

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>BELLWAY HOMES LIMITED/BDHT 'A'</b>	Erection of 24 no. affordable dwellings, including provision of new access road and open space - Land at Shaw Lane, Stoke Prior, Bromsgrove	GB	<b>10/0116-DMB</b> 13.05.2010

**RECOMMENDATION:** that permission be **REFUSED**.

### Consultations

WH	<p>Consulted - views received 20.04.2010:</p> <ul style="list-style-type: none"> <li>• No objection subject to Conditions</li> <li>• The applicant is required to enter into a Section 106 Agreement with the following heads of terms:</li> <li>• <b>£44,082 to enhance local bus services:</b> <ul style="list-style-type: none"> <li>• There is a bus service which connects Stoke Prior with Droitwich Spa and Bromsgrove (the 141/940 service).</li> <li>• This bus service should be enhanced to support this development. The service operates hourly in the peaks and bi-hourly out of the peaks. The last service is at 19:05 from Bromsgrove Bus Station. The service, however, does serve the railway station at present in both Droitwich Spa and Bromsgrove. We would like to see the developers provide a contribution to support the enhancement of this bus service.</li> <li>• There are two sets of bus stops nearby (Stoke Prior Church opposite and Stoke Prior Church adjacent, and Stoke Prior Shaw Lane Shelter adjacent and Stoke Prior Shaw Lane Shelter opposite). We would like to see the developer provide funds for both sets of stops upgraded to the Worcestershire Gold standard.</li> </ul> </li> <li>• <b>£10,000 to improve the Traffic Signals of the A38 and Hanbury Road:</b> <ul style="list-style-type: none"> <li>• To upgrade the controller unit and provide remote monitoring of the signals.</li> </ul> </li> </ul>
Drainage Engineer Severn Trent Water	<p>Consulted - views received 19.04.2010:</p> <ul style="list-style-type: none"> <li>• No objection subject to Conditions</li> </ul> <p>Views received 12.03.2010:</p> <ul style="list-style-type: none"> <li>• No objection subject to Conditions relating to the disposal of surface water and foul sewage.</li> </ul>
Strategic Planning Manager	<p>Consulted - views received 20.04.2010:</p> <ul style="list-style-type: none"> <li>• The main strategic issues with this application focus on the need for this type and scale of development in this location. The applicant has defined three very special circumstances to justify the release of this site.</li> <li>• The applicant also focuses considerably on demonstrating that affordable housing is a material consideration, this is a fact which is not contested.</li> </ul>

- It is my view that the applicant has not conclusively addressed the issue of specific housing need in the Stoke Prior, or sufficiently linked the need to supporting the surrounding employment sites. Also no robust assessment of other Green Belt locations has been carried out to justify this site over other available sites in Stoke Prior.
- West Midlands Regional Assembly Consulted - views received 09.03.2010:
- It is noted that the proposals submitted are of a similar nature to application 09/0531 submitted last year. The Assembly made comments on by way of a letter dated 17 November 2009.
  - Having considered the revisions to the latest application we consider that our advice remains unaltered
  - This being that the West Midlands Regional Assembly (as the Regional Planning Body) that the proposal is in general conformity with the Strategy as set out in the Assessment and Evaluation of the report attached to that letter.
  - This position is subject to the Local Planning Authority being satisfied that the proposal would meet local needs and/or support local services and that any quantified need could not be first met by the reuse of previously developed land and the conversion of existing buildings that may exist in the settlement as required by part D of current RSS Policy CF2
- Strategic Housing Manager Consulted - views received 14.04.2010:
- The range of property types to be provided within the development proposed in this revised application reflects the priorities identified in the Bromsgrove Housing Market Assessment that was carried out in 2008 which recommended an increase in the supply of affordable and financially accessible housing across tenures within which two bedroom units and aspirational homes for older people should be reflected.
  - The tenure split providing 75% of the units for social rent provides a sensibly higher proportion of rented units than the Bromsgrove Housing Market Assessment recommended back in 2008. I consider this to be a positive and appropriate response to the current financial climate, the availability of mortgage facilities and the level of deposits required to enter into owner occupancy.
- Conservation Officer Consulted - views received 24.03.2010:
- Views as previous (the proposed development site would be located some distance away from the listed church with an area of dense tree cover concealing the church and lychgate from view. The proposals would therefore have no impact on the setting of either listed building, however future phases closer to the church could be of concern).
  - The section on setting from the new PPS5 and accompanying guidance has been extracted for consideration.

EHO  
Contaminated  
Land

Consulted - views received 05.08.09:

- No objection to the planning application subject to Conditions.
- The Phase I Desk Study represents a thorough and appropriate preliminary risk assessment. This is further supplemented by the Phase II Geoenvironmental Assessment.
- The work undertaken to date has included a good spread of boreholes and trial pits and has included soil sampling and ground gas and groundwater monitoring.
- The soil sampling has revealed that the site is largely uncontaminated. However, it is noted that three soil samples returned arsenic levels elevated above the current Soil Guideline Value of 32mg/kg for the "residential with garden" end-use. Whilst these elevated levels have not been identified as statistical outliers I am of the opinion that they may represent hotspots of arsenic contamination and that they therefore require further consideration, particularly where they fall within garden areas within the proposed development layout. This is difficult to determine as the labels on the borehole location plan attached to the Phase II report are illegible.
- With regards to ground gas risk assessment I agree with the recommendation of the report that a minimum of four more gas monitoring rounds are required before a definitive decision can be made regarding any requirements for gas protection measures within the buildings. However to date the monitoring results indicate that gas protection measures will not be required.
- Information held by this department indicates that the adjacent former Stoke Works landfill, that lies some 350 meters from the site, has been monitored for landfill gas and has been observed to be producing elevated levels of carbon dioxide and hydrogen cyanide.
- Maximum hydrogen cyanide levels have been up to 100ppm.
- The appointed environmental consultant may wish to consider this when planning the proposed additional gas monitoring.
- It may be prudent to include some trace gas monitoring considering the potentially nature of hydrogen cyanide and its potential to have a significant impact on human health

Tree Officer

Consulted - views received 20.04.2010:

- Overall, I therefore consider that, despite the loss of the existing grassland area, the proposed development will not result in the loss of trees and will create a net increase in habitat for wildlife.
- Subject to conditions, I have no objection to the proposal.

