



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 8TH MAY 2017
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 3rd April 2017 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (No.19) 2016 - Trees on land at Plymouth Drive, Barnt Green, Bromsgrove (Pages 5 - 102)
6. 2016/1085 - Hybrid Application : Outline Planning Permission for up to 150 dwellings with some matters reserved for future consideration (appearance, landscaping, layout and scale); and full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure - Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire - C/O Planning Prospects Limited (Pages 103 - 118)
7. 2016/1087 - Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure - Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire - C/O Planning Prospects Limited (Pages 119 - 134)
8. 2016/1182 - Demolition of existing garage and erection of proposed new dwelling on land to rear of 173 Finstall Road - 173 Finstall Road, Bromsgrove B60 3DD - Mr and Mrs Overton (Pages 135 - 140)
9. 2017/0186 - Front, rear and side extensions - 43 Westfields, Catshill, Bromsgrove, Worcestershire B61 9HJ - Mrs Alex Dentith (Pages 141 - 142)
10. 2017/0207 - Formation of linear pathways within the boundary of the park and placing of equipment to facilitate outdoor gym - Wythall Park, Silver Street, Wythall, Bromsgrove, Worcestershire B47 6LZ - Wythall Park Association (Pages 143 - 146)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

26th April 2017



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent

matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be

sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District 2011-2-30
SPG	-	Supplementary Policy Guidance
SPD		Supplementary Planning Document

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers"

in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 64252 Extn. 3266.

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

3RD APRIL 2017 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr. S. Hawley (Worcestershire Highways Authority), Mrs. T. Lovejoy, Mrs L. Russ, Mrs. J. Smyth and Mrs. S. Willetts

71/16 **APOLOGIES**

Apologies for absence were received on behalf of Councillors C.J. Spencer and P.L. Thomas.

72/16 **DECLARATIONS OF INTEREST**

Councillor C.A. Hotham declared an Other Disclosable Interest in Agenda Item 8 (Planning Applications 2017/0077, 2017/2078 and 2017/0079 – Land to the south of Stonehouse Lane, Hopwood) in that he had a predetermined view on the matter and would be withdrawing into the public gallery to speak to the item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor Hotham withdrew from the meeting for the duration of the Committee's debate and took no part in the Committee's consideration nor voting on the matter.

Councillor C. Allen-Jones declared an interest in Agenda Item 9 (2017/0111 – Clifford Cottage, Top Road, Wildmoor, Bromsgrove, in that the Application site was in his Ward.

73/16 **MINUTES**

The minutes of the meeting of the Planning Committee held on 6th March 2017 were received.

RESOLVED that the minutes of the meeting be approved as a correct record.

74/16

2016/1085 - HYBRID APPLICATION: OUTLINE PLANNING PERMISSION FOR UP TO 150 DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) AND FULL PLANNING PERMISSION FOR A COMMUNITY FACILITY, INCLUDING DETAILS OF ACCESS AND ASSOCIATED CAR PARKING, LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED INFRASTRUCTURE - LONGBRIDGE EAST AND RIVER ARROW DEVELOPMENT SITE, GROVELEY LANE, COFTON HACKETT, WORCESTERSHIRE - C/O PLANNING PROSPECTS LIMITED

Officers provided updates on various matters relating to an amendment to the description of the proposed development; representations received from the County Highways Authority in regard to financial contributions towards highway improvements in the area; and proposed revised recommendations/conditions, as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Miss. Claire Fryer, resident, addressed the Committee objecting to the Application. Mr. Jason Tait, on behalf of the Applicant, also addressed the Committee.

The Committee then considered the Application which Officers had recommended for approval. Concerns were expressed by Members on various matters relating to: the current relevance of the Longbridge Area Action Plan (LAAP); a lack of Section 106 contributions to directly benefit the local area specifically and Bromsgrove generally in terms of amenities, education and health provision; the wider impact of the development on the local highway infrastructure; and the shortfall of housing provision agreed in the LAAP and the associated loss of affordable housing provision.

RESOLVED that the matter be deferred for Officers to address and provide clarification on various matters raised during the Committee's consideration of the application.

75/16

2016/1087 - ERECTION OF 185 DWELLINGS, INCLUDING DETAILS OF ACCESS, LANDSCAPING AND OPEN SPACE, DRAINAGE AND OTHER ASSOCIATED INFRASTRUCTURE - LONGBRIDGE EAST AND RIVER ARROW DEVELOPMENT SITE, GROVELEY LANE, COFTON HACKETT, WORCESTERSHIRE - C/O PLANNING PROSPECTS LTD

In conjunction with Agenda Item 5 (Application 2016/1085 – Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett), Officers reported on representations received from the County Highways Authority in regard to financial contributions towards highway improvements in the area; and proposals for amended and additional conditions, as detailed in the published Update Report, copies of which

Agenda Item 3

Planning Committee
3rd April 2017

were provided to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Miss. Claire Fryer, resident, addressed the Committee objecting to the Application. Mr. Jason Tait, on behalf of the Applicant, also addressed the Committee.

The Committee then considered the Application, which Officers had recommended for approval, in conjunction with discussions on the previous Agenda item. Members expressed similar concerns again in relation to: the current relevance of the Longbridge Area Action Plan (LAAP); a lack of Section 106 contributions to directly benefit the local area specifically and Bromsgrove generally in terms of amenities, education and health provision; the wider impact of the development on the local highway infrastructure; and the shortfall of housing provision agreed in the LAAP and the associated loss of affordable housing provision.

RESOLVED that, a decision on the application be deferred for Officers to similarly address the various matters raised during consideration of the application and the previous, related application (Minute 74 refers).

