settlement feel, with the buildings on Red Lion Street and Meadow Lane forming the built edge. The development along the east side of the Birmingham Road is ribbon development again contributing to the edge of settlement feel, while the housing on the west side of the Birmingham Road is set back behind a service road with high hedgerow separating this road from the Birmingham Road.

The applicant has submitted as part of the Heritage Statement an assessment of the impact of the proposed development on the Setting of the Conservation Area, and the other designated heritage assets, the two listed cottages in Meadow Lane.

Concerns have been raised by both the Councils Urban Design Consultant and Conservation Officer over the demolition of No.2 Birmingham. It is considered that whilst this building is afforded no statutory protection it has a positive impact on the setting of the adjacent conservation area and could be retained whilst still enabling the

development to take place. Although it is acknowledged, that the loss of the building is so severe to warrant the refusal of planning permission in its own right.

As stated above, this area of Alvechurch is characterised by a well-defined building line with large properties fronting onto the main road that have large rear gardens. The addition of 3 bungalows behind plot 2 creates a form of backland development that is at odds with this character. These small bungalows are separated from one another by a 6.5m wide side garden with gaps of generally no more than 1m from the rear walls to the rear boundary. This amounts to a cramped and contrived form of backland development that is at odds with the prevailing character of Alvechurch that is contrary to SPG1.

The greatest concerns are raised in relation to the 3-storey apartment block which measures 10.2m in height. The retirement block will be highly visible from the Conservation Area due to its height, particularly from the rear gardens in Meadow Lane, from between houses in Meadow Lane, and from the playing fields when viewed across the Conservation Area. Its construction will extend the built form of the settlement, and will remove the backdrop of greenery, the edge of settlement feel and the rural connectivity that this part of the Conservation Area currently has.

This building is out of scale with the buildings at this end of the conservation area and those within the setting of this part of the conservation in terms of height and bulk. The footprint itself is considerably larger than anything in the vicinity. It will therefore form a very dominant feature when viewed from the Conservation Area, where at present there are only views of greenery. Due to the height and bulk of the proposed building it is unlikely that it will be obscured from the Conservation Area by the current planting in the rear gardens of the houses in Meadow Lane. Equally it is unlikely, again due to the height and bulk of the building that it could be obscured by new planting.

Concerns about the architectural style of the building have been raised by both the Conservation Officer and Urban Designer. The use of vernacular detailing associated with smaller cottages does not translate effectively to a three storey building, arbitrarily broken up in an attempt to look like a row of cottages. The apartment block is considered to be an awkward, ungainly building without a sense of coherent composition, and with clumsy geometries. Regardless of the impact on designated heritage assets, such poor design that fails to take opportunities available for improving the character and quality of an area is contrary to paragraph 64 of the NPPF and is in itself a reason to refuse planning permission.

It is also considered that the proposal would unduly impact on the setting of No.'s 15 and 17 Meadow Lane, the two listed buildings which fall within the Conservation Area. The open space to the north east of the gardens provides the rural connectivity to the wider rural setting and the edge of settlement feel, as there are only views of greenery. This 'rural' setting contributes to the significance of the heritage assets as they are not hemmed in by later development. There are partial views through the trees to the buildings in Meadow Lane. Development of this site in the way proposed with a three storey building of considerable bulk, will harm the rural setting of these edge of settlement, designated heritage assets.

A further element of the scheme is the replacement of the existing single storey club house by a storey pavilion. The proposed two storey club house although more simple in

design, again will be visible from the Conservation Area due to its height and will in the view of the Conservation Officer harm the setting of the Conservation area.

In conclusion, the proposed development, particularly the three storey retirement flats and 2 storey club house, due to their scale and massing will detract from the rural setting of this part of the Conservation Area. The retirement flats in particular being significantly larger, in terms of height and mass, than the surrounding buildings. The architectural treatment is also poor.