Natural England

Consulted - views received 23.03.2010:

- The application site lies close to the Upton Warren Pools Site of Scientific Interest (SSSI).

- The Council should note that the River Salwarpe, which runs close to the proposed development, flows directly into the SSSI.
- No objection, subject to a number of recommendations to be secured through appropriately worded planning conditions dealing with (a) the prevention and control of surface water pollution at the construction phase and (b) suitable surface water drainage system(s) at the operational stage.
- Both of the above point stem from the need to prevent adverse impacts upon the water quality of the river and SSSI.
- Provided that this issue is addressed we consider that the proposal will not have a significant effect on the interest features of the SSSI

WWT Consulted 19.02.2010: views awaited

WCC(CA) Consulted 19.02.2010: views awaited

National Grid Consulted 19.02.2010: views awaited

WMC Consulted - views received 23.02.2010:

- No objection
- It is noted that the applicants intend to apply for secured by design accreditation. If successful this will enhance the security of the dwellings

Stoke Parish Council Consulted - views received 09.03.2010:

- Objection
- The development represents an inappropriate use of Green Belt land
- Councillors are of the opinion that this is not an exception site because it is within the village envelope
- The increased volume of traffic generated would adversely affect the already overstretched road infrastructure and create even more pollution in a recognised "hotspot"

Publicity 1 site notice posted 12.03.2010 (expires 02.04.2010)

1 press notice published 26.02.2010 (expires 19.03.2010)

1 response from Stoke Prior Residents' Association received 08.04.2010 (in summary):

- The number of homes applied for represents a major development which is inappropriate in the Green Belt
- The applicants have not proven any very special circumstances
- The development is completely stand alone, set on rising ground amongst open fields
- No attempt has been made to integrate new development within the existing settlement
- The development is clearly visible from the Church and wholly inappropriate at the entrance to the village
- The hedges provide not effective screening and existing road facing hedges will be removed to facilitate the entrance/exit splay visibility

- The site is unsustainable, with very limited amenities and requiring a car to be used for almost all trips
- The land is recognised quality agricultural land
- The land has a wider place in the ecosystem

485 letters received:

1 letter in support of the scheme

484 letters objecting to the scheme on the following principal grounds:

- No change in policy or circumstances since the previous application - the new scheme does not overcome any of the reasons for refusal stated on 09/0531
- Loss of Green Belt site
- Setting of precedent to release further Green Belt land
- Spoil rural character and aspect of Shaw Lane
- Destroy local distinctiveness of rural setting
- The site is more isolated than the previous scheme
- Stoke Prior has not been identified as a site suitable for housing growth
- The provision of affordable housing to meet defined local need has not been demonstrated by the applicant. The houses would not be reserved for allocation to Stoke Prior residents
- The village has already provided two sites for affordable housing. If there are requirements for more affordable housing in other areas of the District why can they not be built in the Town Centre where there are more ample amenities
- The Redgrove School site has not been fully occupied; why are more affordable housing units required?
- There are other brown field sites in Bromsgrove that are available
- The scheme would stop Stoke Prior being a village and more like a mini town
- The facilities and amenities in Stoke Prior are few and hardly able to satisfy the population as it is - the village has no local dentist, no ATM and the closest supermarket is Morrison
- Insufficient street lighting within the village, including the area along Shaw Lane and the walk up to the A38 along Hanbury Road
- Minimal recreational land
- Existing infrastructure cannot cope with the volume of traffic
- Traffic congestion
- Unsustainable location - would lead to excessive journeys by private motor vehicle
- Bus network is not satisfactory
- The school is small and already close to its capacity and with the recent housing schemes these themselves will bring a need for more school placements
- Flooding and surface water run-off concerns

- Loss of wildlife and wildlife habitat
- Detrimental to setting of Grade I Listed Church
- Concern over proximity of the high voltage power lines
- Increase in anti-social behaviour and vandalism

**Members are encouraged to review all submitted documentation, including the pack of information submitted by the Stoke Prior Residents' Association and the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.**

### The site and its surroundings

The application site relates to an area of undeveloped grazed pasture land of 1.26 hectares to the southern side of Shaw Lane. The site is located to the east of existing dwellings located off Shaw Lane and Orchard Crescent at the edge of Stoke Prior village. A pair of imposing Victorian semi-detached dwellings face onto the western boundary. The neighbouring houses are separated from the site by an access road leading to Ryefields Farm.

The site benefits from a gated access onto the north-western corner. The northern and western boundaries are screened by mature hedgerow and a row of pollarded poplar trees. The hedge line along Shaw Lane, to the northern boundary of the site, is set at a slightly higher level than the road. An overhead power line runs along the western boundary between 50 metre high pylons. The River Salwarpe runs along the opposite side of Shaw Lane to the northern boundary of the site. The Parish Church of St. Michael lies further to the north-east and is visible from the elevated aspect of the site.

The land elevates away from Shaw Lane, rising to the south. The site is open and does not contain any buildings.

The site is located in designated Green Belt and within Flood Zone 1, which is a low risk of flooding. The agricultural land on the application site is grade 3a.

### Proposal

This application relates to a full application for the erection of 24 affordable dwellings, with associated car-parking provision and open space and a new vehicular access leading off Shaw Lane.

All dwellings will be managed by BDHT and will be allocated with an emphasis on local priority.

The following mix of dwellings is proposed:

<b>Property Type</b>	<b>No. shared ownership</b>	<b>No. social rented</b>	<b>Totals</b>
1 bedroom flat	0	4	4
2 bedroom bungalow	2	2	4

<b>Property Type</b>	<b>No. shared ownership</b>	<b>No. social rented</b>	<b>Totals</b>
2 bedroom house	4	8	12
3 bedroom house	0	4	4
<b>Totals</b>	<b>6</b>	<b>18</b>	<b>24</b>

Members will therefore note the scheme proposes 6 shared ownership units and 18 social rented units. The scheme includes semi-detached and terraced houses, bungalows and apartments, of single and two-storey appearance. Given the concern over the previous scheme submitted under 09/0531, the flats have been reduced in scale and located closest to the western boundary. As before, the bungalows will be located on the highest aspect of the site to the southern boundary.

