

Appendix A

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Rowanmoor Trustees Ltd. (Mr. P. Mason / 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 augmented by information received 05.03.2010 and amended by drawings received 10.03.2010) - 2 and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG	GB Village Envelope	10/0101-MT 05.04.2010

RECOMMENDATION: that permission is **REFUSED**.

Consultations

WH

Initial comments received 12.03.2010:

The proposed visibility splays onto Hartle Lane cross 3rd party land. Several splays have been shown, but none are acceptable. I would expect a splay of 2.4 metres x 43 metres to be provided.

Inside the site, pre-application discussions agreed a reduced service strip around part of the turning head, but this has been extended. The parking spaces to the rear of 4 Hartle Lane do not demonstrate appropriate levels of visibility (2.4 metres x 25 metres).

Every access should have a 2 metres x 45 degree splay from the side of the driveway.

The turning head appears far too small. A 14.5 metre carriageway is required, and this is to be tracked. The refuse vehicle shown does not appear to be an appropriate size.

Further comments awaited.

Belbroughton
PC

Comments received 03.03.2010:

The Parish Council has no objections in principle to the change of use of this site in the centre of Belbroughton, currently used as a jewellery factory, to residential use. However, the Council considers that the current application is very disappointing in that it fails to enhance the appearance of the site; in particular, the Council is concerned about the north elevation which provides a boundary for the village green. The plans envisage leaving this wall untouched which will preserve a factory wall in the centre of the village on the edge of the conservation area.

The Council would like to see a much more attractive design for this boundary, perhaps including additional windows, and the introduction of sympathetic, well-detailed dormer windows in place of the roof lights proposed in order to improve the view from the village green. The current large diameter rainwater gutters and downpipes should also be replaced with materials more domestic in scale. If the planning authority is minded to approve this application the Parish Council would also like to see:

- Removal of permitted development rights from the new dwellings in the interest of safeguarding the openness of the Green Belt.

- A condition to ensure that parking spaces and, in particular, garages cannot be used for any other purpose.

The Council welcomes the reference in the Design and Access statement to a section 106 contribution from the developers to local facilities and would like to be fully involved in any discussions about this.

In conclusion, the site in question is right in the middle of the village of Belbroughton and adjacent to the village green and conservation area. Its development will have a major impact on the appearance of the village for many years to come. The Council would be very concerned to see approval of the present plans which do nothing to improve or enhance the appearance of this site and which preserve an unattractive industrial feature.

EHO
Contaminated
Land Officer
Strategic
Planning

No objection 04.03.2010.

No objection 24.02.2010.

Comments received 15.02.2010:

This site is located within the village of Belbroughton which is situated within designated Green Belt and therefore policy DS2 of the Bromsgrove District Council Local Plan, policy D.39 of the Worcestershire County Structure Plan and PPG2 all apply.

A change of use can be acceptable within the Green Belt where the change in use causes no additional harm to the openness of the Green Belt. For a change of use to residential policy D.16 of the Structure Plan is particularly relevant.

The proposal is for windfall housing development; therefore PPS1, PPS3, policy S3 of the adopted Bromsgrove District Local Plan (adopted January 2004) and SPG1 apply.

Guidance contained in SPG10 has now been superseded by policies contained PPS3, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Planning Inspectorate in response to the phase 2 revision of the RSS. This revised guidance currently means SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Due to the number of units SPG11 should be applied to this proposal. The development generates a requirement for 753m² of play space. Due to the nature of the site it is clear that this cannot be provided on-site. A commuted sum of £168,672 will therefore be required to deliver off-site play space.

PPS3 emphasises the importance of delivering mixed and balanced communities that contain affordable housing. PPS3 states that "For

smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality." The PPS allows local authorities the opportunity to set out appropriate targets and thresholds for affordable housing.

The Panel Report into the Phase 2 Revision of the West Midlands RSS sets a regional affordable housing target of 35% and goes on to state district level targets should be between 25% and 40% unless there are exceptional circumstances.

