

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Lord C Cobham 'A'	<p>B1 Offices and replacement estate management/agricultural building at - Hagley Hall, Hall Lane, Hagley.</p> <ul style="list-style-type: none"> • As augmented by flood risk assessment received 14.04.10. • As augmented by Environmental Ecological appraisal received 19.04.10 • As augmented by initial badger survey received 22.04.10 • As augmented by addendum to tree report • As augmented by Bat survey received 15.07.10 • As augmented by updated Heritage Statement (Rev A), Augmented Landscape Strategy and amended site plan (Rev B) received 03.08.10 	LB1 GB LPA FOOTP	B/2009/1010 26.04.2010

RECOMMENDATION: That Planning Permission be; **REFUSED.**

Consultations

Hagley PC

Consulted 01.02.10

Hagley is a commuter village, many of whose inhabitants commute to work in the adjacent Major Urban Areas (MUAs) of the Black Country and Birmingham. Hagley thus lacks a balance between work and home. This is a result of the way in which the village has developed over many years.

Hagley lies within the Dudley and Birmingham travel to work areas. Despite being in Bromsgrove District, its main relationships are with Stourbridge, Dudley and Birmingham, not with Bromsgrove town. Economic considerations relating to Bromsgrove town are thus largely irrelevant to the present proposals.

On the other hand, this Parish Council does not seek to have large-scale employment-related developments, because it would in this Council's view, fail in the objective of balancing the community; instead, for certain types of development, people would commute out of the Black Country to work in Hagley and Hagley residents would continue to commute into the MUAs. We have never seen statistics from the last census, but strongly suspect that a significant proportion of Hagley employment is already taken up by people who travel into Hagley. This is probably inevitable.

This is not a large-scale development and this Council thus considers that application acceptable. It is noted that the site (being east of Hall

Lane) is in the Green Belt, but it adjoins existing historic buildings and constitutes an acceptable extension to them.

This Council nevertheless has concerns about the transport implications of this development. We believe that these concerns can be resolved by the imposition of conditions and/or an agreement with the applicant. Our concerns focus on two road junctions. The junction of Hall Drive with Hall Lane is laid out such that traffic leaving Hall Drive may not realise that traffic from the right has priority. The junction of Hall Lane with Bromsgrove Road is rendered blind by having a house right on the corner. Bromsgrove Road has been identified in discussions between the Parish and County Councils as a road in need of some traffic calming, though not the most urgent in the parish for this. We note that the Transport Report indicates no accidents that have caused injuries, but suspect that minor accidents and near misses occur periodically.

We would dispute the statement in the applicant's planning statement that there are good bus services: they are relatively infrequent and limited to the daytime. Weekend services are poor and evening ones non-existent. This, contrary to paragraph 4.2 of the Planning Statement is not a "good service". The site is too far from the railway station (mentioned only in the Transport Statement) for that to be truly relevant.

We are also concerned that the fields between Hall Meadow (the street) and the development should not be used for overflow parking for events at the Hall.

The approval should be subject to appropriate conditions and/or agreements in a s.106 (or other) agreement, including:

1. Limitations on the use to which the buildings can be put. For example, uses requiring frequent trips to the site by heavy vehicles (other than during its construction) would be unacceptable. Class B1 uses rarely involve having frequent visitors, but the possibility exists.
2. Improvements to the junction of Hall Drive and Hall Lane to ensure that drivers leaving the former realise that they must give way.
3. Improvements to the junction of Hall Lane and Bromsgrove Road or other measures in this area to improve its safety.
4. Prohibition on the use of the access from the street next to 29 Hall Meadow to fields between it and the development for "events" or other traffic (other than in connection with agriculture).
5. Landscaping. This principally concerns the hiding of the new estate building, which is not formally part of the present application, though mentioned in it.
6. Materials should be similar (rather than identical) to those of the existing buildings, to reflect that the new buildings (unlike their neighbours) are not 250 years old.

7. Requiring builders' vehicles to be parked within the site during construction and the tyres of lorries to be cleaned where necessary to prevent mud being spread on nearby roads.
8. Archaeological investigation: it is not known precisely where the medieval village of Hagley was, and it could have been closer to the hall and St Johns Church than the early modern village, mainly along School Lane.

This Council will welcome the restoration of permissive access to the Hagley Park, which has been allowed from time to time in the past, but not to any significant extent in recent years. It hopes that the District Council will be able to secure such permissive access at least to the extent envisaged by the 1998 agreement described in the Planning Statement. The applicant's ancestors permitted such access in the early 19th century, and Hagley residents were permitted to walk up through the Park on to Clent Hills, at least between the wars. Access between the Park and Clent Hill (of the National Trust) would similarly be welcome, for example by the creation of a permissive footpath along existing tracks through the park, from near the Hall past Hagley Castle (a folly) to the gate leading on to Clent Hill.

This Council also hopes that the District Council will be able to secure that the net income generated by the scheme will indeed be secured to maintain the Hall and other listed buildings, and not be applied for other purposes.

This Council, on the other hand, notes with dismay references to the release of a capital sum by the sale of the part of the Hagley ADR owned by the Hagley estate. It considers that the housing land requirements under WMRSS are unlikely to render the release of this ADR necessary for a long time to come, if ever. 11.02.10

Additional comments received 10.05.10

Hagley Parish Council would bring to the attention of the Planning Officers and the Planning Committee its concerns in respect of the following and ask that the application is refused based on the following;

- The size of the development proposal and its impact upon the Green Belt,
- 'Fallback' application.
- Traffic impacts upon the immediate infrastructure and local roads.
- Impact upon quality of life and wellbeing of residents.
- Viability and sustainability of the development proposal.
- Impacts on the declared AQMA.

The size of the development proposal and its impact upon the Green Belt

This is a significant development within the Green Belt and is equal in terms of its 'footprint' to that of the Hall itself. Such a development is thus in brownfield land in the Green Belt. However, this should not be treated any less sympathetically and should be subject to the same Planning Policy Tests than if it was a new application in unrelated Greenbelt land.

The applicant seeks to practically double the number of units on the site adjacent to Hagley Hall with associated car parking spaces. There is concern with the adequacy of the car parking provision and that overflow parking will ultimately 'spill' onto adjoining roads, thus blocking residents' access and causing a nuisance.

Certain classes of development are permissible in the Green Belt (PPS2), but this scheme does not fall without challenge within any of them.

According to Local Plan policy DS2: *Permission for development in the Green Belt will not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings unless one of the following instances applies:*

- a) Development is for the purposes of agriculture and forestry; the application is not.*
- b) Proposals are for essential facilities for outdoor sport and outdoor recreation (see Policy RAT2); the application is not.*
- c) Development is for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; the application is not.*
- d) Development is for housing in accordance with the special circumstances set out in policy S9; the application is not.*
- e) Proposals are for the re-use of rural buildings, in accordance with policy C27; the application is not.*
- f) Proposals are for the limited extension, alteration or replacement of existing dwellings (subject to the provisions of Policy S11 and S12); the application is not.*
- g) Proposals are for the sub-division of an existing dwelling in accordance with Policy S13; the application is not.*
- h) Proposals are for the change of use of a dwelling to a commercial use (subject to the provisions of Policy S13A); the application is not.*

Proposals for development should be environmentally and ecologically acceptable and should not damage the visual amenities of the Green Belt.

The application is out of keeping with the balance between the visual impact of the greenbelt and existing built environment around the Hall. The applicants 'artists' impression of the development clearly shows its likely dominance of the adjacent greenbelt.

The proposed development is not in keeping with the rural area and will have an overbearing impact on both the immediate and wider environment and infrastructure.

The applicant has not adequately produced justification for the scheme based on demonstrable local need. His reason for the development is solely driven by the hope to create of an additional income stream.

'Fallback' application

It is understood that a planning permission for a new Woodyard development was granted c1998. This has not been implemented, but (allegedly) remains a subsisting planning consent; this needs to be clarified. If it is subsisting then the Parish Council would be concerned at the application of a fallback position, as it is felt that there have been a number of changes to the planning regime since 1998, which mean that a similar consent would not be granted today.

Traffic impacts upon the immediate infrastructure and local roads

The site is about as remote from Hagley Station as is possible within the built up area. It is thus improbable that people working in the proposed development would travel to it by train. The site is about ¼ mile from bus routes, but the buses are infrequent and unreliable and only run every hour or hour and a quarter and much less (if at all) in evenings and at weekends. There is thus no sustainable or alternative transport system that would discourage people employed or visiting the site from using their vehicles. Therefore the applicant's agent's suggestion that there are viable transport options is unfounded and fanciful and should be disregarded.

Hagley is very much a dormitory village and is a victim of its own success. It is located on the edge of the main carriageways to the MUAs of Birmingham, and the Black Country from Kidderminster and Worcester. Much of employment is located in these centres with Average Daily Traffic Flows amongst the highest in the County. WMRSS encourages sustainability, which includes a reduction in the need to commute, particularly by car. There is uncertainty that the development will be primarily occupied by Hagley residents. It is more likely that a significant number of units will be occupied by commuters from the MUAs.

Hagley is not a town and is thus classified by WMRSS policy CF2 as a rural community, where development should only provide for 'local' needs and not for those of nearby urban areas. Given the high

unemployment in neighbouring MUAs the development is likely to 'suck in' commuters from further afield, rather than providing employment for residents. This is contrary to the objectives of the WMRSS and adds nothing in terms of benefit to Bromsgrove District.

The location of the Hall is in a 'corner' of Hagley with access on and off the site being limited to two accesses which are very narrow and realistically only serve as access routes to the surrounding properties or to the Hall. Given the nature of today's traffic Hall Lane now acts as a 'rat run' between the A456, Bromsgrove Road and the A491 to the M5/M40 and Bromsgrove etc. There are estimates of potential increases in traffic flows, which range from anything upwards of 100 vehicles using the immediate and wider road systems and it is difficult to think that this will not be the reality and could be a conservative estimate. In addition to the obvious increase in vehicles using the roads, there are the additional concerns associated with increased traffic, noise and air pollution.

Impact upon quality of life, health and wellbeing of local residents

Increases in traffic flows will obviously bring additional difficulties to the immediate environment and residents. To date there are no (to the knowledge of the Parish Council) reports of serious accidents, but it is the Parish Council's view that prevention is better than cure.

There are concerns that the air quality already affects many Hagley residents and was supported by air quality studies and previous traffic surveys in 2004 showing that asthma is a particular problem.

The benefits to Hagley and its residents are questionable but the impacts are not.

Viability and sustainability of the development proposal

Hagley Parish Council feels unqualified to question the viability of the collective number of units or the long term sustainability and ability of the total development to maintain occupancy and to return a profit as projected and so must leave this to the experts. However it is concerned that should the development be granted and sufficient occupancy can not be maintained then a subsequent 'change of use' application through the 'backdoor' would face less objection.

The current situation is that there are a significant number of the units unoccupied and possibly unlikely to be occupied whilst the present economical difficulties exist. This suggests to almost double the units on the site may be short sighted and ill conceived.

The projected rental rate also suggests that the occupiers will be at the high quality end of the market. This also suggests that they are less

likely to be occupied by 'local' businesses and the occupants would be drawn from outside Bromsgrove District.

The Parish Council would be interested in the results of a water cycle study in relation to this specific site and its impacts upon neighbouring households.

It is recognised that there are funding difficulties with the maintenance of the Hall. These may be issues for Lord Cobham to manage with his agent but there is concern should the application be granted and the venture fail.

However, this can not be a short term fix and therefore the development must be a balanced proposal between the needs of the Hall's security and existence but also that it does not compromise the long term quality of life of those residents most affected by the development. An amicable and collective agreement over the proposal needs to be reached that is able to maintain the status quo.

There is a general acceptance and recognition of what the current Lord and Lady Cobham are striving to achieve for the Hall and ensuring that it remains in the Lyttelton Family for future generations.

Impacts on the declared AQMA

Hagley Parish Council believes that the AQMA recently declared should be sufficient to give the Planners the necessary evidence to refuse the application. It is important to recognise that the AQMA was declared because the monitored air quality had exceeded a national air quality standard i.e. the air quality is so poor it requires an action plan to address the pollutants.

At the public consultation a great deal of weight was put behind the 'powers' of the AQMA as a material planning policy that would 'protect' the environment/health and quality of life of those residents from increasing deterioration of air quality. It is with particular interest that the pressure to impose an AQMA was as a result of directives from DEFRA and support by the full Bromsgrove District Council.

This case clearly tests the merits of adopting the AQMA and to its powers of a 'twin track' approach to air quality management i.e. to reduce the impacts of existing traffic flows and to take measures to stop the air quality deteriorating further.

The prospect of tree planting schemes to 'absorb' the current pollutants is laudable but would be totally inadequate in alleviating the impacts of the proposed development. The volumes of traffic to the site will be irreversible and add to the already 400,000 vehicles that use the A456 each week. Given that there are no long term plans to offer an alternative to private car and vehicle use and there is no sustainable

transport policy, the traffic problems/air quality will continue to deteriorate.

The impacts of the additional increase in traffic flows should not be considered in isolation. It will add to the 'incremental damage' Hagley has already experienced i.e. death by a 1,000 cuts has the same outcome as a single stab to the heart. Over recent years Hagley has seen some major developments coupled with the ever increasing traffic flows along the A456 between Stourbridge, Dudley Halesowen, Worcester and points further a field using the main carriageways. The development at Monument Court dropped approximately 39 flats and the associated traffic impacts on the edge of the A456 without consideration to its impacts.

Hagley Parish Council remains very concerned that Worcester Highways do not recognise the impacts of the traffic on the residents, infrastructure and restricted road junctions. This is particularly strange as they would be a major partner in any future AQMA steering group and would appear not to be supportive of the directive.