The new dwellings will have a mix of exposed brick and rendered walls. Smaller units will have leaded lights. Snapped heads (in the same colour brick as the main elevations) to the window heads and cills provide simple brick detailing to the elevations. Each house will have brick corbels and verges, again in the same brick, to provide subtle detailing and a consistency throughout the development.

The dwellings will be built at a minimum distance of 30 metres from the power line which runs approximately north to south, close to the western boundary. A sub station is required to provide electricity supply to the proposed dwellings. This is proposed to be located to the south-eastern corner of the site.

Vehicular access will be from Shaw Lane via a new entrance. A visibility splay of 4.5 metres by 70 metres will be achieved. This will involve the removal of a section of the existing mature hedgerow fronting Shaw Lane. A block paved "square" is located within the site at the end of the access road.

46 car-parking spaces are proposed, at a ratio of 1.5 spaces per flat and 2 per bungalow and house. Cycle storage will be provided in sheds for the houses and in communal, secure storage areas for the flats.

The design of the layout and units reflect Secured by Design recommendations. All the proposed dwellings are designed to Lifetime Homes Standard (designed with in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement). The new dwellings will need to achieve Level 3 of the Code for Sustainable Homes.

An area of informal/casual public open space will be located to the western boundary beneath the overhead power line. This totals approximately 4,350 square metres. This aspect of the site is proposed to be landscaped. Footpaths will be included to link this aspect of the site to the new dwellings. In order to reinforce the site's boundaries the trees, and wherever possible the hedgerow, will be retained and complemented with new planting as detailed in the submitted Landscape Strategy.

The average density will be 29 dwellings per hectare on the developable part of the site, which comprises 0.82 hectares of the 1.26 hectares total.

A Planning Statement, Design and Access Statement (incorporating a Sustainability Statement), Ground Investigation Survey, Food Risk Assessment, Traffic Impact Assessment, Ecological Assessment, Landscape Strategy and Tree Survey are available in the planning file or online on the Council's Public Access system should Members wish to view them.

### Relevant Policies

WMSS	RR1, RR3, RR4, CF2, CF3, CF4, CF5, PA1, QE1, QE2, QE3, QE5, QE6, QE7, QE8, QE9, T1, T2, T4, T7
WCSP	SD.2, SD.3, SD.4, SD.5, SD.8, CTC.1, CTC.2, CTC.5, CTC.6, CTC.7, CTC.8, CTC.9, CTC.15, CTC.17, CTC.18, CTC.19, D.6, D.8, D.12, D.38, D.39, T.1, T.3, T.9
BDLP	DS1, DS2, DS3, DS5, DS11, DS13, S9, S14, S16, S39, C4, C5, C9, C10A, C12, C16, C17, C18, C36, C37, C38, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES8, ES11, RAT5, RAT6
Others	PPS1, PPG2, PPS3, PPS4, PPS5, PPS7, PPS9, PPG13, PPG17, PPG24, PPS25, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008)

### Relevant Planning History

09/0531	Proposed erection of 49 no. affordable dwellings including provision of new access road and creation of public open space Refused 17.12.2009
B20100	Residential development (outline) Refused 11.02.1991
B18928	Residential development (outline) Refused 16.07.1990
B8381	Residential development (outline) Refused 20.07.1981

### Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal constitutes inappropriate development in the Green Belt;
- (ii) the effect on the openness of the Green Belt;
- (iii) and in the event that it would amount to inappropriate development, whether the harm by virtue of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development
- (iv) whether there is a local need for affordable housing in Stoke Prior sufficient to justify the number and type and tenure of affordable dwellings proposed
- (v) The issue of design, form and layout, including density
- (vi) The affect on residential amenity and the character of the locality, including health and safety issues arising from the proximity of the development to the pylon and overhead power lines
- (vii) The implications for highway safety and egress

- (viii) Ground conditions and drainage issues
- (ix) The impact on ecology and biodiversity
- (x) Archaeological issues
- (xi) The impact on the setting of the Grade I Listed Church and lychgate

## **Green Belt and Affordable Housing Issues**

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. This includes limited infilling in existing villages and limited affordable housing for local community needs under Development Plan Policies according to policies with PPG3 (now PPS3).

Affordable housing is defined in PPS3 Annexe B as:

*Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:*

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.*

The terms *affordability* and *affordable housing* have different meanings. *Affordability* is a measure of whether housing may be afforded by certain groups of households. *Affordable housing* refers to particular products outside the main housing market and relates to accommodation for sale or rent available at a price identified as being genuinely affordable to those persons living or working in the area who are unable to access housing on the open market.

In recent years, Bromsgrove District Council has invested heavily in identifying the level of need for affordable housing across the District. Firstly a Bromsgrove District Housing Needs Study was completed in 2004, followed by a Strategic Housing Market Assessment in 2007 and most recently a Housing Market Assessment in 2008. A specific Stoke Prior Housing Needs Survey was conducted in August 2009

The main types of affordable housing are:

### **Low Cost Rented Housing**

Housing rented by a Registered Social Landlord at a price below the cost of renting privately.

## Intermediate Housing

Of which there are three types:

- **Shared Ownership Housing** - housing where a tenant buys a proportion of the property from a Registered Social Landlord and rents the rest with the option to buy an increase share of the whole property
- **Intermediate Rent** - housing is rented at prices above the cost of low cost rent but below prices of the private rental market. The rent is approximately 80% of the price of full market renting.
- **Intermediate Rent to Purchase** - the property is rented at a price that is 80% of the full market value for 5 years. After this period, the tenant has the opportunity to purchase a share in the property.