There is a high level of affordable housing need in Bromsgrove that has been identified in both the Strategic Housing Market Assessment and a district level Housing Market Assessment (HMA). Financial viability work carried out as part of the HMA identified that 40% was a viable affordable housing target that would maximise delivery. The data in these studies has been used to inform both the emerging Core Strategy and draft Affordable Housing SPD. Whilst these documents are not adopted they do carry some weight within the planning system. The proposal for 9 units exceeds the thresholds for affordable housing in both the Core Strategy and the SPD and therefore it seems reasonable to request 40% affordable housing from this scheme. In the current economic climate this figure could be negotiated to ensure viability is retained.

Additional comments in relation to affordable housing verbally received 01.03.2010:

The proposal is below the threshold for affordable housing of 15 units (Belbroughton has a population of less than 3,000) set out in the BDLP and PPS3. Although the proposal exceeds the thresholds for affordable housing in both the Core Strategy and the SPD, very little weight can be given to these documents at this stage. As such, affordable housing provision will not be required as part of the development.

Additional comments in relation to play space contributions received 05.03.2010:

The PPG17 study identifies that there is sufficient provision of children's play facilities within the Furlongs Ward and in addition there are facilities within walking distance of the site. On this basis it would seem reasonable to seek only contributions towards maintenance through increased usage of local facilities and the applicants reduced contribution (£42,168) could go towards this. It is difficult to argue with their financial appraisal and it is critical that viability is maintained.

Consulted 11.02.2010: no comments received to date.

Tree Officer

Worcestershire Comments received 15.02.2010:

County Council

Schools

Information and

Planning

Section

If development goes ahead in this area, there will be a need for a contribution towards local education facilities.

The schools affected will be Belbroughton CE Primary and Haybridge High. The required contributions will be £5,345 per 2- or 3-bed dwelling and £8,018 per 4-bed dwelling.

ENG

Consulted 21.12.2009: no comments received to date.

Building Control

Consulted 21.12.2009: no comments received to date.

CO

Comments received 11.03.2010:

I have no objection to the conversion of this historic building to residential use in principle, however the extensions and external alterations proposed would not preserve the character of the building, which has some historic merit.

Policy S36 of the current local plan states that:

"where development is proposed in or adjacent to a Conservation Area ... A high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area."

The proposed plans for the rear elevation facing the Talbot PH car park and the High Street, and directly addressing the Conservation Area boundary, includes the infilling of several openings which would have a detrimental impact on the appearance of the building, and the wider conservation area as a result. There may be some security / surveillance issue with the ground floor units, to justify why this has been designed in such a way but the first floor openings should and could remain as is as a minimum.

The front elevation admittedly cannot be seen from within the Conservation Area boundary, however the large bulky extensions and standardised house type detailing proposed lacks any contextual relationship with the surrounding village, and is not of sufficient design quality for what is a sensitive area. The amended plans removed the unsightly high brick walls and close boarded fences originally proposed, which would at least create an active frontage to the development; however the proposed elevation still resembles a modern major house builder type development, rather than a conversion of a historic building in a sensitive area.

NE

Comments received 15.03.2010:

We note the findings of the consultant's report highlighting uncertainty regarding the use of some of the buildings on the application site by bats. The rural location increases the scope for bats existing in the

locality, evidenced by historic records for the general area. The Council must bear in mind that until the recommended emergence survey data has been gathered and interpreted suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded (see over regarding 'impact assessment', 'mitigation strategy and 'delivery mechanisms'). However the opportunity to carry out suitable, additional survey work is only a few weeks away.

As a result, based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

WWT

Consulted 21.12.2009: no comments received to date.

WMC

Comments received 19.02.2010: no objections.

Publicity

8 Neighbour notification letters posted 15.02.2009; expired 08.03.2010; 4 additional letters posted 24.02.2010; expired 17.03.2010.