Particular concern is what seems to be a requirement that there needs to be an increase of +5% on peak traffic flows before the act becomes enforceable and is able to stop the development. From traffic surveys it showed in excess of 400,000 vehicles travelling in both directions along the A456. So daily average could be 55,000 vehicles and peak 'may' be as much as 20,000 vehicles. Therefore +5% would have to be an approx 1,000 vehicle increase from any proposed development. This seems extremely restrictive and would require an incredibly large development proposal, making the AQMA weightless.

Alternatives:

It might be possible for this scheme to be refused with the indication that a reduced scheme would be permitted, for example by eliminating elements b and c and building a smaller building than element a.

Conclusion

Hagley Parish Council wishes this application to be rejected on the grounds:

- That it is unacceptably large and overbearing development in the Green Belt.
- It is an unacceptable increase of units on the site in addition to the existing developments to such a degree.
- Impacts of increase traffic on adjoining resident's quality of life and well being.
- Capacity of existing infrastructure.
- Added contribution to already exceeded air quality standards.

However, it considers that a smaller development might be acceptable, particularly if the Council's officers advise that the previous Woodyard scheme is still capable of being implemented.

Conditions

In any event that the District Council is minded the grant approval, we can ask for conditions if the planning application is granted:

1. Better signage and road markings at the end of Hall Drive, so that there is no excuse for traffic not giving way.
2. The Parish Council has already asked for the profit income of the development to be secured for maintaining the Hall. Lord Cobham is already offering this, but this needs to be legally secured.
3. A traffic management plan to be drawn up to explore alternatives to tackle traffic using the adjoining roads as a 'rat run'.
4. Address issues with junction access and visibility.
5. Consideration to imposing hours of use, types of use and certain vehicle restrictions etc.
6. Implementation of AQMA action plan along the A456 and adjoining roads with particular emphasis to look at mitigating increases in traffic flows, access and congestion.

EH

Consulted 01.02.10.

English Heritage has no objection to this application. Should your Council be minded to approve the proposals we suggest it should be subject to conditions governing architectural and landscaping details and to a S106 Agreement tying any income from the development to implementation of an approved conservation management plan for the estate.

Hagley Hall is a grade I listed building. The hall is set in a grade I registered historic park which itself contains a number of listed buildings and structures some at grade II*. The whole site is of considerable historic importance; the Temple of Theseus is of international significance. The condition of the historic buildings and parkland has been deteriorating for many years. Some structures such as the Obelisk and Temple have been badly vandalised and are now on the English Heritage Buildings at Risk register; the stonework of the hall is laminating badly following inappropriate past repairs and the roof is in need of replacement. In summary this important historic estate is in serious need of substantial investment.

English Heritage is very pleased that the present generation of owners have committed themselves to retaining and upgrading the estate with enhanced public access but we recognise the financial demands exceed currently available income. Although English Heritage is now offering sizeable financial assistance towards repair of the hall and Natural England is funding repair of the parkland and its monuments

these contributions only meet a proportion of the necessary expenditure and do not address ongoing and future running costs. English Heritage has been involved in discussions since 2001 with the estate, their professional advisors and officers from your Council exploring opportunities for generating capital and revenue income which might assist both immediate repair needs and sustain the park in the long term. Those discussions have most recently focussed on increasing the amount of lettable office accommodation near the stableblock as the most effective way of generating funds in a manner which will not impact adversely on the character and appearance of the historic park.

English Heritage has, therefore, no objection in principle to the proposed new office and hospitality development nor to the repositioning of the estate yard. We consider that the commercial element of the proposals will be compliant with the provisions of our Enabling Development policy and to the extent that the scheme will enure for the long term benefit of the estate are supportive of the proposals.

We have been involved in extensive discussions about the design of the proposed new buildings and their precise positioning. English Heritage has no objection to the overall design of the new buildings or the landscaping of their setting although further work needs to be undertaken to finalise points of detail e.g. moulded stonework of string courses, cornices, window and door surrounds, external joinery, facing materials, rainwater goods, external lighting etc. These matters could be covered by condition of any planning approval.

RECOMMENDATION

English Heritage consider that planning permission and listed building consent could be granted for these proposals subject to imposition of relevant conditions reserving subsequent approval of architectural and landscape details. We suggest that any approval should also be tied to a S106 agreement which ensures any revenues deriving from the development are directly tied to investment in a programme of repairs and maintenance on the estate in accordance with the provisions of a conservation management plan. The CMP will need to be approved by your Council: English Heritage would be prepared to offer further assistance in this regard. 12.02.10

Subsequent letter received dated 9th June 2010 responding to the issues raised by the RCA Regeneration report in so far as they related to PPS5.

- Highlights that the enabling development is NOT the sole funding generator for the estate, but is part of a wider package of initiatives. This includes grant aid from Natural England and English Heritage. EH acknowledges that the proposed scheme alone will not therefore meet all outstanding conservation funding needs of the Estate.

- EH aim is to ensure the retention of the heritage assets, which includes the park and park land buildings, the hall and its historically associated contents, to keep them as one entity under one management, avoiding possible sales as a way of generating income.
- The development complies with section 4.9 of the Policy Statement on Enabling Development by seeking to ensure the objective of single entity is maintained. It differs from most enabling schemes in that it does not involve a one off capital sum from a land sale, but seeks to maintain in perpetuity the rental income to ensure the estate upkeep over time. EH recognises this distinction and has accepted the development on that basis.
- Considers the development causes no harm to the heritage asset. There would be a negligible impact upon the hall and park resulting in change but not an adversity in the setting. Satisfied the development is fully compliant with policy HE9.4 of PPS5 in that the long term conservation of the heritage asset outweighs any potential harm that might arise. 15.06.10

AMS	Consulted 05.03.10. No response received.
CBA	Consulted 05.03.10. No response received.
GG	Consulted 01.02.10. No response received.
SPAB	Consulted 01.02.10. No response received.
VS	Consulted 01.02.10. No response received.
TCS	Consulted 01.02.10. No response received.
WCC(CA)	Consulted 01.02.10. No response received.
CABE	Discussed potential to be heard at review panel. Not called to review panel.
WH	Consulted 01.02.10. No objection subject to conditions and requirement for S106 contribution of £10,000 towards improvement of National Cycle Network Route 5 West Hagley to Catshill. 16.03.10
WCC(PROW)	Consulted 01.02.10. Sets out that development is adjacent to footpath number 516. Sets out applicants responsibilities with respect to ensuring that path is not affected by the development. 19.02.10
RA	Consulted 01.02.10. No objection. 15.02.10
WWT	Consulted 01.02.10. No response received. Consulted with Bat and Badger Survey 24.06.10 Confirmed by email 09.08.10 no objection, subject to recommendations of these reports be adhered to and additional bat boxes secured.

- GHSoc Consulted 01.02.10.
No response received.
- EDO Consulted 09. 06.10.
No response received.
- NE Consulted 01.02.10.
NE objects and recommends that the local planning authority refuse 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 bats, a group of legally protected species. 23.02.10.
- Consulted with Bat and Badger Survey 24.06.10
No objections, subject to recommendations being complied with and addition of note. 23.07.10
- SPM Consulted 01.02.10.
The above site is situated within the Green Belt, PPG2, Policy D.39 of the Worcestershire County Structure Plan (1996 – 2011), and Policy DS2 of the adopted Bromsgrove District Local Plan (adopted Jan. 2004) are therefore relevant. The site also falls within the Area of Great Landscape Value and Landscape Protection Area, PPS7, Policies SD.2 and CTC.1 of the Structure Plan, and Local Plan Policy C4 are relevant.
- By definition the development would be considered as inappropriate development in the Green Belt. It is therefore necessary for the applicant to demonstrate very special circumstances to outweigh any harm to the openness of the Green Belt.
- Instead of having rigid local landscape designations, para24 of PPS7 states that utilising tools such as the landscape character assessment should provide sufficient protection for these areas. According to the Worcestershire Landscape Character Assessment, the site falls within the Estate Farmlands landscape type and is in good condition. It is important to ensure that the development contributes to the landscape character of the area and hence the landscape guidelines of Estate Farmlands below should be followed:-
- Enhance tree cover through further planting of small scale plantations and tree belts
 - Conserve the pattern of hedged fields, with priority given to primary hedgelines
 - Conserve and restore parkland and the tree cover associated with large ornamental grounds
 - Conserve and enhance tree cover along water courses
 - Promote the development of wide field margins for wildlife benefit
 - Conserve the integrity of estate villages
- Comments from the County's Landscape Officer should be sought in this case.
- Surrounding the proposed site are unimproved grasslands and woodlands. They are BAP habitats and are important to biodiversity.

According to para14 of PPS9, development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. On top of the proposed built-in features for bats, the applicant should also consider additional planting to improve connectivity for wildlife between the woodlands and unimproved grasslands. Further biodiversity advice should be sought from Natural England and the Worcestershire Wildlife Trust.

Hagley Park is recognised as an historic park and garden and contains a number of listed buildings. The site also falls within the Source Protection Zone (total catchment) area. PPG15 will be relevant and so do the views of the Council's Conservation Officer, English Heritage and the Environment Agency will be pertinent in relation to the conservation and water source protection issues. The views of the Highways Agency will be of relevance in relation to transport impact, access and car parking issues. 09.02.10

Updated comments received 08.12.10, especially in relation to relevance of the ADR land.

These comments only relate to the submitted viability assessment and the likelihood of the ADR in Hagley playing a part in enabling development proposals for Hagley Hall. All other planning issues will be considered by other officers.

The financial issues surrounding this application are complex and rely on assumptions and forecasts into the future, whilst many of these issues can be debated at length by development surveyors, what is clear is the current proposal in isolation does not generate enough income to repair and maintain the hall. Other options including, but not restricted to those identified in the planning statement will need to be further explored to ensure that the hall and the estate can remain together as one self sufficient entity in the future.

The relationship of the Hagley ADR of which the estate owns a significant proportion, to the enabling development justification is important to consider. Should the land come forward for development it could play a significant part in generating the finances required to restore the hall and also secure a firm financial footing for the estate. The scale of the ADR in Hagley does mean further work needs to be done to secure its release although at this moment in time I am not aware of anything which would prevent the ADR coming forward in due course. With the ongoing uncertainty surrounding the planning system and particularly the imminent publication of the Localism bill the timing of any ADR release in Hagley is difficult to predict. With this in mind, I don't see that it has any bearing on this application at this time, regardless of whether or not the ADR is realised what is clear is that the estate will require an ongoing revenue stream which this development provides as well as a significant capita receipt which the ADR or other asset held by the estate could provide.

The financial appraisals provided do all vary slightly and demonstrate perfectly that development finance and viability appraisals are not an exact science due to the different approaches that can be taken and the vast number of input variables which can affect the outcomes of the models. What all 3 appraisals show is that the scheme will take a number of years before it returns a profit which would appear to be significant enough to pay for the major works required to some areas of the hall and estate. Whilst this is not an ideal situation clearly a long term approach needs to be considered when trying to secure the future of the estate, the fact that this development should pay its way in time is an important one to consider alongside the shorter term financial pressures this development will create. What is also clear is that without a valid planning permission it is highly unlikely that the initial finance will be made available by the banks to fund the scheme; it is therefore a very difficult application to judge on viability grounds.

Without planning permission the scheme will never have the ability to prove that it can generate the income predicted by the applicants as the finance won't be provided in the first instance, putting the long term future of the hall and estate into more doubt. With planning permission it could be the case that the scheme generates the income predicted by the applicants and alongside other measures taken by the estate such as the release of the ADR the offices are a completely justified development. The other side of the argument could be that granting of planning permission helps secure sufficient finance and allows the development to take place, but the scheme generates income below the levels predicted, and as such more/other developments in the manner of the options already highlighted will be required to keep the estate together. The worst case scenario is the estate will have to be broken up diminishing its importance to the district as a heritage asset and leaving inappropriate new build office development in the green belt.

The pragmatic approach would be to approve the application providing the applicant the opportunity to progress the scheme, should the scheme still not be viable in the view of the bank no finance will be provided and no development take place. Whilst this approach would allow the scheme the chance to work as enabling development, it also contains the risks highlighted above of development taking place which in the long run doesn't achieve what its primary purpose is.

TO

Consulted 01.02.10.

Considers that as submitted, the scheme fails to comply with a range of District Level and National level policies. Whilst some of these impacts could be mitigated for, in the absence of a suitable landscaping scheme this has not been demonstrated.

Consulted with addendum to tree report and Ecological report 24.06.10

Overall, although I consider that the planned loss of trees and woodland may be mitigated, this has not yet been sufficiently demonstrated by the applicant and so the proposal contravenes those policies detailed. Moreover, I consider that the siting of the detailed elements of the scheme within the Root Protection Areas of the most significant trees on the site will result in the damage and loss of many of those trees, again contrary to those policies above. I therefore recommend refusal of the scheme in its current form.

ENG

Consulted 01.02.10.

No objection, subject to conditions concerning upgrading of storm drainage system including relevant attenuation. No flood risk assessment is required. Foul sewage shall be disposed of via present private system that connects to the mains in Hall Lane. 12.02.10

Reconsulted with FRA 14.04.10

Suggests alterations to outfall of piped watercourse. Flooding has occurred before when the culvert collapsed. Suggests an upgrade. Floor levels of development will need to reflect these facts. 16.04.10

CO

Consulted 01.02.10

The application for Listed Building Consent relates solely to the adaptation of an existing historic garden wall to form the rear elevation of the new Building C 'The Orangery' and does not include the other parts of the development, as listing does not cover the land itself only the structures upon it. The historic wall (which has been previously altered) forms the boundary to the private gardens beyond and is protected as a curtilage listed structure.

The application for Planning Permission relates to the three new office buildings, the new agricultural building plus associated car park and landscaping. The impact of the development on the setting of the surrounding listed buildings and the registered historic park are material considerations in the determination of the planning application.