PPS3 states that in providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

The principle of rural exception housing is referred to in PPS3 (paragraphs 30 and 38). This states:

- (a) Fundamentally it enables Local Authorities to grant permission for small sites within or adjoining existing small rural communities which would not otherwise be released for general market housing, in order to provide affordable housing to meet local needs in perpetuity. This may include land covered by a Green Belt designation
- (b) Whilst it is often the best solution to tackling housing needs in rural areas, it is only intended to supplement overall rural affordable housing provision
- (c) Local Authorities may allocate rural exceptions sites for 100% affordable housing within Local Development Framework documents

Policy S9 of the BDLP relates to new dwellings in the Green Belt. Criteria (c) refers to limited affordable housing for local communities in accordance with Policy S16. Policy S16 refers to rural exception sites and lists five criteria against which such an application will be considered. Members will note the applicant has taken the view that the development relates to a rural exception site in accordance with all the criteria of Policy S16 (b, c, d and e). The applicant appears to suggest that for the most part criterion (a) is also met. This was not the stance taken by the applicant in the original submission under 09/0531. The applicant's Design, Access and Sustainability Statement, however,

does not refer to the site being a rural exception site. This document refers to three very special circumstances as justification for the proposed development.

I shall consider each criterion of Policy S16 of the Local Plan in turn:

**(a) The site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location**

The applicant has taken the view that criterion (a) is met is so far as (1) the site adjoins the settlement boundary and (2), the proposal is suitable for the location given the application site has sufficient capacity to accommodate the level of development being proposed at an appropriate density for the location in accordance with Development Plan Policy and having no technical constraints.

The scheme proposes 24 dwellings. I still consider this to be significant and although I accept the Local Plan does not provide a definition of the term "small scale", I do not consider the proposal to be small scale or indeed limited. In the previous scheme submitted under 09/0531, the applicant referenced the appeal decision relating to land at Hinton Fields (APP/P1805/A/08/2061377: 18th April 2008), whereby the Inspector defined small scale as relating to schemes of below ten dwellings. This arises from the District Council's Housing Capacity Study of 2004, whereby the Council considers a small site as one having a potential capacity of 10 dwellings. The applicant therefore accepted this definition and approach at this time.

Members will also recall that the same applicant promoted and accepted this definition of small scale under the recent planning application (reference 09/0670) for the erection of 28 dwellings in Birmingham Road, Alvechurch. In paragraph 8.1 of the submitted Planning Statement accompanying this application, the applicant states "*owing to this scale, the proposed development exceeds the scope of limited infilling in existing villages and limited affordable housing for local community needs considered to be appropriate by PPG2; 'limited' or 'small scale' being defined in the local context as anything below 10 dwellings in the recent Inspector's decision concerning the Hinton Fields, Catshill appeal referred to in Section 9 below. It therefore falls upon the applicant to demonstrate the very special circumstances connected with the proposal*".

Members will be aware that the application site is located outside the defined village of Stoke Prior in open Green Belt. Although the site sits adjacent or adjoins the settlement boundary of Stoke Prior, the site is clearly separated from the adjoining dwellings fronting Shaw Lane by the access track leading to Ryefields Farm. The land to the east and south comprises open agricultural land. In my view the site resembles part of the adjoining countryside and the proposal would not complete the settlement pattern of the village. Although I accept the number of dwellings has been reduced from 49 to 24, I remain of the view that due to this gap between the site and the existing housing in Shaw Lane, and to the landform and levels, the proposed new units would remain prominent in the landscape and isolated from existing built development, especially when travelling into Stoke Prior westwards from Hanbury Road. The scheme resembles a stand alone development, clearly divorced from the settlement of Stoke Prior with no integration to the wider form of the existing housing stock.

As a result the scheme would extend residential development further into the countryside, with a consequent adverse impact on the rural character and appearance of this aspect of Stoke Prior. Although the number of units has been reduced from that submitted under 09/0531, I remain concerned that the extent of the development, enhanced by the elevated nature of the site, would still permit a number of the proposed dwellings to be clearly visible on or close to the skyline. This serves to add to the unsuitable scale of the scheme in this predominantly rural and undeveloped aspect of Shaw Lane which contributes significantly to the landscape setting of the village.

Policies SD.4 and T.1 of the WCSP encourage development to be located in or adjacent to urban areas in order to minimise the need to travel and to provide access to a number of travel modes as advocated by PPG13, notably the objectives set out in paragraph 4. I am of the view that prospective occupiers will have to travel by car in order to gain access to jobs, education facilities greater than primary schooling, shopping and leisure facilities. The physical detachment of the site from such facilities and services would mean that journeys that in a better located site might be made on foot, bicycle or on public transport would be made using the private car.

Whilst there are footpaths and to an extent cycleways in the area these are unlikely to be used for anything other than leisure purposes and do not provide realistic alternative modes of transport or viable links to frequent public transport services, contrary to Policy T.1 of the Structure Plan. Members will note there is a bus service which connects Stoke Prior with Droitwich Spa and Bromsgrove (the 141/940 service). The service operates hourly in the peaks and bi-hourly out of the peaks. No service runs on Sundays. The last service is at 19:05 from Bromsgrove Bus Station. The service does serve the railway station at present in both Droitwich Spa and Bromsgrove. There are two sets of bus stops nearby (Stoke Prior Church opposite and Stoke Prior Church adjacent, and Stoke Prior Shaw Lane Shelter adjacent and Stoke Prior Shaw Lane Shelter opposite). Bromsgrove Train Station is located 1.88 miles from the site. Appendix G of the Planning Statement contains a letter from LG Harris and Co Limited to Bellway Homes dated 19th February 2009 that points to the fact that the area is not well covered by any public transport. This would suggest that the sustainability criteria of the site is not as high at the applicant demonstrates.

I am therefore of the view that prospective occupiers would be highly dependent upon the private car and that the occupier's lifestyles would be largely car-orientated. In this respect, and for the reasons given above, I do not consider the scheme to be suitable for the location.

**(b) Any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings**

Members will be aware of the previous views of the Strategic Planning Manager and the Strategic Housing Manager on this issue relating to 09/0531. The views of the Strategic Planning Manager and the Strategic Housing Manager have also been sought on this revised application.