Site Notice Posted 05.03.2010; expired 26.03.2010.

Press Notice published 11.03.2010; expires 01.04.2010.

1 letter received: no objection raised but queries over details on the plans.

The site and its surroundings

The application site relates to an existing B2 industrial premises at the western end of Hartle Lane close to its junction with High Street. The site contains a mixture of old and new buildings including a traditional building of domestic origins with a modern purpose built extension, and a traditional detached single storey building with modern extensions. The site also includes an ancillary car park and service area.

The site is adjoined by residential development to its western and south eastern boundaries, grazing land to its southern boundary and a pub car park and village green to its northern boundary.

The site is located in the Green Belt. The majority of the site, with the exception of the more modern buildings to the west of the site, is located within the Village Envelope. The site is adjacent to but not within the Belbroughton Conservation Area.

Proposal

The application proposes to refurbish and extend the buildings to the north and west of the site to allow for their conversion to 9 dwellings. The scheme would involve a mix of house types including 6 no. 2-bedroom houses, 2 no. 3-bedroom houses and 1 no. 4-bedroom house. All of the dwellings will be general market homes. The remainder of the buildings on the site will be demolished to make way for the vehicular access drive, private gardens and communal amenity space.

Relevant Policies

WMSS	QE1, QE2, QE3, QE5, QE7, CF4
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, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement, Circular 06/05

Relevant Planning History

None relevant

Notes

I consider that this case presents a number of issues. Firstly, it is necessary to consider if the proposal would be an appropriate form of development in the Green Belt and, if not, are there any very special circumstances that would outweigh the proposal's harm to the Green Belt. Secondly, it is important to consider issues relating to design including the impact of the development on the street scene along Hartle Lane and the impact on the development on the setting of the adjacent Conservation Area. Thirdly, it is necessary to assess the layout of the proposal including the provision of amenity space and the relationship with nearby dwellings. Fourthly, the proposal would involve the demolition of buildings thus it is important to establish if any protected species are present. Finally, it is important to consider the views of consultees and other interested third parties and the implications these might have for the granting of planning permission. I will deal with each of these matters under separate headings below.

The Green Belt

The proposal involves the conversion of an existing building thus it will fall to be considered under policy C27 of the BDLP. This is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

With regard to the first two criteria, the proposed development involves a number of extensions and alterations. New gables would be added to the front and side elevations of the building and a garage building would be erected to the south of the site. These additions would create an additional floor area of approximately 43m².

When considering the impact of these additions on the openness and visual amenities of the Green Belt it is important to note the context of the site. The majority of the building is located within the Village Envelope of Belbroughton but the newer part of the building to the west of the site falls outside of its boundaries. There are gardens and an open field located immediately to the south of the site but beyond these lies the recently constructed 'Glebe Fields' development. As such I am of the view that the proposal is located in an enclosed context in which the proposed extensions would not have a material effect on the openness or visual amenity of the Green Belt.

Moreover it is important to note that a number of structures are to be demolished including the large building to the south of the site, lean to extensions to the front and rear elevations and a section of the modern part of the building to the north west of the site. The floor area of these structures is 378m². Thus, considering the scale of the buildings to be demolished I am satisfied that the proposal would not have a materially greater impact than the present use on the openness of the Green Belt.

With regard to criterion (c), a structural survey of the building has been carried out by a qualified Structural Engineer. The report from the survey has been submitted with the application. This confirms that the building is sufficiently stable to be retained and converted to the use proposed. I do not therefore have any concerns in relation to this part of policy C27.

With regard to criterion (d), it is generally considered that the form, bulk and design of the development would be similar to that of the existing building. The only aesthetic changes to the building would result from the gable wall extensions and entrance porches.