Design Issues

The new office buildings would provide 3872sqm of Grade A office accommodation and are designed to incorporate SUDS, biomass boilers and ground source heat pumps. The siting of the three buildings has been led by their relationship to the wider landscape, and locations chosen to respect the setting of the Grade II listed stables (known as Hagley Mews) and the Grade I listed Hall. The design is traditional in style to mimic the adjacent Mews building, constructed in facing brick with stone detailing, iron railings, slate roofs and timber windows. Building A is the largest building and is formed around an inner courtyard encompassing a new parking area. The siting of Building A is similar to that approved in 1998 but is a larger and taller structure. Building B would be two storeys and rectangular in plan and would have

a more direct visual relationship with the existing listed Mews building. Building C incorporates the existing historic wall bordering the private gardens and is a single storey linear building, sited on an existing and rather unsightly area of parking and modern storage buildings.

The chosen traditional design for the new office buildings draws on the architectural detailing of the historic Mews building and reflects the historic character of the wider collection of 18th century listed buildings. The design quality is much higher than the previously approved scheme from 1998 which could still be implemented and although much larger than that previously approved is a superior scheme overall. The selection of quality materials will be key to ensuring the success of such a traditional design and should be tightly controlled by planning condition if the application is granted.

The new agricultural building is intended to provide equipment storage space and estate staff facilities and would be located beyond Building A, some distance from the surrounding listed buildings. This building would have an industrial style with a green clad steel structure which is less than ideal, but would at least be partially concealed by a bank of trees. This building would require a new access road to be formed continuing to the rear of Building A plus an area of allocated parking to the north. I am concerned about the encroachment of the road into the greenbelt as well as the visual impact on the landscape. The use of the shared access through the office car park for agricultural vehicles could also create some management issues. A preferred option in terms of landscape impact would be to use the existing road to the north of the Mews and Woodyard to access the new agricultural building, sweeping round to the west of Building A but this could result in additional disturbance to the Building A users.

Impact on setting of listed buildings and registered historic park

The potential impact on the setting of both the surrounding listed buildings and the registered park are material considerations in the determination of the Planning Permission application. The English Heritage publication Conservation Principles advises that the setting relates to the surroundings in which a place is experienced, its local context, and past and present relationships to the surrounding landscape. The interrelationship between the various listed buildings on the Hagley estate is a key part of their setting and in my view the chosen location for the proposed office buildings would have no adverse impact on this interaction and will actually enhance the setting of the Grade II listed Mews by improving the amenity value of its surroundings. The Grade II listed Dairy is currently partially concealed from view and its setting would not be adversely affected by the proximity of Building C because of its low linear form. However the two rows of parking to the rear of Building B would have a negative impact on views across the landscape towards the listed Dairy. Amendments should therefore be made to reduce the level of parking in this area, possibly relocating it in front of Building C. The submitted plans also indicate a new section of wall or fencing would be added around the

dairy, further details of the design and materials should be requested under a planning condition if the scheme is approved.

Adjacent to the development site, onto Hall Drive is The Old Rectory which is also Grade II listed. I have inspected the site of building A and assessed the distance between this and the Old Rectory as to whether the setting of that listed building would be affected. The corner of Building A would be sited some 48m from the rear of the Old Rectory as shown on the submitted drawings, with two large trees and another unlisted property in between. Whilst it will be possible for the occupier to see the new office building from within his property the distance involved is considerable and I do not believe the new building would have any adverse impact on the setting of the Old Rectory, particularly as it is not located directly to the rear of the listed building. Any impact on the residential amenity of the neighbouring gardens is outwith my remit, which focuses purely on the relationship between the listed building and its wider setting.

The new office buildings will inevitably have an effect on the wider landscape and will be clearly visible from the adjacent housing estate looking across the park. Amendments have been made since the public consultation stage to the siting and height of the buildings in order to address this issue, and given the tree screening provided I do not feel the setting of registered historic park would be adversely affected by the proposed development.

The detailed design of the new landscaping around the office buildings should be both neutral and sustainable, to ensure that the buildings themselves remain the principle focus. The amount of car parking proposed around the new office buildings is unfortunate, and although some spaces have been located within the inner courtyard I am concerned about the visual dominance of the main parking area and implied priority given to vehicles over pedestrians. This could be mitigated by adding additional screening between Building A and B to soften the visual impact, and taking a minimalistic approach to the delineation of parking spaces and provision of new directional signs. The mix of colours and textures employed for the surface materials should complement the proposed brick and stone for the new buildings and should be agreed under a planning condition if approved. The Highways Officer has recommended that the proposed cycle loops be replaced with covered shelters, if this change is made the shelter should be relocated away from the front of Building B where it could be unsightly.

The new access road and parking area around the new agricultural building is likely to have a more significant impact on the registered park and as stated above amendments should be sought to minimise this impact.

Principles of enabling development

The basic underlying principle of enabling development is that a departure from local and national policies shall be permitted in

exceptional cases in order to ensure the long term survival of a designated heritage asset. Accepting the public disbenefits in return for a potentially greater public benefit. The English Heritage guidance on Enabling Development outlines the tests employed to balance and assess the needs of the asset, against the negative impacts of allowing development in the greenbelt. Any other negative impacts such as loss of trees, increase in traffic etc must be balanced into the equation with considerable weight given to the preservation of heritage assets particularly where local plan policies are in conflict. The consequences of refusing consent for an enabling development scheme should also be taken into account, particularly where the condition of designated assets is likely to continue to deteriorate unless income is increased.

The English Heritage guidance also mentions specifically the importance of protecting historic entities such as Hagley Park from fragmentation of the asset and sets out the key issues which must be addressed in these cases, before consent for enabling development can be considered acceptable.

The applicant has submitted detailed justification statements with their application to outline the very special circumstances at Hagley Hall which necessitate a departure from national and local planning policy. The basis of this justification is the urgent need to address the ongoing repairs and maintenance of the ten listed buildings on the Hagley estate including two buildings which are on the national Heritage at Risk register. The estimated shortfall of income required to restore all the buildings on the estate is £10m based on detailed condition surveys carried out in 2009.

The new offices are intended to provide a steady income stream estimated at £86K per annum, rising to £520K once the development mortgage has been paid off. The associated car parking and increase in visitor numbers to the estate will also provide additional income through the wedding and conference events held at the Hall, equating to an estimated rise of £40K in income per annum. These initiatives shall be coupled with ongoing grant assistance from English Heritage and Natural England to address the most urgently needed repairs to the Hall (Grade I), Obelisk (Grade II*) and the Temple of Theseus (Grade II*). The applicant has also indicated their wish to release a parcel of land for housing development and to convert the Dairy (Grade II listed) into a wedding venue but these proposals do not form part of the current application.

The financial viability of the scheme and likely success as an enabling development must be balanced against the potential public harm caused to the greenbelt, the registered park and local residents. Given the current estimated repair bill of £10m, the income from the new offices and cross benefits to the events business will take many years to address this shortfall. Particularly when the major tenant of the existing Mews offices who were intending to occupy Building A have recently gone into liquidation, making this a wholly speculative development. However the current scheme is realistically the best option to provide an

ongoing income towards maintenance in the long term, and should eventually secure the preservation of a number of significant listed buildings if the new buildings are fully let. It is intended that the net profits from the offices will be set aside for restoration and management of the historic buildings through a section 106 agreement, which will also formalise additional public access to the park throughout the year to increase the wider public benefits of the scheme. This additional public access should be weighed in to the balance, to partially offset any other adverse impact on local residents. A conservation management plan would also be required as part of the s106 agreement to ensure that the profits from the offices are directed to the necessary repairs in a timely and prioritised way.

If this application is recommend for approval I would recommend the following conditions are applied:

- A S106 agreement ensuring that the profits from the new offices are set aside for maintenance of the historic buildings on the estate, securing ongoing public access to the park and agreeing the preparation of a conservation management plan
- Samples of all external materials shall be submitted and agreed in writing before development commences
- Details of all windows and doors at 1:20 shall be submitted and agreed in writing before development commences
- Details of all landscaping including species and siting of plants, surface materials and any parking signage shall be submitted and agreed in writing before development commences
- The existing historic brick wall to the south of the Dairy shall be retained and incorporated into Building C. No demolition or rebuilding works should be undertaken without the prior approval of the local planning authority
- Details at 1:20 of the design and materials of the new boundary treatment adjacent to the listed Dairy shall be submitted and agreed in writing before development commences

04.04.10

EHO

Consulted 05.03.10.

Proposal is sited adjacent to an AQMA. After consulting the Transport Statement, I do not require an AQIA to be carried out however as the traffic serving the proposal will pass through the AQMA, I am keen to address this impact. I note the comments of the travel Plan and recommend these conditions are adhered to along with the use of electric car power points in the car parking areas. 31.03.10.

Additional comments include the proposal to include certain tree species in the landscaping scheme to optimise improvement in air quality. 09.04.10.

EA Consulted 14.04.10 with FRA.

The site is Flood Zone 1 and less than 5 Hectares. We would not provide comments on this scale of application and would expect the Drainage Team at Bromsgrove Council to look at the FRA. (via email) 16.04.10

WCC
(Landscape)

Consulted 17.09.10

Hagley Hall is one of the finest historic designated landscapes in Worcestershire and its inclusion as a Grade I site on the Register is Parks and Gardens indicates its importance nationally.

Sets out that the site of the development is within the historic designated landscape and should be treated with great sensitivity. Considers the scheme raises concerns for the following aspects of the landscape;

1. Spatial arrangement of development and design of spaces between buildings could be improved. It could be more integrated with historic layout and which protects existing trees.
2. Trees suggested to be safeguarded are unlikely to be. Scheme is unrealistic and not feasible with this respect. Suggests that trenching, underground services, level changes and provision of parking within root protection areas will cause root damage. Also conflict between canopy and buildings, both during construction and in long term. Loss of the sycamore avenue will adversely impact on setting of mews and associated listed buildings. Loss of younger trees is regretted.
3. Harm to views from and to the Obelisk as a result of loss of some of the sycamore trees. The existing tree planting softens the impact of the service buildings and associated roads and residential development as viewed from the Obelisk. If some of these trees are lost as a result of the development and buildings are erected in this space this will detract from this existing view. If trees are retained development could be sited more sympathetically amongst it.
4. Concerns about transplanted trees and suggests full planting scheme would be required in case of failure.
5. Maintenance and management plan required.
6. Suggests local Gardens trust consulted.

In summary could not support proposal as considers contrary to local and structure plan policies. 03.11.10

H&WGT

Hereford and Worcester Gardens trust is fully supportive of this application. Hagley has features which give it a unique place in landscape history. Understand the pressing need for enhanced income stream and the devotion of this money to the park and buildings is an exciting prospect.

New buildings are sympathetic with eighteenth century stables and every effort has been made to blend them into the designed landscape with the area used for service buildings. It is considered that any incremental loss of tree cover around the buildings or within the relatively insignificant sycamore avenue can be made good by new planting to preserve the existing screening. We believe there would be no damage to the many and varied vistas from within the park.

It is felt that this project is an essential stage in the progressive regeneration and the trust accepts that it justifies the use of a small area of the designated Green Belt in order to achieve the very substantial benefits in the wider context. 10.1.2011

Publicity

Site notices displayed 11.02.10 expires 04.03.10.

Press notice displayed 12.02.10 expires 05.03.10.

One neighbour notification letter sent 17.03.10 expires 07.04.10

Eighty (80) objections received relating to;

1. Traffic generated as a result of the development and associated congestion. Corporate events currently create congestion on access roads, marshals are provided by the Hall to help. The quantity of traffic generated by offices will be similar to these events.
2. Local junctions have poor visibility. Acute bend of Hall Land/Drive and sudden breaking to avoid pedestrians is referred to. Parts of Bromsgrove Road are blocked by car transporters delivering to garage and reducing carriageway width.
3. Noise associated with traffic will increase and accidents will increase along Hall Lane.
4. Offices already exist at Hagley Hall and these are not fully utilised and cannot see reason therefore for additional development in the green belt. Development would therefore leave additional vacant units and pressure to convert to alternative uses. Currently 17 unused units as result of collapse of Advent and therefore there is no need for additional units. Questions whether applicant should have to demonstrate demand for additional offices prior to consideration of application. Concerns that if offices are not let that funds would be diverted away from the restoration of the Hall to fund maintenance of the new offices. Employment land review of June 2009 showed demand highest in Bromsgrove and average vacancy rate for District at 8% (pre recession). Vacancy rates were higher at the Hall. 30 year mortgage to finance scheme means development doesn't stack up.
5. Refers to poor location of Estate building and need for it to be closer related to the land that it serves.
6. Access to the site is inadequate and junctions are unsatisfactory considers that there should be additional publicity with local residents.

