

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees Ltd. (Mr. P. Mason and Mrs. C. Mason 'A')	Conversion of industrial buildings to residential use (9 units comprising 6 x 2 bed units, 2 x 3 bed units and 1 x 4 bed unit) with access road, car parking and amenity space (as amended by information received 05.03.2010 and 10.06.2010 and drawings received 17.03.2010, 24.06.2010 and 25.06.2010) - 2 and part of 4 and 6 Hartle Lane, Belbroughton	Green Belt Village Envelope	10/0101-MT 05.04.2010

RECOMMENDATION: that permission is **APPROVED** subject to the receipt of satisfactory comments from Natural England in relation to bats.

Consultations

WH Comments received 23.03.2010: No objection.

CO Comments in relation to amended plans received 22.06.2010:

Thank you for consulting me on the amended plans for the rear elevation received on 7th June. The changes to the window details have improved the rhythm of the openings and overcome my previous concerns regarding the treatment of this elevation, although I am still concerned about the proposed alterations to the front elevation. If this application is to be approved I would recommend a planning condition be applied for window details at 1:20, and the texture and colour of the render to be agreed in writing before work commences.

Belbroughton PC Consulted 08.06.2010: No comments received to date

NE Consulted 10.06.2010: No comments received to date

Publicity No additional publicity is required.

Additional representation received 29.03.2010: Concerns raised over loss of privacy, increased traffic and parking and access issues.

This representation was received after the meeting of the Planning Committee on 29.03.2010.

Relevant Policies

WCSP SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1

BDLP DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1

Others PPS1, PPS3, PPS5, PPS9, PPG13, SPG1, SPG11, Belbroughton Village Design Statement

Notes

Members resolved to defer this application at the meeting of the Planning Committee on 29th March 2010 in order for a further bat survey to be conducted, and for the design of the rear elevation of the scheme to be revised.

This report will relate only to those items. I will also consider the additional third party representation received after the meeting on 29.03.2010. A copy of the Case Officer's original report to Committee, providing a full assessment of the proposal, is provided at Appendix A.

Bats

Members will note that Natural England raised an objection to the application as it contained insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

The original bat survey (conducted November 2009) indicated that a number of the buildings on the site have the potential for supporting bats. Direct evidence was found in the single storey building located to the southern end of the site (to be demolished as part of the proposed development).

This survey could not however confirm the presence of the species as it was conducted outside of the bat roosting season (April to September). As such, it could not demonstrate whether or not the development would have an adverse effect on a legally protected species.

Further surveys of the site were conducted on 11th and 25th May 2010 (inside of bat roosting season). The results of these surveys indicate that, although the buildings on the site do offer some potential for roosting bats, there was no direct evidence at the time of visit. The proposal does not therefore have any further implications with regard to bats.

The survey recommends that at least 4 bat boxes are installed on the site to provide appropriate mitigation for the loss of the potential roosting habitat. I would therefore recommend that a condition is placed on any planning permission granted to secure this.

Natural England has been consulted on the additional surveys but no comments have been received to date. I will update members on this matter prior to their meeting.

Design

Members will note the concerns raised by the Parish Council in relation to the original scheme. The detailing of the rear elevation of the building has been revised. This elevation now involves, on the ground floor, 5 sets of 2 narrow vertical windows each set within a recessed rendered panel. Each set would be aligned with a roof light. I am of the view that the new windows would add interest to what is currently a very bland elevation.

The Council's Conservation Officer has been consulted on the revised scheme. She is of the view that the changes to the window details have improved the rhythm of the openings and overcome her previous concerns regarding the treatment of this elevation.

Third party representation

I note the concern raised over the proposal causing a loss of privacy to a nearby property. This refers to the windows in the side elevation of Unit 9. Four new windows would be inserted into this elevation; three at ground floor level and one roof light. The new windows would be located within 2 metres of the site boundary with the adjoining domestic gardens and I am of the view that they have the potential to overlook these properties.

The ground floor windows do not concern me at present as the existing trees and boundary treatment would obstruct any views. I am however mindful that this boundary treatment could be removed at any time thus I recommend that a condition is placed on any planning permission granted to secure obscure glazing within these windows. This would be a reasonable request as the windows either serve a bathroom, or are secondary to larger main windows.

As indicated on the submitted Section Drawing, the proposed roof light would be at a high level and I do not consider that any views could be gained of the adjoining private gardens.