Members will recall that the Strategic Housing Manager, in his consultation response to 09/0531, took the view that taking into account the fact that housing need identified

through the questionnaire had not been individually verified, not all of the Housing Register applicants registered as living in Stoke Prior were currently actively bidding for properties and not all were necessarily in housing need. On this basis, the Strategic Housing Manager at that time considered that an appropriate assessment of need would be at the lower end of between 26 and 40. In accordance with the submitted analysis, the remaining supply of the new units at Redgrove School would then be deducted. This left what the Strategic Housing Manager considered to be a reasonably identified level of need, being at the lower end of between 16 and 30 people in need or coming into need over the next 5 years. The proposed scheme before Members therefore falls at the mid-point range of this level of need.

Members should be clear in considering the issue of housing need that the housing register can only indicate demand for housing in the locality. This does not demonstrate a need for housing. Members must therefore clearly distinguish between housing need and housing demand.

To clarify:

**Housing need** relates to the quantity of housing required for households who are unable to access suitable housing without financial assistance (ie. those unable to afford to purchase their home and/or to afford market rents).

**Housing demand** is the quantity of housing of the type and quality that households are willing and able to buy or rent. Housing demand thus takes into account both preference and the ability to pay.

Members will also be aware in consideration of this issue that the housing need figures put forward by the applicant differentiate between the settlements of Stoke Prior and Stoke Heath as Stoke Heath is contained within the Parish of Stoke Prior. Although this would appear appropriate, Members need to carefully consider the geographic location of Stoke Heath in relation to that of Stoke Prior which relates far more closely with Bromsgrove Town rather than Stoke Prior. The applicants have provided an analysis of the needs for Stoke Prior from this survey that propose a likely need of between 42 and 68 within the next 5 years. This is made up from two sets of figures representing:

- The needs of those resident or needing to return to Stoke Prior
- Need relating to employment provision in Stoke Prior.

The identification of the needs of those residents in, or needing to return to Stoke Prior is presented as being between 26 and 52, the lower figure being based upon survey questionnaire results (still subject to verification of individuals needs) and the higher figure being based upon the number of Housing Register applicants residing in Stoke Prior. Taking into account the fact that people's housing needs identified through the questionnaire have not been individually verified, not all of the Housing Register applicants registered as living in Stoke Prior are currently actively bidding for properties and not all are necessarily in housing need, the Strategic Housing Manager considers that an appropriate assessment of need would be at the lower end of this figure. In accordance with the submitted analysis, the remaining supply of new units at Redgrove School would then be deducted. This leaves what the Strategic Housing Manager would

consider to be a reasonably identified level of need, being at the lower end of between 16 and 30 people in need or coming into need over the next 5 years.

The submitted analysis within the application however also proposes that an additional level of housing need should be added into the calculation to reflect the housing needs of people working on the business parks in Stoke Prior. This is based upon an estimation of need generated by an employment base that is of a substantially larger scale than the employment that exists in village settlements in the District previously assessed for potential development under Rural Exception Site policy. The applicant has estimated that 35 households would require housing in Stoke Prior because of connections to the employment areas, this estimate accounts for 83% of the total need for the lower range of provision and 51% for the upper range. This estimate is based on the Housing Register which has previously been identified as not necessarily showing need as it can just as easily show demand. On this basis I do not consider it appropriate for the assumed level of needs generated from this employment base to be included in the housing needs for Stoke Prior. This approach was supported by the Strategic Planning Manager and the Strategic Housing Manager in the appraisal of 09/0531.

Whilst it is accepted that predicting housing need is not an exact science and assumptions may have to be used, the main concern expressed by the Strategic Planning Manager on the new figures centres on the assumptions that have been used to generate the levels of need. The significance of these assumptions when compared to the amount of housing need actually identified in Stoke Prior does pose the question if there is such a great need in the locality why the initial surveys did not identify it, and why is it only possible to demonstrate a need by assuming it exists, almost half of the identified needs is based on assumptions and estimates. Further to this these assumptions have been based on the figures provided in the Housing Needs Survey which have never been verified to prove that those who state they are in need actually do have a requirement. It is also acknowledged by the applicants that for a number of reasons these initial findings may not be robust. It therefore seems unwise to base assumptions on data which is acknowledged as being unreliable.

Members will thus note the findings of the Stoke Parish Housing Needs Survey have been uplifted by the applicant from a response rate of 25.3% (505 responses) to provide a more representative 40% response rate. Paragraph 4.25 of the *Stoke Parish Housing Needs: Consolidated Review of Survey and Further Analysis (revised and reissued 12th February 2010)* document states that *various factors appear to have limited the response rate and at around 25% this was lower than might reasonably have been expected. It is therefore arguable that the actual responses should be enhanced to make them more representative of the total population; reflecting a more normal response rate of 40%.* Members need to carefully consider that the process of uplifting data even by just under 15% (as in this instance) will be influenced on assumptions that will inevitably influence and distort the final dataset utilised for analysis. Members should also be aware that the survey was undertaken in August 2009 after the original planning application 09/0531 had already been submitted. This was at a time when tensions were high and many local residents were strongly opposed to the application. To gauge housing need more accurately the survey should have preceded any planning application. This opportunity has now been lost.

It is acknowledged that there may be some housing need in Stoke Prior but the evidence submitted does not **clearly** identify what this level of need could be. The applicant has used a number of sources to define the need that primarily focus on a housing needs survey undertaken in the Parish of Stoke Prior, data from Choice Based Lettings and census data. The uncertainty over the level of need in Stoke Prior is emphasised by the ever changing figures promoted by the applicant throughout the life of the original planning application (09/0531) for 49 dwellings. The final figure for Stoke Prior that was used in determining the previous application indicated a likely upper and lower range of need with the upper figure being 65 and the lower figure being 51. For the purposes of this new application further analysis has taken place to provide a lower estimate of 42 and a higher estimate of 68 households.