The proposed development would therefore have a negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies S35A and S36 of the BDLP 2004 and paragraph 133 of the NPPF.

viii) Access, Highways & Parking

The site proposes 2 main accesses. One access is for the sports pavilion, which is existing and a new access is proposed to serve the 5 dwellings and apartment block. An emergency access is also provided towards the rear of the site. The need for this access has been queried by the Highways Engineer.

A significant amount of car parking has been provided within the scheme with 25 spaces for the apartment block, 2 for each dwelling and a further 15 public parking spaces. The level of parking provided for each dwelling complies with the County Council's parking Standards however concerns have been raised in relation to the remainder.

The car parking provision for the apartment block should not exceed 13 spaces, 2 disabled spaces and 1 ambulance space and there is no need for the public car parking spaces and they encourage car trips and there is no development linked to them, by definition these do not promote sustainable development.

No cycle provision is made for the apartment block or dwellings which is a policy requirement however this could be secured by condition.

Whilst not expressly required, a Transport Statement (TS) was submitted with the application. The Highways Officer has raised the following concerns over the contents of the TS:

- The document only considers vehicle impact and it should fully exploit sustainable modes of transport as the primary means of access to the site.
- Accident analysis is not provided.
- No drawing of the visibility splay is provided.
- No reference is made to local or national policy.

Notwithstanding the above the following issues have been identified by the Highways Engineer and have not yet been addressed by the applicant:

- The visibility splays have not been demonstrated appropriately:

- The access is unacceptably large and creates a significant break to the pedestrian footway. The access design needs to be reduced in scale and made more suitable for a slow speed environment. The proposal does not assist pedestrians on Birmingham Road or encourage pedestrian access to the application site.
- The applicant should give consideration to LTN 2/95 which indicates that there should be a minimum of 20m separation between a road junction and a signal controlled crossing.

Due to the extent of the outstanding issues it is considered that the proposal will have a severe impact on the highway network particularly for pedestrians and fails exploit sustainable transport opportunities. This is contrary to Policy TR8 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

ix) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken a number of surveys to ascertain the presence of protected species and these include a Badger, bat and great crested newt survey and Phase 1 habitat survey.

The studies conclude that there is no evidence of badgers using the site. It is acknowledged that bats use the site for foraging and it is recommended that conditions are attached to any approval to limit any impact. These include the provision of bat and bird boxes and the provision of a suitable lighting scheme to minimise light pollution. There is also no evidence of great crested newts on the site although there is potential for newts on-site due to the habitat and therefore a condition requiring a working method statement is recommended.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

x) Landscape and Trees

There are a number of trees across the site which vary in size, species and quality. The proposals include the removal of some trees however these are generally seen to be of poorer quality and have limited amenity value. The applicant intends to retain the trees of higher amenity value and the proposed landscaping scheme proposes new planting. The Tree Officer raises no objection to the scheme subject to conditions requiring the submission of method statement, the protection of trees during construction and the use of no dig measures within the root protection area of trees.

The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

xi) Impact on Sports Use

The cricket pitch used by Alvechurch Cricket Club is located adjacent to the boundary of the application site.

Whilst the proposed development may not have any direct physical impact on the adjacent cricket pitch, consideration of the impact of the existing cricket use on the proposed residential development needs to be made.

The applicant proposes 10m high netting along the boundary of the site to protect the amenities of the occupiers of the proposed apartment block. Whilst the principle of some form of protection is supported, Sport England have highlighted that it is not clear how the necessary height and coverage for the proposed netting was calculated or if a risk assessment has been undertaken. They therefore consider it is not clear whether or not the netting proposed will be adequate to protect the proposed residential uses. Further information has been requested from the applicant to address this matter. Members will be updated on this issue at the Committee meeting.

The application states that the netting should be erected on the poles by the club before matches. Sport England considers that it does not seem reasonable for the club to have to do this. They highlight that there are various netting systems available which do not need erecting on fixed poles before each game and would be less onerous to the club. They highlight that any proposed netting solution should be discussed with the club (if this has not already been done) and the ECB.