7. Concerns about rat running along Bromsgrove Road to avoid local queuing and islands. These roads are narrow, have on street parking and are single carriageway in places. They run through residential areas where children and families live and walk. Questions impartiality of transport report and question need for Fire officers report given narrow nature of roads.
8. Considers that speed limits should be imposed on immediate local roads to give safety and priority areas to residents
9. Concerns about loss of property value as open area to rear would be lost. House purchased on the basis that this was green belt land which would not be built upon.
10. Office buildings and car park will increase noise pollution and activity in this area as well as increased run off from storm water.
11. Scale of development is overly large, the site is green belt and the development is inappropriate. Questions what very special circumstances there are to allow development in this area.
12. There is insufficient parking for the scheme, the site already suffers with congestion
13. The design of the development will dominate the landscape. It is akin to a business park.
14. Location of the development will reduce outlook from properties and reduce value, object therefore on principle.
15. Hall Drive is inadequate to accommodate construction traffic. Junction of Bromsgrove Road and Hall lane suffers from vehicles mounting the pavement and associated breaking down of the coping stone and cable inspection cover, creating damage and noise.
16. Existing units cause weekend traffic, noise and litter.
17. Not been informed of proposal and understand negotiations have taken place to re-site building in order to protect the views of some residents. Makes comments on site notices, Council's website, lack of consultation with residents about Transport Assessment. Makes comments about potential meeting dates and suggests application not being considered seriously.
18. Queries requirement for additional drainage given area outside Hagley Close floods. Notes no Flood risk assessment submitted. Recent development in area has put pressure on drainage systems.
19. Development is a Departure, a major application and is within an area of great landscape value and is inappropriate.
20. Scale of western façade of building A is large and out of proportion it is sited on the meadow and adjacent to residential properties, it and will impact upon the landscape and adjacent listed buildings. Building is not sited on location of previous structure.
21. Recognise that maintaining estate requires considerable revenue and development could assist. Another objector stated that they were a supporter of the Hall and liked being in close proximity. However, Estate owns large areas of land where a development could be sited and which would not be on landscape protection

- land. Also considers current form and scale of office was appropriate but that impact of new development was too great.
22. Concern as to open B1 use and potential for additional out of hours traffic and noise as well as additional staff cars. Could be shift pattern of work with noise generation during hours of the night. Already the Hall uses public address systems and has music functions which affect local residents.
 23. Traffic from larger social and corporate cause's congestion, but is tolerated by residents. However if car parks of offices are used to support functions at the hall at weekends, further increases in noise and traffic will occur.
 24. Reduction in residential amenity through loss of outlook, restrict feeling of light and space, visual terraced appearance from rear of dwelling and overbearing impact upon amenity. Concern also about light pollution at night.
 25. Questions suitability of local bus service and concludes that most occupants and visitors to offices will arrive by car. Kidderminster/Birmingham bus is unreliable and is hourly with no evenings or Sunday service. Bromsgrove/Stourbridge is better but again hourly. Railway is 1.8 miles away and across a dual carriageway.
 26. Whilst no major incidents have been recorded, highlights a number of minor accidents in the area in the last five years some of which have been personally observed by the objector. Other objectors refer to having been involved in near misses.
 27. Suggest that reports underestimate the impact of the development on the highway network, pedestrians and highway safety. Suggest that when speed surveys carried out survey vehicle was sited so not to give a true picture.
 28. Construction time will be 2 – 5 years during which construction traffic will have to access the site via Hall Drive with consequential impact upon adjacent listed buildings and environment. Refers to unsubstantiated claims as to potential impact of this process, including upon noise. No mechanism proposed to assess or control this impact.
 29. Site is not in floodplain, but local flooding has occurred. Questions ability for sewerage and water demands to be accommodated within existing systems. Queries mitigation of additional run off. In recent heavy rains development site became a soakaway so protecting those further down stream. Development will disturb this balance.
 30. Negative impact of scheme on existing public rights of way. See no provision for footpath.
 31. No evidence that there are end users available or willing to take up the new office buildings.
 32. Considers relationship of building A to adjacent listed building unsatisfactory. Considers it out of scale, imposing, on the setting of the listed building and will overlook the rear of the Rectory so invading privacy. Refers to pre application consultation and considers additional work required with respect to location of

- building A. Refers to previous application for offices and relative position of that building and improvement on privacy as a result.
33. Considers parking provision underestimated. Experience shows up to 126 (or 149) cars on site on 12.10.09 overflowing onto areas of proposed buildings. No data to support the idea that existing pattern of where staff live in relation to offices will be repeated for new development.
 34. Site is part of ancient area of pastureland and there is a need to protect the whole nature of the area. Need to consider protected species.
 35. Refers to impact on air quality during construction phase as well as a result of additional car traffic using the highway. Also increase in noise levels to time when background noise levels are reducing. Pollution is high in Hagley with Asthma being a major issue. An air quality action plan will be required for the area.
 36. Given projected build costs considers time required to recover costs makes project unviable.
 37. Understand need to raise funds to ensure long term future but consider this option unviable. Concerns that office will be converted to hotel for wedding guests if it becomes unviable leading to even more traffic.
 38. Considers council has recently considered hotel development in and around Hagley and that this is attempting the same development from an alternative route. Design suggests this also.
 39. Suggests that the large Block A building is the issue and smaller development may be acceptable.
 40. Site is not accessible from the train station.
 41. Relationship of site to adjoining properties is incorrectly shown.

A letter of objection has also been received from Councillor S. R. Colella setting out;

- The impact of the development; the scale of the development and associated parking, the balance between rural area and the impact on the greenbelt, the overbearing dominance of the development, no demonstrable need for the scheme, it will attract inward commuters to Hagley, increase in traffic flow will reduce quality of life for residents, the site is within the green belt and is inappropriate.
- Sustainable Transport; the site is remote in relation to train and bus routes, development could result in 200 extra vehicles using narrow roads which are already a rat run, traffic flows on A456 are very high, employees are likely to travel in from Major urban area, rents suggest high quality office again suggesting inward travel, wont provide local employment needs contrary to WMRSS.
- Viability is questionable given empty units on site at present and uncertain future.

- AQMA recently declared with aim of reducing impact of existing traffic and stop air quality falling further, proposal will add pollutants, this issue is a material planning issue, and given lack of sustainable Travel plan AQ will deteriorate further, need to consider this in association with other local development and their impact on AQ, AQ already affects residents.

Concludes there is no justifiable need for the development and asks that development be rejected.

A report has been prepared on behalf of the Hagley Residents Group by RCA regeneration (dated May 2010) objecting to the proposal. This is an extensive report extending to 37 pages and with associated appendixes. The executive summary is contained in Appendix 1.

The report identifies policy at local regional and national level, considers the planning history of the site, sets out a critique of the viability case, as well as proposing a revised development appraisal that concludes that the development is not financially viable (p19) and would actually represent a deficit. Other material considerations are considered including transport issues, Flood risk issues.

Four (4) letters of support referring to need for Hall and park to be preserved. The proposal would provide income to support hall and the scheme is not industrial in appearance. Traffic will increase but the lanes are already dangerous. Changes have already been included to reflect the desires of the residents. Development would create jobs as well as income. Considers petition overstated and document sent through door was unpleasant. Current works at Hall have resulted in little disruption. Suggests that applicant would not have considered a major development unless he was extremely concerned about the future of the estate. Considers that residents are unaware of the efforts made by the family to generate income. Suggest that objectors are not considering consequences of not carry out the development. Suggests that additional trees are required to soften appearance of development. Also the family has initiated numerous initiatives to help generate income for the estate. The applicant has considerable commitment to the heritage of Hagley Hall, the estate needs to invest and develop. Queries what alternatives there may be?

Members are reminded that the above is a summary of comments and representations received, however all letters and comments made by residents and interested parties are available in full on the planning application file and may be inspected prior to the meeting.

The site and its surroundings

This submission relates to a 1.3 hectare parcel of land, located within the boundaries of the Hagley Hall Estate.

The estate supports the principal building of Hagley Hall (a Grade I listed building) which sits on an area of raised ground with views out across the historic Deer Park and associated landscape, a registered Park Grade I. Land associated with the estate extends to the north and the east and supports a total of eight additional heritage assets including; The Temple of Theseus (Grade I) the Castle (Grade II*) Wychbury Obelisk (Grade II*), the Old Dairy (Grade II*), the Orangery (Grade II), and the Rotunda (Grade II). Private gardens and pleasure grounds are adjacent to the north of the Hall with the service complex of buildings being sited to the north east of the Hall and accessed off Hall Drive. It is behind this service area that the application site is located.

Vehicular access to the estate is via Hall Lane leading to Hall Drive. This route provides access to the mews buildings, St Johns church and cricket pitch whilst access to the Hall is gained by a separate carriageway drive, running parallel with Hall Drive. An existing public footpath runs in a north west/south easterly direction through the application site and provides a link between the service area of the site and School Lane.

The application site is irregular in shape. The eastern part of the site is made up of generally flat consolidated ground used for parking and an associated flat roofed garage area. (A Laundry building was sited here and demolished in the early 1960's) The centre of the site is dominated by a mature avenue of trees and the associated footpath, along side which is a maintenance store and a wooded area planted some ten years ago which extends to the western part of the site. In front of this woodland area are trenches which have been dug in associating with a previous planning approval on the site.

Proposal

This Full Planning Application relates to;

- The demolition of the existing agricultural estate management building which is housed in a late 1950's former milking parlour building currently used for farm storage and ancillary stores (250m²) in the centre of the site and of the garage fuel store area, to the eastern side of the site
- The erection of three new buildings (A to C) to provide a total of 3570sqm (internal gross) of office space
- A replacement estate management building (building D) of 300 sqm.
- And the formation of 118 parking spaces and associated cycle storage areas, associated circulation spaces and access ways and associated planting and screen walling.

With respect to the detail of these proposals;

Building A – This building is to be sited in the area currently occupied by the maintenance and workshop building, (immediately to the north of The Woodyard) and the associated land, much of which supports an area of tree planting.

The building is of a Courtyard design which reflects the pattern of the existing Mews and Old Woodyard with symmetrical elevations and centralised gables. The building will be brick with slate roof and stone details. Five two storey office units will be provided by this building and will be arranged around an internal parking area providing for 24 vehicles and associated cycle loops. The building will extend for 39m in width and 52m in depth. There are subtle variations in height across the site; the average maximum height of the ridge is therefore around 10.5m. There will be a need for some minor re-contouring of the land around this block which will create the need for a small retaining wall at its north eastern corner.

The building is sited in a similar location to the previous consent on the site and sits approximately 1m lower at ridge height than that scheme.

Building B – This building will be sited immediately to the east of the avenue of trees flanking the public footpath which crosses the site and has been positioned so as to respond to the corner of the Mews building to the south. The building will be two storey and constructed from facing brick and slate roof, with stone details, with rectangular plan and with feature pediment gables as per building A. The internal layout facilitates a flexible office space to allow a variety of internal layouts but currently shows three offices (one large first floor area) with meeting rooms available at ground floor. The building is 18m wide and 25m deep with central feature gables looking east and west. The building has a ridge height of 10.5m. The supporting information indicates that a former laundry building was sited in this location and was demolished in the early 1960's. That structure was of similar proportions and scale to the current proposal.

Building C – The removal of the existing garage area will be required to facilitate this development. This building has a linear single storey form and backs onto an existing historic wall along the eastern side of the site which divides the existing parking area from the listed Diary and its associated gardens. The building expands into a wider area at its southern end of the site. The changing levels of the site will be accommodated by stepping sections of the building down along its length, this combined with the pattern of doors and fenestration helps to reinforce the domestic scale of this building. The building would have a total length of 54m and a general width and height of 5m, the development provides for four open plan office areas. The submitted plans indicate the potential for a café in one of these larger spaces, but this does not form part of the current application.

Building D – The Estate Management building is to be sited to the North West of building A and amongst the existing tree screen area. This is a proposed replacement structure and is a simple steel framed design and clad in green profiled sheet, internally an open workshop and storage area will be provided along with a rest room and offices and toilets and a biomass boiler. The structure will be 31m in length and 11m wide with a shallow pitched roof reaching 4.5m. The Design and Access statement (D&A) sets out that 150 trees will be lost to accommodate this building, but that 200 trees will be planted/replanted to widen the existing belt and assist with screening from the west.

Parking – Parking areas and associated cycle storage and motorcycle parking areas will be provided around the new buildings to serve the offices, these areas will also act as additional parking for the Hall during large functions.

An events specialist has been appointed to assist the Hall in maintaining and developing the existing programme of conferences and functions as part of the long term income generating strategy, providing sufficient parking for these visitors would be an essential requirement and this application provides the opportunity to address this. Parking areas would be formed from gravel and demarcation would be achieved by stone sets and would not be designated to the occupiers of specific buildings. Landscaping would be used within the parking areas to screen prominent views and boundary walls will be provided within the development to create appropriate edges to the scheme.

Along the north of the site, an access road will be formed to serve the Estate Management building. This road will sweep around the northern corner of building 'A' before crossing the footpath and accessing a designated parking areas associated with the Estate Management building.

A landscape strategy has been submitted (03.08.10) which identifies an overarching plan for the planting of the areas surrounding the buildings, including the objective of transplanting the trees from the tree belt out into the paddock area to the west to assist in screening the site from Hall Lane.

The application forms indicate that the site, which is 1.3 hectares, will support 192 employees, 112 parking spaces and 6 disabled, 6 motor cycles, 13 cycle spaces. Consent is sought for B1 offices (defined as (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) with unrestricted opening hours.

The application has been accompanied by a number of dedicated and detailed reports including:

1. Planning statement (including development appraisal and costs plan). An Executive Summary is included as Appendix 2.
2. Design and access statement
3. Heritage Statement
4. Transport statement
5. Ecology report
6. Arboriculture study

The application has also been amended/augmented by a: Flood risk assessment received 14.04.10, augmented by an Environmental Ecological appraisal received 19.04.10, augmented by initial badger survey received 22.04.10, augmented by addendum to tree report and augmented by Bat survey received 15.07.10, an updated Heritage Statement (Rev A), and an Augmented Landscape Strategy and amended site plan (Rev B) were received 03.08.10

Relevant Policies

WMRSS UR3, PA1, PA14, QE1, QE3, QE5, QE6, QE7, QE9, T1, T2, T3, T4, T5, T7
WCSP SD2, SD4, SD9, CTC1, CTC2, CTC5, CTC8, CTC9, CTC17, CTC18, CTC19, D26, D38, D39, T1, T3, T4, T9, T10, RST3

BDLP DS1, DS2, DS3, DS9, DS11, DS13, S38, S39, S48, C1, C4, C5, C17, C18, C36, C38, C39, E9, ES14, TR1, TR8, TR11, TR12, TR13, TR14, TR16, RAT12, ES2.
DCS2 CP3, CP11, CP14, CP16, CP17, CP19, CP20, CP22, CP23, CP24
Others PPS1, PPS4, PPS5, PPS7, PPS9, PPS23, PPS25

PPG2, PPG13

- English Heritage Policy Statement on Enabling Development.
- Circ 08/2009 Circ 05/2005
- Consultation draft on Development Management Dec 2009.
- Air Quality and Planning Protocol for Hereford and Worcestershire
- DEFRA Low Emissions Strategies using the planning system to reduce transport emissions. Good Practice Guidance January 2010.
- BDC Employment Land Review (June 2009)
- Planning and Development Strategy - Stage 12007
- Strategic Housing Land Availability Report (SHLAA).(Jan 2011)

Relevant Planning History

B/1995/0203 Workshop and offices with parking, redevelopment of redundant agricultural use, to form extension to Hagley Mews/ Woodyard, Hall Drive. Granted subject to S106.12.05.97
B/1998/0388 Erection of offices at Hagley Mews/Woodyard. Granted 13.07.98
B/1998/0580 Erection of offices at Hagley Mews/Woodyard. Granted 10.08.98.
B/2010/0064 B1 Offices and replacement estate management/agricultural building. LBC. PENDING.