The surrounding area is of a very mixed character. There are older, more traditional buildings located to the south east boundary of the site (no.'s 4 - 10 Hartle Lane) and along High Street near its junction with Hartle Lane. The street scene along the opposite side of Hartle Lane is comprised of a mixture of old and more modern buildings. There is also modern development located along The Glebe and Woodhouse Orchard. It is noted that gable walls and canopy porches are a common feature throughout the surrounding area. On this basis I am of the view that the form, bulk and general design of the building is in keeping with its surroundings.

Taking the above points into consideration I am of the view that the proposal is in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

If however Members decide to take the opposite view and consider the proposal to be inappropriate in the Green Belt then it is considered that the context of the site and the demolition of the existing buildings would outweigh any resulting harm.

Design / Impact on Street Scene

I am generally of view that the proposal would be of an acceptable design and I do not have any concerns on this issue. At present the front elevation of the building is not visible from Hartle Lane due to the existing single storey building. This building would however be demolished as part of the scheme and as such a large part of the front

elevation would be exposed to the street scene. I am not however of the view that the proposal would materially detract from the character of the street scene due to its non offending, unobtrusive design. Furthermore it is considered that the removal of the incongruent existing building would enhance the visual amenity of the area.

It is also necessary to consider the aesthetics of the proposal internal to the site. As previously stated I am of the view that the design and detailing of the proposal would be satisfactory. I also consider that an attractive visual setting would be provided through the natural boundary treatments and open amenity areas around the site. Overall I do not have any concerns from an aesthetic or visual amenity perspective.

I note the concerns of the Conservation Officer in relation to the front elevation. I also note however that there are other examples of more modern development stemming off this part of Hartle Lane and I do not consider the proposal to be uncharacteristic of the area.

Impact on setting of Conservation Area

The rear elevation of the building is clearly visible from within the Conservation Area. Policy S36 of the BDLP provides that, where development is proposed in or adjacent to a Conservation Area, a high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area.

The application proposes to infill a number of the existing windows to the older part of the building and insert new windows and roof lights to the newer part of the building. Otherwise the appearance of this elevation would remain the same.

The Conservation Officer's comments in relation to this elevation raise concerns over the infilling of the existing openings to the older building. It is considered that the loss of these openings would have a detrimental impact on the appearance of the building. To address these concerns amended plans showing the retention of the existing windows have been requested. I will update Members at the meeting of the Committee on this issue.

Layout / amenity

It is not considered that the layout of the development would result in any adverse impact on the amenity of the nearby occupiers or the future occupiers of the development itself. The west side elevation of the development would contain a number of ground floor windows and a roof light that would face the rear gardens to the residential properties along Church Road. These are not however considered to result in any overlooking due to the retaining wall and large trees running along the site boundary, and the high level of the roof light at 2.15 metres above ground level.

The fenestration of the development would be carefully laid out so as to not cause any overlooking between the individual units of the scheme. Although it is noted that the gables in the front of the development would project beyond some of the new windows in adjoining units, given the south facing orientation of the building I do not consider that any unacceptable loss of light would result.

With regard to private amenity space for the individual dwellings, with the exception of unit 9 all of the units would provide areas below the guidelines set out in SPG1. As a general guide SPG1 advises that dwellings with 6 habitable rooms should provide 70m² of private amenity space. Small house types such as one bedroom apartments and flats should provide a minimum garden area of 42m². The area provided varies from between 14m² and 39m² for the 2 bedroom units (providing 5 habitable rooms), 37m² and 43m² for the 3 bedroom units (providing 6 habitable rooms) and to 72m² for the 4 bedroom unit. The average provision would be 33m².

Appeal decisions on this subject (Hertsmere Borough Council 18.07.1995, Torfaen Borough Council 06.04.1994, St Helens Borough Council 06.07.1993) indicate that below standard private amenity space in residential development should only be a basis for refusal if it would result in harm to interests of acknowledged importance; i.e. residential amenity. As noted above, it is not considered that the layout of the scheme would result in any unacceptable loss of light or privacy and I do not consider that the living conditions of the future occupiers of the properties would be cramped or substandard. I do not therefore consider that any concerns over amenity space provision could be substantiated into a reason for refusing the application.