The applicant has attached significant weight to data from the housing register but it is unclear how much of the housing register demonstrates demand rather than need. With the vast majority of applicants in Stoke Prior located with the Bronze and Bronze Plus categories, it difficult to accurately assess the need from these figures.

The final component of the identified need is those who work in Stoke Prior but live elsewhere. The evidence of need from those working in the business park is acknowledged by the applicant themselves as an estimate. An estimate has been made by applying the average proportion of working households in Bromsgrove who are on the Housing Register to the number of people employed in the Stoke Prior ward but not resident there. There is no clear evidence that shows these people who commute daily to Stoke Prior either need or want to live in the settlement.

It is obvious from the applicant's submission that a number of sources have been utilised to define the need for this development in Stoke Prior. Although Members will note that the Strategic Housing Manager considers there to be a reasonably identified level of need at the lower end of between 16 and 30 people in need or coming into need over the next 5 years, I remain concerned that it has not been proven conclusively what the local housing need in Stoke Prior is. Members will be aware this is critical to the appraisal of this application.

In summary the housing needs survey is not entirely robust, the figures used to justify a need within the local workforce are based on unfounded assumptions and the housing register is not necessarily an indication of need. Whilst a level of need may exist in Stoke Prior in my view the data to support this planning application remains inconclusive.

**(c) The site should conform with all environmental and control policies in both the Local and County Structure Plan**

The scheme would cause harm to the openness and visual amenities of the Green Belt and be located in an unsustainable location. As such I am of the view the site does not conform to all environmental and control policies contained in the Local Plan and the County Structure Plan.

**(d) The proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers**

On such Rural Exception Sites it is necessary to ensure that adequate occupancy controls are in place to reserve the affordable housing for local needs in perpetuity and this may involve the uses of conditions or planning obligations. The applicant's Agent has confirmed that it would be standard practice for BDHT to impose a covenant to ensure that the affordable housing is retained for future occupiers for such a scheme as this. I consider this mechanism would achieve retention of such arrangements.

**(e) The proposal does not involve cross subsidy**

The proposal does not involve cross subsidy. The scheme relates to a scheme of 100% affordable housing.

Paragraph 9.36 of the Local Plan states that the scale and location of exception site schemes will be examined carefully. Proposals which are of a high standard of design and layout and relate sympathetically to their natural and built surroundings are more likely to be acceptable. I consider the proposal to be currently contrary to tests set out in Policy S16 of the Local Plan under criterion (a), (b) and (c) and thus the scheme is subsequently contrary to Policy S9 and DS2. Given these circumstances, I am consequently of the view that the proposal is, by definition, inappropriate development in the Green Belt. On this basis it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

**Harm Caused**

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. **It is for the applicant to show why permission should be granted.** Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is **clearly outweighed** by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach **substantial weight** to the harm to the Green Belt when considering any planning application or appeal concerning such development" (**my emphasis**).

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages

outweigh the harm. Members will also be aware that it is for the applicant to show why permission should be granted.

Members should now be aware that paragraph 3.2 of PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. Specifically, I consider that in this case the erection of new dwellings, would in itself, go against the fundamental aim of Green Belt policy by diminishing the openness of the Green Belt. The erection of 24 units would dominate the agricultural land, clearly resulting in a permanent urban/domestic appearance to the site. PPG2 indicates that the most important attribute of Green Belts is their openness. Although I do not consider that Green Belt in this area contributes to the setting of historic towns, contrary to the view of the applicant, it is my view that the proposed development would prejudice the purposes of Green Belt policy by not encouraging the recycling of derelict or other urban land and by not safeguarding the countryside from encroachment.

I consider the cumulative impact of the development would involve a substantial intrusion of built form (the sprawling form of the scheme in an elevated position unconnected geographically to the urban form of Stoke Prior along Shaw Lane to the west; and the associated areas of development, including new pathways and parking areas with a combination of parked vehicles of unrestricted sizes and colours) would significantly erode the openness of the site and thus cause harm to the Green Belt in this location. The site is a particularly sensitive area of land that forms an important approach into Stoke Prior.

Although I note the site contains mature trees and vegetation to the north, east and west boundaries, PPG2 makes no reference to the way in which openness is perceived. It makes no concessions with regard to development which is screened or otherwise hidden from view. Additional planting could, to some extent, mitigate against the adverse visual impact of the development. It would take many years, however, before the planting would be of sufficient height and maturity to totally screen the new buildings given their height and scale. Such screening in my view would also be less effective during winter months. Trees and hedges are also not permanent and cannot undo the overt visual impact of the development. Furthermore, the elevated nature of the site rising from Shaw Lane dictates that the southern aspect of the site is particularly open in character. Furthermore, although development cannot be seen in the wider context this does not make it appropriate and this argument could be used time and time again to justify inappropriate development. Lack of harm, in itself, does not amount to very special circumstances.

Members will also note the agricultural land on the application site is Grade 3a under the Agricultural Land Classification. Together with Grades 1 and 2, this is considered to be the best and most versatile farmland. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28).

## **The Consideration of Very Special Circumstances**

The applicant's agent has submitted additional information in support of the application. Three very special circumstances put forward by the applicant can be summarised as:

- (a) The provision of affordable housing to meet defined local need
- (b) The absence of any alternative sites within Stoke Prior village for meeting this need in the short term
- (c) The need to improve the balance of jobs and houses in Stoke Prior

I will deal with each of these points in turn:

### **(a) The provision of affordable housing to meet defined local need**

I am not convinced that the case for the provision of affordable housing is so much higher in Stoke Prior than other settlements in the District that it should necessarily be regarded as being exceptional. It is a well publicised fact that rural housing provision has been affected by external factors and I have no evidence to prove that Stoke Prior is in any way unusual in this regard. Therefore this issue is not unexpected and this argument could consequently be repeated across the country. I therefore do not consider this issue to be "very special". I am thus not persuaded that the circumstances demonstrated by the applicant could be described as unusual or **very** special when compared to the national picture. As such I consider that a similar case could be mounted in many other Districts. Furthermore, the Local Plan would allow, in principle, for affordable housing units within the urban areas of the District if a suitable site were to be found. Such need could thus be met in the wider area with particular regard to non-Green Belt locations and not solely in this location.