Background

In accordance with good practice advice and in particular the Development Management approach to development proposals, the applicant has engaged in pre application discussions with the Local Planning Authority and with local residents. With respect to the latter the applicant undertook a pre application consultation exercise with local residents in January and February 2009, which included an open letter and enclosed copies of a proposed site plan. This was circulated to around 50 local householders as well as local Members and the Parish Council.

As a result of this process amendments were made to the location of block A. Concerns were raised about the location of the farm management building, which at that point was proposed adjacent to the scout hut and as a result this building was resited. Following advice from EH alternative locations were sort throughout the park land and the location adjacent to block A, as now proposed, was considered most preferable. Other matters raised related to the principle of the development and the traffic generated as a consequence of the scheme. These matters are detailed in Appendix 3 of the planning statement.

Assessment of the application

Given the location of the site within the green belt, the designation of the Hall as a grade I listed building and the associated grade I, II* and grade II structures in the parkland, the park itself being a Registered historic park, combined with the scale and nature of the development, this Full Planning Application raises a principal issues of;

1. The appropriateness of the development in the green belt, and if inappropriate, the presence of any very special circumstances,
2. The case for the need for the development
3. Enabling development
4. The assessment of the scheme against the enabling development criteria A – F as a very special circumstance,
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8. The impact of the development on the landscape
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10. Is the site in a location that accords with site selection policy?
11. Air quality issues
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The appropriateness of the development in the green belt and, if inappropriate, the presence of any very special circumstances.

The development plan includes the saved policies of the Worcestershire Structure Plan (WCSP) and of the Bromsgrove District Local Plan (BDLP). Policy D39 of the WCSP applies the definition of appropriate development in the Green Belt from PPG2 and Policy DS2 of the BDLP includes a definition which closely resembles the terms of national policy, this is further reflected in Draft Core Strategy 2 policy CP22 Green Belt.

The overall effect of the various policies is that the construction of new buildings for the purpose of offices, the erection of an estate management building and the associated formation of car parking spaces and associated hardsurfaced areas and access drives as is proposed is inappropriate within the terms of policy. This view is acknowledged by the applicant (para 10.12 page 14 of planning statement)

In such circumstances Government Policy in Green Belt locations is clear. PPG2 states that;

'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.' (Para 3.2).

The applicant states (para 10.12 page 14 of the planning statement) that the scheme is an enabling form of development the justification for which is the need “...to secure the upkeep of a number of nationally important listed buildings and other structures, the development falls within the category of ‘very special circumstances’”

The case for the need for the Development

The applicants present in their planning statement (p28) that the Hagley Hall Estate is a ‘historic entity’ with respect to the advice given the English Heritage guidance Enabling Development and the Conservation of Significant Places. The estate supports two of Bromsgrove’s six Grade I listed buildings, five of Bromsgrove’s twenty seven Grade II* listed buildings and a number of other Grade II listed structures as well as the deer park. In addition the Obelisk and the Temple of Theseus are on EH’s national Heritage at Risk register (although repairs have recently been completed to the Obelisk) and a number of other structures are in a similar poor condition. It is suggested that the estate as a whole is of local, regional and national importance.

In order to quantify the scope and costs of the repairs required by the Estate, two reports have been previously commissioned; a 2003 report (prepared by Giles Quarme) which reviewed the condition of the Hall, the Obelisk, The Temple of Theseus and the Rotunda along with estimated repair costs. A second report was produced in 2009 (Van Oss) which estimated the repair and maintenance liabilities of the Estate for the next 10 years. Whilst some of these works have been undertaken, the findings of the reports remain valid, apart from the associated increase in costs due to inflation and changes over time.

The Quarme report, as updated to respect inflation in 2005, estimated repairs of £6m. It was identified that no allowance was made for repairs to the old Dairy, the Castle, the Orangery, the mews block and associated garden structures. The Van Oss report concludes that in 2009 (first quarter) costs total in excess of £10m. (These costs are to bring the fabric of the structures back to good condition and do not include the associated annual preventative maintenance of keeping them in that way).

In order to bring these estimates up to date with respect to inflation and taking into account some works that have been carried out on site since those reports were prepared, the agent submitted on 7th December 2010 a schedule of costs which put the grand total, at today’s costs at £5.9m.

This sets out the clear need for substantial repair and maintenance works to the listed buildings on the estate. It therefore necessary to establish whether the development is enabling development as defined by the English Heritage policy statement and if this is the case, what weight should be accorded to that fact as part of the balancing exercise, given the inappropriate nature of the development in the first instance.

Enabling Development

Enabling Development and the Conservation of Significant Places (2008) produced by English Heritage (EH) defines enabling development as (p10);

‘...development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not be

otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantages lies in doing so.'

This document also sets out EH's policy on enabling development along with a wealth of information relating to the roles of parties, the legal basis for decisions, understanding the place and identifying options as well as advice on making decisions and securing benefits.

National policy guidance in relation to the historic built environment was, at the time of the submission of the application, encompassed in PPG15 and PPG16. In March 2010 these documents were replaced by PPS5. PPS5 introduced the concept of 'Heritage Assets' as being a building, a space or a landscape that had been positively identified as having some significance that warranted considerations as part of the planning process. PPS5 also introduced the requirement for applicants (Policy HE6) to provide a statement of significance to accompany applications to identify the impact of the development upon the asset. As a consequence the applicant has submitted a revised heritage statement (03.08.10).

Most significantly, PPS5 also includes a specific policy relating to enabling development, Policy HE11. This sets out that;

Local Planning Authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweighs the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004) or from national policies, taking into account whether;

- A. It will materially harm the significance of the heritage asset or its setting*
- B. It will avoid detrimental fragmentation of management of the heritage asses*
- C. It will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation*
- D. It s necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid*
- E. There is a source of funding that might support the heritage asset without the need for enabling development*
- F. The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interest.*

It now falls to assess the application against this policy guided by EH's Enabling Development and the Conservation of Significant Places publication.

A. Will the proposal materially harm the significance of the heritage asset or its setting?

This assessment will concentrate on the impact of the proposal on the asset of the estates built environment, consideration of the landscape will be under a separate section.

The built heritage assets on the site include the Grade I listed Hall and 8 listed (Grade I and Grade II*) buildings and the applicants contend that this collection represents a locally and nationally significant historic entity. The supporting information as set out in the Design and Access Statement (D&A) and the Heritage Statement (HS) explains the evolution of the Hall as well as details surrounding its interior and the parkland within which it sits. It provides an overview of the structures contained within that parkland and comments upon the significance of their component parts.

The Heritage Statement sets out the functionality of the application site as an area which has always been at the heart of the running of a country estate. This area was used for food, wood and coal storage supported by a dairy, a walled garden and a building accommodating a laundry. If these service buildings were seen from public vantage points, i.e. the mews or the Laundry, then their design was suitably impressive, however those areas at the rear were more utilitarian in their design. The private walled gardens were screened off from the service areas with high walls and dense planting, dissected with discrete pathways and supported fine buildings such as the Old Dairy complemented by impressive planting.

The Heritage Statement highlights that the service area to serve the estate has always been located in its current position and during the evolution of the site this area has been modified and has evolved and been extended to serve the changing requirements of the estate. This area still fulfils that function as the Mews and Woodyard now provides commercial small office units and some residential units occupied by staff and as such contributes to the estate by providing a valuable source of income.

PPS5 includes a raft of policies relating the consideration of the impact of development upon heritage assets which are relevant to this proposal these include; Policy HE7, HE9, HE10 as well as HE12. Further duties are bestowed on the Local Authority's by Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 WCSP policies CTC19 and BDLP S38 and S39. The Draft Core Strategy 2 includes policy CP16 which seeks to ensure the sensitive and innovative management of the Districts man-made assets.

EH support the view that the site is of significance and refer to the international importance of elements such as the Temple of Theseus. They also identify the fact that some of the buildings on the estate have now been placed upon EH'S Heritage at Risk Register due to deterioration over time and site specific vandalism. EH raise no objection to the proposal with respect to the siting of the development or its impact upon the setting of the heritage assets and their associated landscape, they require details to be resolved through condition.

The CO has considered the heritage value of the place and its setting and in particular the interrelationship between the various listed buildings on the estate and those adjacent to the application site, including The Old Rectory. The CO is of the view that the location for the proposed office buildings would have no adverse impact on this interaction. Indeed she concludes there would be some positive benefits to the Grade II listed Mews by improving the amenity value of its surroundings. Amendments were suggested with respect to the parking areas and views across the site and to the Dairy building, these revisions have been incorporated to the revised site plan.

I conclude that there is no material harm to the built heritage assets of the site as a consequence of the development and that this aspect complies with criteria A.

B. Will the proposal avoid detrimental fragmentation of management of the heritage assets?

Enabling development and the Conservation of Significant Places sets out in section 4.6.1 that *'the integrity of many significant places depends on coherent, consistent and sustainable long term management, based on a thorough understanding of their significance both as a whole and in their parts; enabling development must thus avoid 'detrimental fragmentation of management of the significant place''*

The applicants stress in their planning statement (p10) the importance of the fact that the Hall is furnished with original fixtures and fixings and it is a combination of this, the long standing association of the building with the Lyttelton family, the setting within the park and the hall itself, that makes the Hall and the estate special and so reinforces the need to maintain these elements together under single ownership and management.

It is identified by the applicants (as part of the consideration of the options for the Estate (p32)) that the sale of additional items from the contents of the Hall could be released in order to raise additional funds. However this approach is considered to devalue the collection of artefacts which remains very true to the Hall and its evolution, and would therefore devalue the historic entity of the Estate. The matter is referred to in EH's comments dated 9th June 2010. In addition section 4.9 of the Enabling Development and the Conservation of Significant Places establishes that retaining the integrity of the whole of an Historic Entity can be a legitimate objective of enabling development, with (para 4.9.2) enabling development ensuring the viability in the medium to long term.

In the applicants planning statement it is stated (p26) that the ownership of the site will remain with the estate and that there will be coordinated management. Indeed the aim of the proposal is to generate funds to maintain this position, with funds being directed from the development to ensure the maintenance and repair of the historic asset as a whole. Advice refers to the use of a Conservation Management Plan (CMP) to guide this approach. Whilst this has not been prepared to date, the applicants have indicated their willingness to enter into an agreement to prepare such a report as well as willingness to enter into a suitable legal agreement to ensure funds from the development are returned to the estate. EH have offered to assist with the preparation of such a document.

I conclude on this basis that the development complies with criteria B.

C. Will the development secure the long term future of the heritage asset and, where applicable, it's continued use for a purpose sympathetic to its conservation?

The applicants are clear (Planning Statement p26) that the proposed development is one aspect of a package of initiatives designed to bring in both revenue and capital receipts in order to secure the long term future of the historic assets. The variety and nature of the assets on the site means there is no single solution that is capable of securing the long term health of the Estate. They refer to (Planning Statement p29) other initiatives that the estate are promoting; such as corporate entertainment, weddings (the car parking provided as part of the development will enable this later income stream to be optimised by adding a further 25 weddings per year increasing income by £30k), potential

associated income from managed walks, classical concerts etc are being considered. Attempts to increase income from the agricultural estates are being pursued; the release of the ADR is being promoted as a potential source of capital receipt, review of periodic asset sales, continued application for grants. It is therefore the applicant's case that the proposal is part of a wider and comprehensive flexible strategy to maintain the historic asset aimed at providing a long term income stream. (p31)

EH is of the view (09.06.10) that these aims and objectives are in line with the Enabling Development Policy and its associated guidance. They consider the proposal differs from most enabling schemes in that it does not involve a one off capital sum from a land sale, but seeks to maintain, in perpetuity, the rental income to ensure the estate upkeep over time. EH recognises this distinction and has accepted the development on that basis

The submission outlines that (p5 Planning Statement) the development will initially generate some £86K per annum, rising to £520K once development finance is repaid (after 30 years).

The report prepared by the objectors (RCA) has questioned this return and some of the assumptions on which it is based. It claims, amongst other things, (p5) that the scheme is unviable and therefore puts the Estate into further debt and makes an insignificant contribution to the repair and maintenance of the Estate. The RCA report suggests positive considerations of occupancy levels, locational factors and rental values have over inflated these returns. In contrast they refer to:

- occupancy at the existing Mews and Woodyard having fallen considerably (this is in part due to the removal of Advent from the site following the submission of the application),
- the Council's Employment Land Review (June 2009) which refers to low demand for such uses in this area and with little prospect of the situation improving,
- the fact that the consented scheme was not taken into account in calculating the existing land value, calling into question whether an extended time period for implementation of the development is appropriate.
- As a consequence of their views on rental values, the extant permission and a phased development, RCA presents a revised development appraisal and cash flow which shows the scheme being unviable and creating a considerable loss. In addition it shows lower than expected income. Further questions are raised when scenarios such as reduced occupancy levels are considered.

RCA conclude that the applicant has relied upon flawed information, that the proposal is unviable (making a loss of around £1m) and at best would make a limited contribution to the needs of the Estate and at worst contribute to its increasing debt.

In response, and taking into account additional information provided by the applicant, the Council commissioned a report by DTZ to independently assess; the applicants development appraisal and their underlying assumptions, to reflect upon whether the submission reflected EH enabling policy, a critique of RCA's stance and consideration of whether the scheme was viable.