I note the concerns raised over traffic, parking and access but I am also mindful of the lack of objection to the scheme from the Highways Authority. I do not therefore have any concerns in relation to these matters.

Conclusion

Members will note the Case Officer's acceptance of the proposal in Green Belt, highways and residential amenity terms. Members will also note that the applicant has completed a Section 106 agreement with the Council in respect of contributions towards play space and education provisions.

The revised detailing of the rear elevation is considered to make an improvement to the setting of the Conservation Area and I do not have any concerns in this respect.

The submitted bat surveys would indicate that there is no evidence of bats on the site and the development would not have a direct impact on this species. Mitigation measures are recommended to compensate for the indirect impact resulting from the loss of a potential roosting habitat. Nonetheless, without the comments of Natural England a full conclusion cannot be made on this matter. I therefore recommend that any planning permission granted is contingent on the receipt of satisfactory comments from Natural England in relation to bats.

RECOMMENDATION: that permission is **APPROVED** subject to the receipt of satisfactory comments from Natural England in relation to bats.

Conditions:

1. C001 (time limit for implementation)
2. C003 (materials)
3. Prior to the commencement of the development hereby approved, detailed drawings of the proposed new and replacement windows on the rear elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) at a scale of 1:20 shall be submitted to an approved in writing by the local planning authority.
4. C010 (landscaping scheme)
5. The new ground floor windows in the west side elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) shall be fitted with obscure glazing and fixed shut. The said windows shall remain as such in perpetuity unless otherwise agreed in writing by the local planning authority.
6. Prior to the commencement of the development hereby approved, the existing buildings shown hatched on the approved Demolition Plan (Drawing Number 1443.09 received 25.06.2010) shall be demolished and all resulting materials removed from the site.
7. Prior to the first occupation of the dwellings hereby approved the existing air conditioning units in the west side elevation of the building shall be removed and all resulting materials removed from the site.
8. C022 (removal of permitted development rights for all householder developments and means of enclosure (fences, gates and walls)).
9. C007 (disposal of storm and foul water)
10. The development shall be carried out in accordance with the recommendations set out at Section 4 of the approved Protected Species Survey conducted by Worcestershire Wildlife Consultancy (received 10.06.2010) unless otherwise agreed in writing with the local planning authority. Details of the bat boxes, including their proposed location on the site, shall be submitted to and approved in writing by the local planning authority before any work on the site commences. The approved bat boxes shall be installed before any of the dwellings hereby approved are first occupied.
11. HC5 (Visibility Splays)
12. HC14 (Driveway Gradient)
13. HC25 (Access Turning & Parking)

14. HC36A (Cycle Parking - 2 bedroom units)
15. HC36B (Cycle Parking - 3 and 4 bedroom units)
16. HC51 (Parking for Site Operatives).
17. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
18. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
19. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
20. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
21. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
22. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and Policy CTC.1 of the Worcestershire County Structure Plan 2001.
3. To protect the setting of the Conservation Area in accordance with Policy CTC.20 of the Worcestershire County Structure Plan 2001, Policy S35A of the Worcestershire County Structure Plan 2001 and the advice contained in PPS5: Planning for the Historic Environment.
4. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
- 5 & 7 To protect the amenity of the nearby residential properties in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).
6. To protect the openness of the Green Belt in accordance with policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2 and C27 of the Bromsgrove District Local Plan 2004 and the advice contained in PPG2: Green Belts.
8. To protect the openness of the Green Belt, the amenity of the nearby residential properties and the visual amenity of the area in accordance with policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004, the guidance contained within the Council's Residential Design Guide (SPG1) and the advice contained in PPG2: Green Belts.
9. To ensure that adequate drainage systems are provided in accordance with Policy CTC.8 of the Worcestershire County Structure Plan 2001, Policy ES1 of the Bromsgrove District Local Plan 2004 and the advice contained within PPS25: Development and Flood Risk.
10. To compensate for the loss of a potential bat roosting habitat in accordance with PPS9: Biodiversity and Geological Conservation.

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11-16 To comply with the Council's Parking Standards and in the interests of highway safety in accordance with Policy T.1 of the Worcestershire County Structure Plan 2001, Policy TR11 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.

17-23 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ES7 of the Bromsgrove District Local Plan 2004 and the advice contained in PPS23: Planning & Pollution Control.