I am therefore of the view that the general need for more affordable housing in itself does not amount to the very special circumstances necessary to justify inappropriate development in the Green Belt as such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. Notwithstanding the need for some additional affordable housing in Stoke Prior, this does not amount to the very special circumstances which need to exist in order to justify setting aside the presumption against inappropriate development in the Green Belt.

### **(b) The absence of any alternative sites within Stoke Prior village for meeting this need in the short term**

Should Members accept the evidence put forward by the applicant that there is in fact a need for 24 affordable units in Stoke Prior, the applicant has failed to demonstrate why this site is the most suitable of all the Green Belt sites around Stoke Prior.

The applicant simply relies on some of the findings of the Local Plan inspector and fails to consider the suitability of other sites, even those which itself submitted as part of the Bromsgrove Strategic Housing Land Availability Assessment (SHLAA).

The fact they have put forward an alternative site for potential development would mean that there are in fact alternative sites in Stoke Prior which could be considered which they

have not done in attempting to justify this site. I would also suggest that the current site being in the ownership of a volume house builder could be seen as the first stage of a much wider development site, this fact is supported by landowners submission to the SHLAA which includes the whole of the Ryefields farm site as a potential housing development. Decisions about such large scale land releases should be considered as part of the development plan process, and not through speculative applications.

### **(c) The need to improve the balance of jobs and housing within Stoke Prior**

The applicant states that at present the lack of low cost and market housing is restricting the supply of labour to local businesses, although they suggest evidence indicates that this is a District wide problem they do not state what that evidence is. The applicant has provided a letter from one local business in Stoke Prior who surmises that the ability to recruit younger people would be enhanced by the development; again this is not backed up by any evidence. The letter also points to the fact the area is not well covered by public transport which would suggest the sustainability criteria of the site is not as high as the applicants demonstrate.

Much of the evidence presented in justification of this issue was prepared to support the review of the Regional Spatial Strategy whilst at regional level I have no reasons to disagree with what the evidence suggests, but I do not believe that the findings of a study which is looking at the implications of providing upwards of 365,600 houses and upwards of 4,000 hectares of employment land can be used to justify the release of a site such as this. No detailed evidence has been produced at a local level to demonstrate that the housing contained in this proposal will help to sustain the current business operations in Stoke Prior, or further to this there is no way or ensuring that those people entering into any new accommodation would work at the business parks in Stoke Prior.

Having considered the points raised by the applicant, it is my view that the applicant has not suitably addressed the issue of specific housing need, or sufficiently linked the need to supporting the surrounding employment sites. Also no robust assessment of other Green Belt locations has been carried out to justify this site over other available sites in Stoke Prior and as such permission should not be granted.

As such I do not consider any very special circumstances exist or have been put forward to outweigh the harm that would be caused to the Green Belt.

### **Other Issues**

#### **Density**

The total developable area (excluding the area beneath the overhead power lines) is 0.82 hectares. This provides a density of 29 dwellings per hectare.

This accords with the guidance set out in PPS3 which promotes the efficient use of land, stating that Local Authorities should encourage development of generally 30-50 dwellings per hectare. I also consider the rural character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable.

## **Design, Form and Layout**

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs). Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place.

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

The new dwellings accord with amenity space and garden length distances set out in SPG1 and the new properties will face onto the open space area, providing natural surveillance. The amount of outdoor public space proposed exceeds the provision detailed in SPG11 and I raise no issue on this point.

Stoke Prior is characterised by a predominant mix of housing stock from circa. 1950s/1960s of semi-detached and terraced dwellings, of predominantly two-storey set in large to medium sized plots. A pair of imposing three-storey dwellings is located adjacent to the site on Shaw Lane. The two-storey dwellings fronting Shaw Lane are reflective of the character of Shaw Lane and that of Orchard Crescent to the west of the site.

In my view the sprawling scale of the development, enhanced in the wider streetscene by the elevated nature of the site, the expanses of hardstanding areas created by the access road, turning head facility and access to the electricity sub-station to the south-eastern corner of the site all serve to create a suburban development with a very urban feel that will be conspicuous from both directions on Shaw Lane and from wider views in Hanbury Road. The block of two-storey dwellings to the eastern boundary of the site and the dwellings located on the elevated southern boundary appear as harsh, uncompromising edges between the wider undeveloped Green Belt and the proposed development. Although the open space aspect to the western boundary provides a swathe of green space to the development and creates an attractive open feel when entering the site, this has the affect of pushing the built form of the development further away from the settlement boundary, thereby exacerbated the lack of cohesion with the main village.

As such I have concerns over the form and layout of the scheme and the lack of geographic integration with Stoke Prior.

Members will be aware that advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings. I am therefore of the view that the layout proposed would not safeguard the setting of the settlement of Stoke Prior, with the result that the development conflicts with Policy DS13 of the Local Plan and Policy CTC.1 of the WCSP which seeks amongst other things, to protect the essential character of the area.

### **Proximity to Pylon and Overhead Power Lines**

Members will note an overhead power line runs along the western boundary between 50 metre high pylons, with one pylon located just outside the site to the southern boundary. Policy ES8 of the Local Plan states that the District Council will consider applications, in conjunction with relevant agencies, on their merits where these involve the location of buildings and land uses close to notified installations. Paragraph 24.10 of the Local Plan states that concern has been expressed over the possible dangers of radiation emanating from high voltage overhead power cables. In the light of evidence available today, the National Grid Company does not believe that the electric or magnetic fields from its power lines present any public health risk. This view is supported by a number of national and international bodies who have reviewed this situation.

Although I note the views of third parties in relation to health concerns, the Health Protection Agency (now incorporating the National Radiological Protection Board (NRPB)) states that there is no definite proven link with health issues in relation to power lines and pylons. As such I have no technical data or evidence that links the proximity of housing development to the risk of health. The applicant is silent on this issue and provides no relevant information within the submitted Planning Statement. Members will also note I have not received any form of consultation response from the National Grid on the development to date.