The DTZ report concludes a reasonable rental space of £14 to £14.50 psf and presents a revised development appraisal showing a deficit of £1.9m to which a bank would not

provide the finance. The report proposes (p18) that rents of £16.75 are required in order to attain funding, (rents similar to the peak of the market in 2008). It is suggested that this could be achieved in the future, but is not achievable at present and it is these conditions which make the scheme unviable. The report highlights that should market conditions recover then the timing of the development would be important and that securing funding will undoubtedly be easier if a planning consent has already been granted. The DTZ report identifies (p19) that if a capital loss is shown then bank lending will not occur and therefore hypothesised reduced levels of income are irrelevant as the scheme would not be implemented. The report is clear that IF market conditions were to recover to 2008 levels then the scheme does have the potential to generate revenue to assist in the maintenance of the heritage asset. There is therefore no risk of an unviable scheme being built in this location as funding would not be available to support it.

In response (19.08.10) the applicants supported the thrust of the DTZ report and suggested that it would not be unreasonable to expect rents to return to 2008 levels in the next two to three years and it would therefore not be realistic to judge the project solely within today's market conditions. They propose an extended time period of 7 years to commence development in order to address this fact, although flexibility about this point has also been expressed more recently (07.12.10)

In response RCA however (01.09.10) suggest that the DTZ report gives too much weight to the speculative argument of granting consent in order to encourage lending. It states that this is not material to this application and to granting consent on the assumption that the market will return to the rental levels of 2008 is also speculative. RCA states that the viability of the scheme is a material consideration and one that applicant is relying upon in order to justify departure for the development plan.

In conclusion it is common ground between the parties that the development would not be implemented until rental levels rose and that in its current form, and at this time, the development is not viable. It must be questioned therefore what positive contribution the proposal can bring to the repair of the Estate and whether it can therefore truly be 'enabling'.

Whether the development is able to secure the long term future of the heritage asset is therefore questionable. It is fully appreciated that this proposal forms one aspect of the potential income streams for the Estate, but it proposed to be the most effective aspect and to bring in the majority of the income required. Appreciation is also given to the need to have secured planning permission in order to be able to secure funding and respond to improved market conditions. However the evidence to date suggests that this aspect has not been soundly demonstrated despite continuing discussions with the applicant's agents and I conclude that the development does not therefore comply with criteria C.

D. Is the development necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid

The applicants contend (p26 Planning Statement) that the issues associated with the Estate do not arise as a result of high purchase price, but the inherent costs of maintaining and repairing the number of listed structures and their associated significance.

It is acknowledged that debts from the inherited estate (£6.5m in 2007) are a factor in the estates current financial position. Managing that debt and its associated costs is an additional burden to the estate and one it seeks to actively manage in order to maximise income. However the applicants are actively managing that debt and have renegotiated with the banks in order to bring that cost to the estate down to a minimum. The scale of the debt in relation to the costs of the necessary repairs identified in the associated repairs is therefore becoming more limited and is not the driving force in the need for the enabling development. It is concluded therefore that the scheme complies with criteria D.

E. Is there a source of funding that might help support the heritage asset without the need for enabling development?

The submitted planning statement identifies (p26) that grants have been successfully received for three areas of work. A subsequent letter from the Agent (17.05.10) sets out that the works to the Obelisk are being funded with a contribution by the Estate of £15,000 with Natural England funding the balance with a grant of circa £485,000. Whilst the stone work repairs at the Hall totalling some £440,000 are being funded partially by the Estate (£220,000) and partially by a grant from English Heritage (£220,000). Roof repairs and renewal are also planned for the Hall funded by a package of another £400,000 grant from English Heritage and £400,000 from the Estate. The Estate's contributions to the above works are, and will be funded by borrowing which will mean the Estates' debts will increase to. A subsequent letter (27.09.10) states that the effect of these awards on the total bill for repairs still leaves a total based on the Quarme figures of £5.3 to £8.3 million. That letter also highlights that whilst the availability of grants are always being kept under review, they require match funding from the estate which is problematic and raises debt in the absence of a secured income stream to fund it.

With respect to the issue of whether additional funding is required given these works are underway the agent has commented that;

'The completion of these current works certainly does not mean all the necessary repairs to the Estate are complete. The 2003 Giles Quarme report, identified costs of some £7-10m, inflated to today's prices, for repairs and maintenance to the Hall, Obelisk. Temple of Theseus and Rotunda. (No allowance for works to any other listed buildings such as the Dairy, Mews etc). Deducting the costs of the current works leaves 'a gap' of some £5.3m-£8.3m still to be filled. Similarly from the more recent Mark Van Oss 2009 report one can only deduct some £1.7m from the estimate of £10m. Much remains to be done as apart from the current works to the Obelisk and Hall stonework it has not yet been possible to fund any other significant repairs elsewhere on the Estate. I think it can be safely assumed that there may well have been some further degradation since certainly 2003 and probably also 2009'.

I agree that estimates of costs made in 2003 and 2009 will undoubtedly have risen and that the costs above reflect this. However what is evident is that a source of funding has become available since the submission of the application (and indeed these works have largely been implemented on site) and that this has reduced the repair bill as envisaged by the 2003 and 2009 reports. It has also tackled some of the more urgent repairs

referred to by EH and has therefore reduced the need for immediate intervention that may have become more pressing over time.

An early 'Planning and Development Strategy' report from 2007 (Ancer Spa) sets out a number of options for the future of the estate, including maximising income from the hall, seeking capital and revenue generating initiatives and developing existing properties, including some of the land owned by the estate. Whilst the majority of the 16 identified sites are located within the green belt, site 12, the ADR land at Hagley is identified as having some potential. In a more recent letter (27.09.10) the agent identifies that an element of the long term plan includes seeking a capital receipt from the development of the ADR owned by the estate. If the site accommodated the 255 Dwellings envisaged in the draft SHLAA, and having taken into account other planning gains, it is suggested that the development could generate net proceeds in the region of £5m.

Whilst such a development would not be determined on the basis of enabling development, (it would need to succeed on its merits and in the light of housing supply figures) its contribution to the estates position has to be considered as part of the test. There may be for example indirect benefits associated with the release of this land (repayment of debt and additional funds to address restoration works) and the applicant's agents have made representations on the Core Strategy, in particular with respect to policies CP6 and CP14 to this effect.

However the applicant makes the observation that this land has been allocated as an ADR for some 30 years and therefore there is little certainty about its deliverability. Members will be aware that on 24th January 2011 the consultation period on the Draft Core Strategy 2 commenced. This identifies what was the ADR as a potential development site as set out in policy 4B. The strategy sets out that the site could provide a sustainable mixed use development comprising community, leisure, employment and residential development(residential development minimum is listed as 219 residential units.)

In a letter dated 27.09.10 the agents set out that some of the 'softer options' identified in the 2007 report (sale of farmland to the west, sale of non core paintings and furnishings) had been implemented in order to defray debt and free up income for maintenance. It is the view of the agents that any additional sale would reduce agricultural income or generate insufficient post tax funds to address current issues as well as devaluing the historic value of the entity. They also refer to the consideration of charitable status and state that this was rejected as it does not generate income (the building will still require repair who ever is responsible for them and visitor/events income is unlikely to provide this alone) and has only marginal tax benefits that do not accrue until a position of profit is reached by the estate.

The same letter sets out income from other activities at the hall including weddings and corporate events as well as from existing lettings and office development. Limitations to increasing this income are set out as is the fact that the existing offices currently provide the major source of income for the estate, hence the desire to build upon this success to generate additional income for the maintenance and restoration of the historic asset.

It is apparent from the above that some sources of funding have been secured that have enabled some of the identified repairs to have been undertaken. However it now seems unlikely that the ADR (would give a capital injection rather than a long term revenue stream) will be brought forward through the Core Strategy as a deliverable option in the short term.

It is concluded with respect to criteria E, that other funding sources have been utilised but that there is less potential for others to materialise in the short term. It is acknowledged that receipts from the ADR would be of a capital nature and their timing cannot be at this time firmly established. Softer options have already been undertaken and the capacity of existing income generating streams has been fully explored. There does not appear therefore, to be any other sources of funding available to the estate at this point in time and the proposal therefore complies with criteria E.

F. The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interest.

The planning statement (p27) supports the view that that the development in itself is actually insufficient in creating enough income to resolve the ongoing and past maintenance and repair issues on the estate, but that they are part of an overall package of initiatives which seek to provide for the long term future. Many of the other initiative do not have a built form element or do not directly impact upon the listed buildings or park land and from that perspective the applicants have not proposed an excessive amount of development on the site. It could be argued that additional development is needed to secure a more significant income stream. Such a proposal would have a greater detriment to the green belt. It could be a long term risk that future development may be proposed in order to enhance income, however at this point it is considered that the proposal complies with the requirement to limit development and that the scheme complies with criteria F in this respect.

With respect to design, consent has been granted previously (B98/0388) for offices on a part of the site where building A is proposed and a debate about the validity of being able to implement that scheme now is contained further into this report. What is clear with respect to criteria F is that the proposed development is superior to that previous scheme with respect to its design but is also substantially larger. Whilst loosely reflecting a courtyard development the octagonal tower and the associated details of the 1998 scheme are seen now, to represent an inappropriate form of development. In addition there were limited controls to the scheme by virtue of necessary conditions and it seems that the S106 attached to the Outline consent of 1995 (B95/0203) was not repeated in the Full consent of 1998, meaning any potential controls over income to the estate appear to not to have been secured.

That being said the current proposal is significantly greater than the 1998 scheme and any potential to use that consent as a fall back argument would be met with the fact that there is a material difference between that proposal and that currently before Members. In conclusion the design of the proposal is considered to be acceptable and in compliance with criteria F.

Conclusions with respect to Enabling Development

Having explored the scheme in relation to the criteria for enabling development it is concluded that the proposal fails to fully address all criteria. The viability of the scheme and thus its ability to provide a robust and long term income stream has been identified as a failing in relation to criteria C.

Members are reminded that the development, by virtue of its green belt location, is considered to represent inappropriate development and that very special circumstances would be required that clearly outweighed the harm caused by the scheme, if permission was to be granted. The applicants assertion that the enabling development is a very special circumstance has failed and it now turns to identify any known advantages of the scheme before then turning to identify any known harm created by the development. It will then be that a balancing exercise is undertaken to conclude on the matters.

Advantages presented by the scheme

This report acknowledges the significance of the Hagley estate with respect to not only the importance and number of listed structures contained there, but also the fact that these are contained within an estate still managed and supported by the original family. Furthermore there is significance in that a large proportion of the internal features of the house and associated chattels and furniture remain intact with the estate. From a public benefits point of view this is significant and is a position which bodies such as EH seek to support and maintain. These factors provide a wealth of public benefits and are available via visits to the hall, access to the grounds on specific days and other associated benefits. Indeed these benefits would be built in through any associated legal agreements linked with this development. Heads of Terms have already been proposed (planning statement) which control various aspects of the consent (use of income, restrict use, contribution to cycle network) but also provide;

- a. For 30 weekends per calendar year, free access (subject to charge for parking) shall be provided to the public to the northern part of the estate (north of the A456)
- b. That the Estate will publish a guide to the area
- c. That on a minimum of two summer bank holidays (and one day during national heritage open day weekend) access to the southern part of the estate will be opened to the public
- d. Estate will prepare a Conservation Management Plan, this will be reviewed and updated.

However work being undertaken with other bodies, such as Natural England where grant aiding for the restoration of the Deer Park is being discussed, may result in some of these apparent benefits coming forward independently of the development proposal.

At the time of writing there are no other known indirect benefits associated with the development.

Harm to the green belt

PPG2 which sets out the main purposes of including land in green belts, it also establishes a presumption against inappropriate development. Para 3.4 establishes instances in which the erection of new buildings is considered appropriate forms of development. This does not accord with the development proposal, which in turn is defined as inappropriate which is by definition (para 3.2) harmful.

In addition to that harm, is the impact of the scale and mass, extent and siting of the development on the openness of the green belt.

Building C is the smallest and lowest of the structures and nestles along side an established boundary wall. Whilst it extends out into an otherwise open area currently used for informal parking its impact on openness of the area is relatively limited, helped by the need to remove the garage to facilitate this development.

In contrast buildings A, B and D have a significant impact. Their largely two storey form and steeply pitched roofs results in buildings of a considerable mass and scale. They will be sited in areas of land currently supporting informal parking or copse planting and which are clearly visible from the public footpath and looking across to the site from Hall Lane. Whilst the removal of the existing maintenance store and the proposal to re-site the woodland planting area is acknowledged as a small advantage with respect to openness, and the impact of these buildings on openness will be undeniable. The appearance of this area will change for ever. There may be some screening that develops over the longer term, however this will not screen the development in its entirety and in any instance, its impact upon openness will be a matter of fact irrespective of screening.

This situation will be compounded by the siting of building D, at the northern end of building A. This siting and its associated requirement for an access track results in the development extending further to the north and encroaching further into the otherwise open land of the meadow a fact which will be worsened further by all the attendant parking and turning requirements of the site.

The result is that the proposal erodes the openness of an area and results in development encroaching into the countryside in direct opposition to the aims and objectives of green belt policy.

The submitted design and access statement raises the issue of a fall back position associated with the consented office building on the site. Application B1998/0388 and LBC (B/1998/0580) related to the construction of a detached office building divided into five self contained office units. The report identifies that construction began in spring 2003 with footings being inspected and approved and despite development proceeding no further it is felt that that consent was implemented and is therefore still live.

That unit was a two storey, 'u' shaped building abutting the existing woodyard and terminating in an octagonal feature area. That building was 34m long on the western range and 46 m long along the northern range. The height of the lantern feature above the octagonal area was 12.6m (3m above the ridge of the mews) with the main ridge line being 0.5m above the ridge lie of the mews and over 6m above the height of the adjacent woodyard.

