

Planning Ref: 19/00412/FUL
Telephone: 01386 565379

Please ask for : Anna Brindle
e-mail: anna.brindle@malvern hills.gov.uk

31 May 2019

Mr P Barton
Bruton Knowles
Olympus House
Olympus Park
Quedgeley
Gloucester
GL20 4NF

Dear Mr Barton

Applicant Name: Rooftop Housing Association
Proposal: Full Planning Application for the erection of up to 20 no. affordable and 5 open market passivhaus homes and associated development
Location: Land Adjacent, Station Road, Bretforton

I am writing to let you know the outcome of your Planning application, under the Town and Country Planning Act 1990 for the proposal detailed above at Land Adjacent, Station Road, Bretforton

Unfortunately we have **Refused** your application, for the reason set out in the attached **Refusal Notice**.

If you have any questions about our decision, or reasons for refusal please contact Anna Brindle Principal Planner (Weds,Thurs & Fri) on 01386 565379 or by email to anna.brindle@malvern hills.gov.uk

If you are unhappy with the refusal in this case, you can appeal to the relevant Secretary of State. Information on how to do this can be found on the Refusal Notice.

If you decide not to appeal you may find it useful before submitting a new application to contact **Anna Brindle** for **pre-application advice**, please note there maybe a charge for this service.

Yours sincerely



Anna Brindle
Principal Planner (Weds,Thurs & Fri)
anna.brindle@malvern hills.gov.uk

PLANNING REFUSAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Refusal - Full planning permission

Application No: 19/00412/FUL

Parish: Bretforton

Agents Address:

Mr P Barton
Bruton Knowles
Olympus House
Olympus Park
Quedgeley
Gloucester
GL20 4NF

Applicants Address:

Rooftop Housing Association
C/O Agent

Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 20 February 2019

Location: Land Adjacent, Station Road, Bretforton

Proposal: Full Planning Application for the erection of up to 20 no. affordable and 5 open market passivhaus homes and associated development

Part II - PARTICULARS OF DECISION

Wychavon District Council hereby gives notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

REASONS

1. The proposed development fails to represent good design as it would result in the loss of a significant area of designated green space which provides a valuable visual function within the settlement, giving an important open character and sense of spaciousness. The loss of this space would be detrimental to the properties which currently benefit from the open outlook across this land and those who travel past the site either in vehicles or on foot who currently benefit from its open green nature.

The green space's contribution to the understanding of the historic environment, the setting of the nearby historic properties and the incidental enjoyment of the space by the residents, as a result of its openness would be lost as a result of this development. The comments received in opposition to this application confirm its community value.

The retention of smaller parcels of green space within the site and the provision of public access across this land would not compensate for the loss of the larger area which allows open views across this land and as a result which contributes to the character of the settlement and the conservation area.

The proposal would be contrary to Policy SWDP6, SWDP21, SWDP24, SWDP25 and SWDP38 of the South Worcestershire Development Plan, as well as the principles contained within the South Worcestershire Residential Design Guide, due to the adverse impact on the character and

appearance of the surrounding settlement and would result in harm to the landscape character of this part of the settlement.

2. The proposed layout is largely inward-facing and fills the central part of the application site. As a result of the proposed arrangement of houses and the set-back nature of the development from the roads, would result in a lack of natural surveillance of the pedestrian linkages and private car parking areas. This could result in an intimidating environment for pedestrians, particularly during hours of darkness, as well leading to potential criminal activity.

The proposal would be contrary to policy SWDP21 of the South Worcestershire Development Plan.

3. No legal agreement has been completed or undertaking provided to secure an off-site contribution towards public open space, formal pitch provision and secures the on-site affordable housing as required by policies SWDP15 and SWDP39 of the South Worcestershire Development Plan 2016 as well as the provisions of the Council's Affordable Housing SPD and Developer Contributions SPD.
4. The proposed layout of the development pays little regard to the character of the conservation area, in particular the linear settlement pattern or traditional property designs.

The development would see the loss of a significant area of open space which is included within the revised Conservation Area Appraisal (2019), the loss of which would be harmful to designated heritage assets including the conservation area itself, the setting of nearby listed buildings and the setting of non-designated heritage assets within Victoria Terrace.

The proposal would be contrary to the aims and objectives of Policies SWDP6 and SWDP24 and any harm would not be outweighed by the benefit of providing new housing in a category 2 settlement.

NOTES TO APPLICANT

1. Positive and Proactive Statement. In dealing with this application, the Council has worked with the applicant in the following ways:-
 - providing pre-application advice;
 - seeking further information following receipt of the application;
 - considering the imposition of conditions and or the completion of a s.106 legal agreement.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application. This is in accordance with paragraphs 186 and 187 of the NPPF. Despite these efforts, the Council still consider that planning permission should be refused for the reasons set out above.

Signed:



Planning Services Manager

Date: 31 May 2019

REFUSAL NOTICE

Note 1. Refusal of Approval Reserved Matters
Refusal of Outline Planning Permission
Refusal of Planning Permission
Refusal of Listed Building Consent
Refusal of Non-material Amendment following grant of planning permission

Note 2. Refusal of Consent to Display Advertisements

Note 3. Refusal of Householder
Refusal of Householder - Non-material Amendment following a grant of planning permission

Note 4. Refusal of Prior Approval for single storey rear extension

Note 1. If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, then he can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local authority's decision then you must do so within 6 months of the date of this notice.

Note 2. If this a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

Note 3. If this is a decision to refuse planning permission for a householder application if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Note 4. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision on a planning application relation to the same or substantially the same land development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State can not consider an appeal if it seems to the Secretary of State by the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory instruments requirements, to the provisions of any development order and to any directions given under a development order.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Tel: 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk>
<http://www.planningportal.gov.uk/planning/appeals/>