Ecology

An ecological assessment of the buildings on the site has been conducted by a qualified ecologist. The results of the assessment indicate that buildings B, C and E (the older white painted buildings to the east of the site) all have some potential for supporting bats, with direct evidence located within building E (the older, single storey white painted building to be demolished).

Due to these findings the report recommends that dedicated bat emergence surveys are undertaken at the appropriate time of year (late April to September) prior to any works taking place.

Natural England has been consulted on the results of this survey. The comments received indicate that, until the recommended emergence survey data has been gathered and interpreted, suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded. It is therefore recommended that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

This advice is consistent with national government planning policy and administrative guidance on the subject.

PPS9 advises that 'Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'

The advice on Species Surveys contained in the companion guide to PPS9 (Planning for Biodiversity and Geological Conservation: A Guide to Good Practice) advises that '*Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a*

planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.'

Government Circular 06/2005 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system) states that '*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat... It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

Having regard to the comments of Natural England, the policy advice contained in PPS9 and the administrative guidance set out in Circular 06/2005, it is not considered that the Council can make an accurate determination of the application from the information provided.

Third party representations

Members will note the comments of the Highways Engineer. Amended plans have been requested to address these concerns and I recommend that any planning permission granted is contingent on this.

I note the concerns raised by the Parish Council in relation to the rear elevation of the development. Although I would agree that better efforts could be made to improve the appearance of this elevation, I do not consider that this would warrant the refusal of the application. There would not be any material or adverse harm to the appearance of the older building (subject to the reinstatement of windows discussed above) and I am of the view that the new windows would break up and add interest to what is otherwise a blank unattractive elevation. I note however the unsymmetrical arrangement of these windows and I have requested that amended plans are submitted to show alignment between the ground floor windows and first floor roof lights. Subject to the requested amendments being made to the scheme I would not have any material concerns over the appearance of this elevation.

Members will note the required contributions towards education and play space facilities. The Council has received a draft Section 106 agreement to secure the requested sums. I recommend that any planning permission granted is subject to the satisfactory completion of the agreement. For the record, a reduced contribution of £42,168 towards off site play space provisions has been agreed with the Council's Strategic Planning section on the basis of there being sufficient existing provision of children's play facilities within reasonable walking distance of the site.

Conclusion

The proposal is found to be in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

The proposed development is considered to be of an acceptable design and it is not considered that any adverse impact of the character of the street scene would result. Subject to the receipt of amended plans showing the retention and reorientation of the fenestration in the proposed rear elevation I do not have any concerns in relation to the setting of the Conservation Area.

It is not considered that the proposal would harm the amenity of adjoining occupiers and I am satisfied that a suitable level of amenity would be provided to the future occupiers of the development.

Subject to the receipt of amended plans to the satisfaction of the Highways Authority I do not have any concerns over the parking and access provisions of the scheme. I note the concerns of the Parish Council but I do not consider that these could be substantiated into a reason for refusing the application.

Without appropriate mitigation, the development does not meet the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests. As such I consider the scheme to be contrary to policy QE7 of the West Midlands Spatial Strategy and policy CTC.12 of the Worcestershire County Structure Plan. These policies both refer to nature conservation and biodiversity and the presence of statutorily protected species in the development control process. The policies reinforce the philosophy of both PPS9 and Circular 06/05.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The submitted ecological survey recommends that bat emergent surveys are undertaken. These additional surveys have not been carried out. As such I am of the view that the applicant has not adequately demonstrated that the scheme would not cause undue harm to protected species and their habitats.

As such, it is not considered that all of the relevant material considerations can be addressed in the determination of this application. I am therefore minded to recommend that the application is refused on the grounds of insufficient information.

RECOMMENDATION: that permission is **REFUSED**.

No information has been provided to show that the development would not cause undue harm to protected species and their habitats contrary to policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan and the provisions of PPS9 and Circular 06/05.