The applicants agents set out in a letter (16.11.10) that they are of the view that the earlier consent is live and capable of implementation. They cite the fact that as planning conditions were discharged and building regulations granted and a physical start on site with respect to the trenches to support the foundations as justification for this. They consider this is a real fall back position and one which should secure considerable weight and they attach Counsel Opinion to support this fact.

The Council have previously expressed the view that the 1998 consent is live and capable of implementation. That consent does therefore represent a fall back position that is material to this consideration. Within that consideration the applicants view that that 1998 scheme was a weaker scheme in terms of design and lack of control through legal agreements is also noted.

In considering the material differences between those two schemes however, it is undeniable that the current proposal has a materially greater impact upon the green belt. The scale of the buildings in terms of floor area, the mass and the extent to which the buildings and their associated services take up the site mean that the weight attached to that fall back is significantly reduced. The lack of control over any associated income is noted; however the applicant's intention to support the historic asset on the site is also noted.

In conclusion, the impact of the proposal on the green belt, taking into account any fall back from the 1998 consent, is considered to be harmful. That harm goes beyond that caused by reason of definition, but it goes against the very aims and objectives of green belt policy by virtue of encroachment and loss of openness. As PPG2 sets out if this harm is to be overridden then it must be clearly outweighed by other considerations.

Impact of the development on the Archaeology and Ecology of the site and in particular the protected species.

Policies relating to Archaeology are contained in Policies CTC16 – 19 and Policy C36, C38 and C39. These advise that the principle aim is to preserve important archaeological remains and their settings, where preservation in situ is not possible or merited excavation and recording may be required. It sets out that in some instances the effect of a development on archaeology cannot be assessed from existing information and that additional information may be required. No request for additional information has been received; however the use of a suitable note on any consent if any such information was discovered would be required.

PPS9 Biodiversity and Geological Conservation and the guidance in Circular 06/2005 sets out that the presence of protected species is a material consideration when considering a proposed development which may result in harm to that protected species or its habitat. Safeguarding nationally and locally protected species is also an objective of policy CP17 of the Draft Core Strategy 2. Accordingly the applicants have submitted an Initial Bat survey which visually assessed the suitability of the buildings which were proposed for demolition (the garage block and associated lean to structures and the workshop) to provide suitable roosting sites for Bats. Following internal and external inspections and given the location of the site within the parkland and surrounding tree growth and vegetation, the survey concluded that there were both external and internal

features available which may provide bats with potential access points or roosting locations and that further investigation was required. As a consequence Natural England objected to the proposal. A follow on survey was therefore undertaken where no evidence of bats was found within the buildings.

An initial Badger survey has also been undertaken, confirming the presence of an outlier set (only used by Badgers sporadically) 50m to the north of building D. This set would be unaffected by the development. One additional hole between buildings A and D was observed, although it was thought to be too small to support a Badger and no current usage was suggested. This would require monitoring a License is required from Natural England to undertake any works on a site which may impact upon the set of Badgers. The associated ecological report sets out that the plantation area is used for frequent foraging but that Badgers are widespread in the surrounding area with main sett in the park. The loss of an outlying set would not be considered overly detrimental as there is abundant habitat for new set construction, as is the situation with the loss of the foraging habitat. In addition additional foraging resources will be created through the planting of additional 'fruiting trees' in the western compensation habitat which will support the badgers need and enhance biodiversity.

Natural England considered both of these reports and confirmed (23rd July 2010) that they had no objection to the proposed development on protected species grounds as long as the recommendations made in those reports were adhered to.

The impact of the development upon the Landscape.

Consideration is also required with respect to the impact of the development upon the Landscape and its associated protected trees.

The site is recognised as a Registered Park as well as its having a more local designation as an area of Landscape Protection Area. As such policies SD2, CTC1, CTC5, CTC8 in the WCSP and C1, C4 and S48 in the BDLP are relevant as is the advice of PPS7 para 24. The site also supports a number of protected trees the retention and protection of which is supported by policies C17 and C18 of the WCSP. Draft Core Strategy 2 policy CP17 sets out that it will ensure good management of the natural environment through measures which includes ensuring development takes account of the relevant landscape character identified in the land character assessment.

PPS7 is also relevant in that it establishes that these areas should be protected using tools such as the Landscape Character Assessments. According to the Worcestershire Landscape Character Assessment the site is defined as Estate Farmland type in good condition. It is therefore important that the development contributes to this quality by; enhancing tree cover through the use of tree belts, conserving hedge lines, conserve and restore parkland and tree cover associated with ornamental grounds, promote wide field margins for wildlife benefit.

The comments of WCC Landscape Dept and H&WGT are drawn to member's attention as outlined above. The agents responded to these observations with the submission of a letter of 06.01.11 which included photographs and a submission which stated that the development would '*...not prejudice or destroy the views from the upper areas of the park as they will simply be glimpsed at the very worse*'.

I am mindful in consideration of this matter of the presence of a statutory public right of way (No 516) which abuts the site and is flanked by mature trees which provide a strong visual link across this otherwise open area of landscape. These trees enhance the amenity of the path by underlining the historic importance of the Estate as a whole. WCC also highlight the role of these trees in screening long distance views (from the Obelisk for example) of this the working part of the site. Members should be aware that the amenity of footpath users is protected by policies RST3 of the WCSP and policies RAT12 of the BDLP which seeks to actively support and promote the use of public rights of way as well as preserving their recreational value and attractiveness.

No specific landscape impact assessment has been submitted as part of the application, although a Landscape Strategy has been submitted to indicate an approach to the replacement planting. Of the buildings proposed, building C (the linear and single storey building sitting against a boundary wall) has little or no landscape impact its location adjacent to the edge of the service area (where mature trees are sited and which will not be harmed by the development subject to controls), assists in the acceptability of this structure.

In contrast building B (replacement to the laundry building) will be sited in a relatively isolated position. The building will appear as an assertive element introduced into an otherwise open area of the site. Users of the footpath approaching from the north would be aware that the built form has advanced out into the countryside and in close proximity to the right of way, this fact will be compounded by the associated parking of vehicles in this area and the formation of the extensive hardsurfacing.

Furthermore there is a direct impact of building B upon the health of the trees lining the footpath. As a consequence of the TO's concerns an addendum to the tree report has been received in which the applicant considers that a combination of construction techniques, method statement's and site supervision, can allow for the construction of the building within the tree's root protection zone, with minimal damage to the trees health and structural integrity. The report acknowledges that there will be some post development pressure on the tree due to the crown's proximity to the building and regular pruning will be required in order to maintain an acceptable impact upon building B.

Whilst the TO is of the view that this report addresses the below ground impacts of the construction he considers that it fails to fully assess the impact on the canopy of the trees. He is of the view that a large proportion of the canopy of the larger tree will have to be heavily pruned to facilitate construction and erection of scaffolding leaving the tree disfigured, heavily imbalanced and prone to disease and decay. At best, the close proximity of what is left of the tree's canopy to the building and subsequent re-growth of branch and leaf will result in constant and growing pressure to prune back the tree and ultimately to remove it. Together with the inevitable disturbance to the root system caused by the surrounding construction works, however much minimised by precautionary measures, these will all combine to result in the eventual loss of the tree which would undermine the landscape avenue of which it is an integral part.

Building D projects out into the landscape to the greatest extent. It's location associated parking and surfacing area as well as the need to remove part of the tree belt to facilitate this building means its impact is significant on the landscape, especially as viewed by footpath users and from Hall lane. The access drive to building D will sweep out into an existing paddock area before crossing the footpath to access the parking area. This introduces further activity into this otherwise open area, an area previously retained for

the use of pedestrians only and on an unpredictable level. Twenty three parking spaces are provided around building D and associated with the nature of the use; it could be assumed that near constant movements across the footpath and using the access drive would occur in this part of the site.

Approximately 177 individual trees are proposed to be felled to accommodate building D in this area; the report suggests that given the age of these trees that transplanting some of these specimens to the adjacent field to provide a natural screen is an option. These trees would need to be the subject of a maintenance regime to ensure that the stress of moving does not cause death. The relocated trees will be sited to the west of the new building and will assist with screening from Hall Lane.

The report also considers the impact of building D, the trees to be removed are categorised as B2/3 which is 'moderate quality and value' largely due to their age being only 10 – 20 years. BS5837 section 4.2.2 sets out that the presence of young trees of good form and vitality is desirable; however they should not be required to dominate site layout considerations. The scheme proposes relocation of these trees and an Arboricultural contractor has assessed the viability of this proposal, which uses specialised equipment, is carried out at a time of year to minimise stress and would be subject to maintenance conditions as well as mitigation measures. It is suggested therefore that there will be no net loss of tree cover (the current area is actually in need of thinning now in order to allow the trees to develop further) and in conjunction with other tree planting the scheme may involve a net gain in trees.

The associated ecological value of this area around building D was also considered by the report. The authors view being that the relatively young age of the trees and the lack of any real associated shrub layer or under storey, means the area is of low ecological value. There are relatively few species are present and no notable or important species on a local, county or national level. The creation of a larger area of habitat and additional shrub planting and enhancement through bird boxes etc could off set this loss it is suggested.

The TO is of the view that as this 'planned loss' results in few trees being impacted upon during the construction phase and subject to conditions relating to transplanting that this aspect of the scheme would be acceptable.

Building A is the largest single structure proposed. It has a two storey form and projects into an otherwise open area of the site in a position where inward views from Hall Lane or the footpath will enable a clear understanding of the scale and mass of the building. In addition observations from more elevated vantage points will enable the scale of the addition to be observed including glimpses of the site from the area of the Obelisk.

The TO notes that "...the construction of Building A will require the loss of a large number of the younger trees from the woodland screening belt." This loss, however, may be at least partially mitigated by transplanting or new planting to the western aspect. The north-west corner of Building A and the construction of an adjacent retaining structure, does impact upon the root protection area and canopy of one of the semi-mature Sycamore trees forming the avenue. However, subject to the provision of a fully detailed Arboricultural Method Statement employing the methods described in the report and

addendum from Acorn Tree Surgery, I consider that this particular impact is acceptable and will not be significantly detrimental to the tree.

In theory, some of these individual installations would be possible without causing major damage to the tree root systems using methods detailed if strictly controlled and supervised and enforced by the LPA. However, the TO considers that (a) some of these installations are not possible without causing an unacceptable amount of damage, and (b) that the sheer number of theoretically possible but complex installations within such a small area in practice would require an unreasonable level and impractical level of near-constant supervision by both any appointed consultant and Council officers for damage to be avoided. Consequently, he considers it to be inevitable that substantial damage to the roots of many trees would result and lead to their decline and loss. These losses are significant for the park as a whole and undermine the objectives of the protective policies listed above and constitute identifiable harm to the landscape within which the development proposal it is sited.

The impact of the development on the highway network.

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by Structure plan policies. The Bromsgrove District Local Plan sets out the need for developers to incorporate safe access and egress and provide sufficient off street parking (TR11), and promote the use of variety of transport means (TR13). Draft Core Strategy 2 includes policy CP14 which sets out that all major developments will be accessible by safe and sustainable modes of transport as well as supporting increased public transport usage and incorporating increased scope for walking and cycling.

The application has been accompanied by a Transport Statement which sets out the existing traffic generation and road network situations. In section 4 the report examines existing traffic generation, including arrivals and departures and sets this against the TRICS database before examining the traffic generation and potential impact of the new offices. Section 4.22 concludes that the development may create 74 arrivals in the morning peak hour and 57 departures at the evening peak, which equates to little more than one additional car every minute and that this would be distributed across two local routes, it is concluded that the development would have a negligible impact upon the surrounding road network. It is accepted that there would be additional queuing at local junctions, however with low flow it is felt that the impact would not justify improvements (for example the realigning of Hall Lane at its junction with the Bromsgrove Road)

At weekends the report identifies that existing traffic flows on Hall Drive (to the church the cricket ground and social events and functions at the Hall) are significant, on a Sunday exceeding weekday flow. This situation would be largely unaffected by the development proposal which would largely impact upon weekday flows.

With respect to safety on the local network the report identifies the relationship of the site to the strategic highway network including the A491 and the A456, which operates close to capacity at peak times. Traffic may use the local network in order to avoid congestion on those routes, however it is considered that existing junctions on this network constrain

capacity and that through flows are therefore limited. Personal injury accident statistics have been examined for a five year period and one fatality identified which was not in close proximity to the site, other incidents were of a minor nature and no injury accidents are recorded for the junction of School lane and the A456 or at the junction of Hall lane and Bromsgrove Road. It is considered therefore that a modest increase in traffic at local junctions would not have an adverse impact upon highway safety (4.4.5) and that the development would not materially affect road safety (4.4.6).

Third parties and the PC have raised a number of issues with respect to traffic flow impacts, the safety of nearby junctions, additional traffic flow on top of existing levels leading to congestion and disruption. The potential for junctions in the immediate area to be redesigned or controlled, especially considering the fact that local roads are used as a 'rat run'.

In responding to these comments and the query raised by the objectors concerning the need for a Transport Assessment, WH has stated that;

'The development is an office complex of not insignificant scale, however the development is reviewed in the context of the existing employment use that already existing and the traffic generation already associated with the hall. I consider that as the application will increase vehicle movements a transport statement is appropriate rather than a full transport assessment. The TS does review the suitability of the road network as does the TA, but the TA effectively reviews significant road improvements over the TS. This is not necessary in this instance and the TS is capable of assessing the site and promoting the sustainable access measures.'

There is no accident history of merit of the near by road junctions and the junctions operate within their capacity. It is acknowledged that traffic will increase as a result of the development, but not to the detriment of the network.'

I also apply weight to location which is accessible by residents of Hagley and is close to bus routes, this allows sustainable access to become a realistic way of reaching the site. On top of this to encourage access via cycle I have requested a contribution to promote cycle access from more distant communities of Catshill and Bromsgrove allowing cyclists to have facilities within reasonable distance of the application site. Therefore I concluded that the site is sustainable and the introduction of an employer travel plan will further contribute to creating a reduction in car movements.'