Sport England are keen to avoid a situation in the future where residents of the proposed development make complaints about the cricket club and the club itself has to invest in further protective measures or in the worst case that use of the cricket field is reduced because of any conflict.

Sport England have also asked for clarification to understand how the lease/ownership of the pavilion is intended to operate (to ensure the cricket club have future security to use the pavilion), who will have use of the pavilion, and at what times the pavilion and car park will be available for the cricket club or for wider community use (if that is what is intended). This is required to ensure that successful operation of the cricket club in the future.

Any response on the above matters will be provided to Members at Committee. It is considered that such matters can be addressed by condition and therefore accords with Policy RAT4 of the BDLP.

viii) **Planning Contributions**

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of the development, if the application were to be approved. The obligations would cover open space improvements to Wiggins Memorial Playing Fields, improvements to the wider transport network and the provision of affordable housing.

As yet no agreement has been reached by with applicant over the extent of what the contributions might be. Although, it is important to note that a viability appraisal was submitted with the application highlighting that there was only scope of £105,000 of S106 payments. The Council employed an independent consultant to review the appraisal and he was of the view that there was scope for S106 payments of £719,245.

Any update on the matter will be provided prior to the meeting.

Conclusion

The proposal is considered acceptable in terms of its impact on trees and ecology however the proposal amounts to an inappropriate form of development in the Green Belt. It is considered that there the very special circumstances put forward do not clearly outweigh the substantial harm to the Green Belt. In addition, the apartment block is considered to represent poor design and causes substantial harm to the setting of the Conservation Area and the proposed bungalows create an unacceptable form of backland development. The proposed bungalows and public car park cause harm to the amenities of occupiers of adjoining dwellings and the siting of the bungalows creates an undesirable living environment for the occupiers of these dwellings. The proposals also have a severe impact on the highway network.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The proposed apartment building and community building do not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP) or at paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Thus, the buildings constitute an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt.
- 2) Due to its scale, mass and bulk the proposed development would have a significant negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies S35A and S36 of the BDLP.
- 3) The apartment block is considered to be an awkward, ungainly building without a sense of coherent composition which represents poor urban design that fails to improve the character and quality of the area which is contrary Policy DS13 of the BDLP and paragraph 64 of the NPPF.
- 4) The siting of the proposed bungalows and the apartment block create an undesirable form of backland development that does not reflect the traditional pattern of development along Birmingham Road causing significant harm to the character of the locality contrary to policies S7 and S8 of the BDLP, the guidance within SPG1 and the NPPF.
- 5) Due to their siting and scale the proposed bungalows would have an overbearing impact on the adjacent residential dwelling, no. 54 Red Lion Street which would cause significant harm to the level of amenity experienced by the occupiers of this dwelling contrary to Policy S7 of the BDLP, the guidance within SPG1 and the NPPF.

- 6) The proposed bungalows due to their siting and close relationship would create an undesirable living environment for the occupiers of plots 3 and 4 due to the lack of natural day light and the overbearing nature of the adjacent blank wall which is contrary to policy S7 of the BDLP, the guidance within SPG1 and the NPPF.
- 7) The proposed vehicle movements associated with public parking spaces by virtue of their proximity and potential extended hours of use would cause a level of noise and disturbance that would cause significant harm to the amenities of occupiers of the adjacent dwelling, No. 4 Birmingham Road. This is contrary to Policy S7, S19 and ES14A of the BDLP and the NPPF.
- 8) The application appears to rely on a transport assessment which doesn't cover key issues of pedestrian safety and vehicle access. The unsuitable design combined with the proximity of a controlled crossing result in a severe impact on the highway network particularly for pedestrians and the applicant has not sought to exploit sustainable transport opportunities. The application is there contrary to Policy TR8 of the BDLP and paragraphs 32 and 35 of the National Planning Policy Framework.

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