### **Impact on the Amenity of Adjacent Occupiers**

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

Given the distance from existing residential dwellings, I am reasonably satisfied the development should not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1.

Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (for example on the elevated section of Hanbury Road overlooking the site) would not wish to lose this view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

### **Traffic and Highway Implications**

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has raised no objection to the original scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement. As a result I am of the view that there would not any material harm to the safety or free flow of traffic on this part of Shaw Lane as a direct consequence of the proposed development.

The suggested Heads of Terms for inclusion in the Legal Agreement put forward by WH relate to the provision of £44,082 to enhance local bus services and £10,000 to improve the traffic signals on the A38 and Hanbury Road by upgrading the controller unit and to provide remote monitoring of the signals. Although the applicant's Agent is agreeable to this, I am not in receipt of any such Agreement to date. I will update Members at your Committee on this issue.

### **Ground Conditions and Drainage Issues**

The submitted Phase 1 and 2 Ground Investigation Surveys show that ground conditions do not pose any risks to the proposed development and for future occupiers. Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

Although I note the views of third parties in relation to flooding in the locality, the FRA indicates that the site is not within a flood risk zone and that the proposed development will actively reduce run-off from the site by a minimum of 25%. The accompanying drainage proposals plan indicates the use of soakaways and sustainable urban drainage systems (SUDS) on the site. The Council's Drainage Engineer and Severn Trent have raised no objection to the scheme, subject to the imposition of suitable Conditions.

### **Ecological and Biodiversity Issues**

An Extended Phase 1 Ecological Survey has accompanied the application. The survey indicates that although the site is approximately 800 metres from the Upton Warren Pools SSSI, the proposed development is not likely to have any impact upon the designated area due to the distance and separation from the SSSI. The survey concludes that the intensive agricultural management of the land has significantly affected the quality of the

land, resulting in a low ecological value and absence of any suitable habitat for any protected species.

Natural England has commented that provided the recommendations of the survey are followed, the application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity. This stance has been reinforced by the Council's Tree Officer. The views of WWT are awaited.

### **Archaeological Issues**

The views of the County Archaeologist are currently awaited. However Members will recall in his consultation response to 09/0531, the CA raised no objection to the scheme, subject to a programme of archaeological work as a condition of planning consent should Members be mindful to approve consent.

### **Impact on the Setting of the Grade I Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard is paid to the desirability of preserving the setting of Listed Buildings.

Policy HE10 of PPS5 states that when considering applications for development that affect the setting of a heritage asset, Local Planning Authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, Local Planning Authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval. Paragraph 120 of PPS5 states that when assessing any application for development within the setting of a heritage asset, Local Planning Authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The Conservation Officer has commented that the proposed development site would be located some distance from the Grade I St. Michael's Church and associated lychgate with an area of dense tree cover concealing these structures from view. On this basis the Conservation Officer is of the view that the proposals would have no impact on the setting of either Listed Building (referred to as "heritage assets" in PPS5). Whilst I accept the appearance of the site would alter as a consequence of the development proposed, I am satisfied that the setting of the Church and lychgate would not be unduly compromised and would therefore be preserved.

I therefore find no conflict in this respect with regard to Policy S39 of the Local Plan and Policy CTC.19 of the Worcestershire Structure Plan and the policy advice in PPS5.

### **Conclusions**

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

The scheme for 24 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links. As such, residents of the proposed dwelling would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport.

Furthermore, the issue as to whether criterion (b) of Policy S16 has been met is also one which must be questioned. I raise concerned over both the process of identification, and the level of housing need identified by the applicant. As such I am of the view that it has not been proven conclusively what the local housing need in Stoke Prior is. The application in my view therefore consequently fails to comply with Policy S16 of the Local Plan.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. The development would unduly intrude into the Green Belt with a significant and adverse impact on the rural character and appearance of Shaw Lane in this location. No very special circumstances exist or have been put forward to outweigh the harm caused. As such I find the scheme to be unacceptable and contrary to the aims of Local Plan Policies DS2, S9 and S16, Policy D.38 of the Worcestershire County Structure Plan and the provisions of PPG2.

Members will be aware that the applicant has submitted appeal decisions relating to affordable housing schemes in England (appearing within the body of the Planning Statement and contained within the appendices). The balancing of the need for affordable housing in Stoke Prior with the effect of the scheme on the Green Belt and the wider locality is integral to the determination of this proposal. These are highly specific matters to this particular proposal and thus differing conclusions could inevitably be reached on differing schemes on differing sites.

I therefore recommend that permission be refused.

**RECOMMENDATION** that permission be **REFUSED**

- (a) The application site falls within Green Belt as designated within the Bromsgrove District Local Plan. The scheme for 24 affordable dwellings does not relate to small scale development in this location and the proposed dwellings would be situated in a rural location which is not well-served by public transport links or within easy walking distance of a range of facilities such as shops, schooling or different places of employment. As such, residents of the proposed dwelling would be highly dependent upon the private car and the proposal does not minimise the need to travel or allow trips to be made by a choice of modes of transport. Furthermore no specific and conclusive proven local need for affordable housing in relation to the settlement of Stoke Prior for 24 affordable dwellings has been provided to the Local Planning Authority.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused. As such the proposal is contrary to Policies CF2 and T2

of the West Midlands Spatial Strategy, Policies D.8, D.12 and D.39, SD.4 and T.1 of the Worcestershire County Structure Plan, Policies DS2, DS3, DS13, S9 and S16 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS3.

- (b) Due to the topography of the site and the form and layout of the development, the cumulative effect of the proposed scheme would have a materially detrimental impact upon the visual amenity of the locality which would not safeguard the setting of the settlement of Stoke Prior, contrary to Policy DS13 and C4 of the Bromsgrove District Local Plan, Policy CTC.1, CTC.2 and SD.2 of the Worcestershire Country Structure Plan and the provisions of PPS1.
- (c) The application does not include contributions towards the provision of public transport enhancement and highway improvement works contrary to Policy DS11 of the Bromsgrove District Local Plan.