Overall I consider that the network has capacity in it to cater for the development, there are strong opportunities to access the site sustainably and there is no evidence to suggest that there are existing problems that would be worsened by this site. I therefore consider the imposition of conditions to regulate the development to be appropriate in this instance.'

With respect to the sustainability of the location of the site, the Transport Statement (TS) sets out (p12) that alternative methods of access including bus and rail (1.9km away) with associated footpath links and controlled pedestrian crossing points. The advice in PPG13 identifies that walking '*...offers the greatest potential to replace short car trips, particularly under 2 kilometres.*' And therefore the contribution that these options make to sustainability cannot be ignored.

The TS identifies that the area does not benefit from robust sustainability credentials and that the majority of trips would be associated with the car. Whilst this does not accord well with advice concerning sustainable methods to travel, it does provide the opportunity to promote car sharing through a mechanism such as the Travel Plan. It is also acknowledged in the report that over 60% of the existing workforce in the offices at the Hall travels less than 5 miles to the Hall to work again suggesting that opportunities to promote car sharing through a travel plan exist.

In addition there are a number of national and local cycle routes in the vicinity of the site which together with a number of roads identified as on-road cycle routes could provide safe access for cyclists. This again accords with the guidance in PPG13 and as a consequence WCHP have requested £10,000 in commuted sums to support the local cycle network, especially the Sustrans route 54.

WCC have acknowledged the limitations associated with existing junctions and have taken into account other activities carried out at the Hall. They have given weight to the connections between the site and nearby bus routes as well as the ability to access the site by foot and train and the proposal to include travel plan and as a consequence do not object to the proposal.

Is the site in a location that accords with site selection policy?

PPS7 sets out one of the governments objectives of creating sustainable development in rural areas by;

- focusing most development in, or next to, existing towns and villages;
- preventing urban sprawl;
- discouraging the development of 'greenfield' land, and, where such land must be used, ensuring it is not used wastefully;

The proposal relates to the provision of B1 office development, which is included in PPS4 as a form of economic development. PPS4 is therefore a material consideration in the assessment of this application.

PPS4 sets out the government's objectives for prosperous economies which includes the promotion of the vitality and viability of town centres... by focusing new economic growth and development of main town centre uses .. in existing centres as well as delivering more sustainable patterns of development and reducing the need to travel. Policies EC15, EC16 and EC17 sets out the consideration of sequential assessment and impact assessments for planning applications for main town centre uses (i.e. office use) that are not in a centre and not in accordance with an up to date development plan. These policies require consideration to be given to other sites in relation to their availability and suitability, consideration of in-centre options first, and only after that that edge of centre areas are considered. The need for impacts assessments is set out in EC16 and the consideration of applications is set out in EC17.

These approaches are reflected in policies at a regional level and notably at a local level in policy D26 and SD9 of the WCSP. Policy D.26 of the WCSP states the preferred location for new office development is within town centres as such uses can attract

significant numbers of trips and town centre locations can (a) reduce the number and lengths of trips and (b) provide alternative modes of transport other than the private car.

This policy stance is supported by policy PA1 of the WMSS which states that wherever possible economic growth should be focused on the MUA's. Outside MUA's emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 states that, even where development helps provide a sustainable rural economy, most development should be concentrated in towns and other large settlements accessible to their hinterlands. This is supported by policy T.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised. Draft Core Strategy 2 policy CP3 sets out similar considerations which includes encouraging sustainable economic growth whilst having regard to the character of the area and the need for high quality design. Draft Core Strategy 2 policy CP11 promotes office and mixed-use schemes within Bromsgrove Town Centre.

The application site is positioned in an out of centre location with respect to Stourbridge, Hagley and Bromsgrove and is not therefore in a sequentially preferable location as required by PPS4 or the policies listed above. The applicant has not submitted as part of the planning statement a sequential assessment or an impact assessment or any comments on the consideration of an application in this location. Whilst it is appreciated that the applicant has proposed development upon the land owned by the Estate in order to reduce costs and on the basis that the enabling development argument supports the development and so allows other matters to be put on one side, the impact of an office development on other interest has not, at the time of writing the report, been considered. However current strategic planning policy is clear in stating that the application site is not in the preferred location for new or additional offices.

Air Quality issues

It is noted that the site is located *outside* of the Air Quality Management Area (AQMA) designated under Part IV of the Environment Act 1995, and which is centred on the A456 Birmingham – Kidderminster Road and its immediate environment. Notwithstanding this, the EHM has considered whether the scale of the development triggers the requirement for an Air Quality Impact Assessment.

The Transport Statement submitted shows that the development will result in less than +5% peak traffic flows passing through the AQMA and as this is below the designated threshold (as defined in the Air Quality and Planning Protocol for Hereford and Worcestershire document) an Air Quality Impact Assessment is not therefore required.

However, as traffic serving the site will pass through the designated AQMA, and in line with the advice in PPS23, the impact of the development on Air Quality is considered to be a material planning consideration.

Local Plan Policy ES14 states that where a proposal for a new development may itself be a potential source of pollution, the District Council will seek to ensure that the conflict

between such land uses can be ameliorated to its satisfaction. Draft Core Strategy 2 policy CP3 also identifies the implications for air quality in the District and proposed mitigation measures as one of the considerations for development proposals.

PPS23 and its associated Annex sets out (Annex 1 para 1G2)

'It is not the case that all planning applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of local air quality. Such an approach could sterilise development, particularly where authorities have designated their entire areas as AQMAs. LPAs, transport authorities and pollution control authorities should work together to ensure development has a beneficial impact on the environment, for example by exploring the possibility of securing mitigation measures that would allow the proposal to proceed. Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. LPAs can play a key role by ensuring that developments reduce the need to travel and encouraging more sustainable travel choices.'

The EHM recommends that a condition is included in any planning permission granted requiring the applicant to implement the Travel Plan which has been included as part of the Transport Statement. Furthermore advice has been given with respect to tree planting and the use of appropriate species to maximise the benefits for improved air quality. This could be controlled through the submitted landscaping scheme and appropriate conditions. In addition tree planting outside of the application site, but on land owned by the applicant could also be secured through suitable conditions or legal agreements.

Notwithstanding the above I am aware of concerns expressed at the appropriateness of using a +5% threshold to determine the requirement for an AQIA, especially given traffic flows on the A456 have been recorded (3 years ago) to be around 400,000 vehicles per week (in both directions). However this is a nationally recognised threshold used in the 'Air Quality and Planning Protocol for Hereford and Worcestershire' and uses guidance prepared by National Society for Clean Air – now renamed Environmental Protection UK (EPUK).

At a local level, Action Plans are being prepared for the AQMA's through out the District and that this will enable specific local issues to be identified. For instance the presence of the ADR land adjacent to the AQMA in Hagley may warrant specific reference in order to inform any subsequent planning application on that land. The management of the AQMA adjacent to the site is therefore an involving process and given the increasing weight of climate issues is one that may gather increasing weight over time. I am satisfied however that the current proposal does not require the submission of an AQIA and that use of appropriate mitigation measures ensures the development complies with policies in the development plan and the advice contained within PPS23.

Flood risk issues

A Flood Risk Assessment (FRA) was submitted on the 15th April 2010. The Council's Drainage Engineer identifies that the area has flooded in the past, (the applicants consider once in every ten years) and this has been due to the piped watercourse having

little capacity being damaged and a culvert adjacent to Hagley Church becoming blocked. These situations have resulted in surface water flooding on to the paddock and flowing out onto Hall Lane and also historically flooding the cricket field and flowing out on to Hall Drive. These are local land drainage issues which are resolvable through the implementation of the development and the use of appropriate conditions. The new buildings are to have their own SUDS system keeping storm flows to the current green field run off rate. Furthermore the Estate is aware of the requirement for maintenance and improvement of the culvert and will examine improving that as part of the proposed development.

Conclusions with respect to harm

Harm has therefore been identified with respect to the impact of the development upon the openness of the green belt by definition, but also as a result of the scale, mass and siting of the buildings, with respect to the impact upon the landscape and by virtue of the loss of associated tree cover. Evidence has not been submitted to demonstrate why the normal policies relating to the preferred location of office development should not be applied to this development or the associated impact the development may have on local centres.

Legal agreements and other matters

As part of the PS the applicant's agents proposed Heads of Terms for the S106 agreement. Government advice in terms of Section 106 Agreements is set out in Circular 05/05 and requires accordance with strict tests relating to the necessity and the reasonableness of the terms. Guidance also exists within the EH enabling development policy to give specific advice on this area. EH have themselves offered to advise on this aspect of the development. Policy CP24 of the Draft Core Strategy 2 refers to planning obligations and that all forms of development should aim to benefit the local community taking account of its needs and aspirations.

Members are aware that Section 106 obligations are negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities. The heads of terms reflect those attached to the historical consent but also include the preparation of a Conservation Management Plan to identify how the income will be spent as well as amendments to the public access arrangements on the site to reflect ongoing discussions.

The applicant has made it clear their willingness to enter into any such legal agreement although work on such a document has been delayed due to uncertainty about the proposal as a whole. The working up of a full agreement acceptable to both parties would be a necessary prerequisite of any potential grant of planning permission and all parties are aware of this requirement.

It is noted that the Town and Country Planning (Consultation) England Direction 2009 Circular 02/09 directs that, where the Council does not propose to refuse planning

permission for certain categories of development, it should consult the Secretary of State. One such category as listed as paragraph 4(a) as *the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.*

The application has been advertised on site and in the press as a Departure from the development plan and the proposal falls within the threshold laid down in the Green Belt Directive. As such the application requires referral to the Government Office of the West Midlands for consideration if Members are minded to approve the application. If Members resolve to refuse the application this referral would not be required.

The balancing exercise – benefits through enabling versus harm to green belt and any other harm

Since the current applicant took on responsibility for the estate, work has been ongoing to establish a long term solution to the maintenance and repair of the listed buildings. It is clear that a significant number of options have been considered, some being implemented and some perhaps not ready to be brought forward yet due to other factors. The Council is not aware of any avenues that the estate has not fully explored and as such the current proposal does appear to represent the only available solution. It is clear that the current arrangements for finance are not sustainable and that a long term solution is becoming needier as each day passes.

It is acknowledged that the scheme is part of a wider package of initiatives which collectively seek to secure an income level sufficient to manage the upkeep of the estate, an approach which accords with EH's enabling policy which seeks to keep the buildings, landscape setting, contents and family stewardship together for the public benefit that they provide.

EH's enabling development guidance sets out at 6.5 that sustaining significant places is a high priority and statutory designation imposes a presumption in favour of their preservation. It goes on to explain however that this does not automatically justify enabling development if the dis-benefits are out of proportion to the heritage and other public values of the assets. In those circumstances the decision should be made in the light of a realistic view of the consequences of refusal. Para 6.5.3 establishes that enabling development is a legitimate tool and that if the balance of the advantage clearly lies in approval, then planning permission should be granted.

It has been identified that the development is inappropriate, which is by definition harmful and that 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 resulting from its inappropriateness and any other harm is clearly outweighed by other factors.

It is concluded that the development fails to fully pass the tests set out in the English Heritage guidance relating to enabling development on the grounds of the questions associated with the deliverability of the scheme. The enabling development argument cannot therefore be treated as a VSC.

In addition to the harm by reason of inappropriateness and the wider harm to the objectives of including land within the green belt, the position of the site is considered to

fail the locational requirements of new office development and further harm has been identified with respect to wider landscape issues.

This is set against the advantages of the scheme in relation to the potential income generated by the development and the public benefits offered in association with any relevant legal agreement as well as the identified benefits of keeping the historic entity intact. It is a fact however that some of these benefits may be brought forward using other means and others appear to be uncertain and rely on a hope that rental values will rise and that occupancy levels will be high.

With respect to the balancing exercise, PPG2 sets in para 3.2 that the harm must be 'clearly outweighed by other considerations'. It is the Councils view, that on balance, there is not a clear tipping of the scales in favour of the development. That the harm caused by the scale of the development up and above any previous approval on the site is significant and that approving the scheme would challenge the objectives of including land in the green belt by virtue of contributing to encroachment into the countryside. This harm, in the absence of any VSC is weighty within the decision making process. It is further compounded by other identifiable harm referred to above. In return the scheme aspires to generate an income, which over time, will assist with the maintenance of the listed structures, but which relies on significant changes in the market in order that finance will be provided and the scheme can be built. There is insufficient factors weighing in the proposals favour and as such the application must fail.

RECOMMENDATION: that Planning Permission is **REFUSED**:

1. The application site falls within the Green Belt as designated in the Bromsgrove District Local Plan. The proposal represents inappropriate in the green belt and is therefore by definition harmful in this location. Furthermore the scale, mass and siting of the buildings significantly reduces the openness of the green belt and prejudices the purposes of including land within such designations. The applicant has failed to prove that very special circumstances of sufficient weight exist to override the harm identified and no other very special circumstances exist. The development therefore fails to comply with policy D38 and D39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 or the advice contained in PPG2 (1995).
2. The construction of Building B and associated ground works will result in the long term damage and resultant loss of established trees adjacent to the existing public footpath. This will reduce the amenity enjoyed by users of that footpath as well as being harmful to the overall amenity value of the Registered Park and the Landscape Protection Area within which the development is sited. The development therefore fails to comply with Policy QE6 of the West Midlands Spatial Strategy 2004, Policy SD2, CTC1, CTC2, CTC5, of the Worcestershire County Structure Plan 2001, Policy C1, C4, C17, C18, and S48 of the Bromsgrove District Local Plan 2004 or the advice contained in PPS7 (2004).
3. No sequential assessment has been submitted to demonstrate the developments compliance with PPS4, Planning for Sustainable Economic Growth 2009. The development therefore fails to comply with Policy PA1, PA14, of the West Midlands Spatial Strategy 2004, Policy SD9, D26 of the Worcestershire County

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Structure Plan 2001, Policy DS3 of the Bromsgrove District Local Plan 2004 or the advice contained in PPS4 (2009).