76/16

2016/1143 - DEMOLITION OF EXISTING GARAGE. NEW GARAGE ATTACHED TO EXISTING DWELLING HOUSE AND NEW PORCH - 27 LINTHURST ROAD, BARNT GREEN, B45 8JL - MR AND MRS PALMER

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:
 - i) that in the event that Consent 2016/1143 is implemented, the detached garage approved under 2009/0684 is rescinded;
 - ii) that in the event that Consent 2016/1143 is implemented, no development described in the provisions of Classes A, D and E of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) is carried out;
 - iii) that in the event that permitted development is carried out and / or the detached garage approved under 2009/0684 is implemented, the new Planning Permission will not be implemented and Consent 2016/1143 will be treated as effectively revoked;

and

- 2) subject to the Conditions and Informatives as detailed on pages 34 to 35 of the main agenda report.

77/16

APPLICATIONS 2017/0077, 2017/0078 AND 2017/0079 - LAND TO THE SOUTH OF STONEHOUSE LANE, HOPWOOD, B48 7BA - MR A HART

Officers reported on further representations received in support of the Applications, as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

Mr. R. Bremner, a local resident, addressed the Committee objecting to the applications. Councillor C. A. Hotham, in whose Ward the development Site was located, also addressed the Committee.

Planning Application 2017/0077

RESOLVED that retrospective Planning Permission be refused for the reason set out on pages 49 to 50 of the main agenda report.

Planning Application 2017/0078

RESOLVED that retrospective Planning Permission be refused for the reasons set out on pages 50 to 51 of the main agenda report.

Planning Application 2017/0079

RESOLVED that retrospective planning permission be refused for the reasons set out on page 51 of the main agenda report.

78/16

2017/0111 - PROPOSED DOUBLE GARAGE IN LIEU OF GARAGE BUILDING PREVIOUSLY APPROVED UNDER 2015/0364 AND ASSOCIATED HARDSTANDING - CLIFFORD COTTAGE, TOP ROAD, WILDMOOR, B61 ORB - MR AND MRS A PRICE

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application, following receipt of a suitable and satisfactory legal mechanism in relation to controlling the erection of only one garage on the site, and subject to the Conditions and Informatives as detailed on pages 55 to 56 of the main agenda report.

The meeting closed at 7.25 p.m.

Chairman

PLANNING COMMITTEE

8th May 2017

TREE PRESERVATION ORDER (NO. 19)2016 – Trees on land at Plymouth Drive, Barnt Green.

Relevant Portfolio Holder	Councillor C B Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Environmental Services
Ward(s) Affected	Barnt Green
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.19) 2016 relating to trees on land at Plymouth Drive, Barnt Green.

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (No.19) 2016 relating to trees on land at Plymouth Drive, Barnt is confirmed with modifications as shown in appendix (1).

3. KEY ISSUES

Legal Implications

- 3.1 Section 198 of the Town and Country Planning Act 1990 gives local planning authorities powers to make tree preservation orders if they consider such orders **expedient** in the **interest of amenity**. Tree preservation orders are to be made in accordance with the procedure under the Town and Country Planning (Trees) Regulations 2012 covers this procedure.
- 3.2 ‘Amenity’ is not defined in law, and is a matter of judgment for the planning authority. However, Government guidance states that an important factor is the degree of public benefit or enjoyment by the trees including visibility of the trees by the public. Another relevant factor is the importance of the trees in relation to their characteristics. Expediency is usually demonstrated if there is a risk that the trees will be managed in a way that is significantly adverse to the amenity of the area.
- 3.3 As a result of the Tree Preservation Order, the landowner will need to apply to the Council for permission to manage the trees. There is no fee for the application and officers’ practice is to work pro-actively with the developer to enable them to manage the property without undue damage to the protected trees. There is a right of appeal against the authority’s decision on an application to carry out works to a tree protected by a tree preservation order.

PLANNING COMMITTEE

8th May 2017

- 3.4 Members are aware that there is no right to appeal the confirmation of a tree preservation order. Objectors, with sufficient interest in the matter, are able to apply for the High Court for a review of the Council's decision to confirm the order if any legal or procedural requirements have not been complied with.

Financial Implications

- 3.5 There are no significant financial implications for the Council relating to the confirmation of the TPO.

Service / Operational Implications

Legal Tests and Background:

- 3.6 The provisional order is attached at Appendix 2. The recommendation is to confirm the order with the modifications shown in Appendix 1. The main change is that the group orders have been reduced and individual trees within the former groups have been protected instead.
- 3.7 The officer's assessment of the amenity value of the trees within the order are set out in paragraph 3.8 below, paragraph 7.1 and the TEMPO assessment which is attached at Appendix 7.
- 3.8 The TPO was provisionally made on the 30th November 2016 to protect the trees in response to the risk of adverse management of some of the trees in view of the application for development of 1 Plymouth Drive and as such officers believe it was expedient to make the Order and is expedient to confirm the Order in its modified form. In giving trees local to 1 Plymouth Drive such a consideration it was felt prudent due to the quality of other trees within adjoining properties to widen the scope of the order to included their protection also and create the provisional order as shown in appendix (2). Due to limited access and privacy issues the provisional order was raised with the inclusion of three groups of trees with the intention to review the tree stock within these groups having later agreed access with the owners of the land. This has now been done hence the necessity to modify the order to that as shown in appendix (1).

The following two objections have been received in respect of the provisional TPO having been raised.

1. Letter From Mr & Mrs Eden: Dated 28th December 2016 (Appendix 3)

Supported by a Jeff Marlow Consulting Limited, Arboricultural Report: Dated 21st December 2016 & BS5837:2012 Report: Dated 28th November 2016 (Appendix 4). It is unclear from the report whether Jeff Marlow is also representing a Mr David Courts at the same address.

PLANNING COMMITTEE

8th May 2017

My comments in relation to the points raised within the letter and Jeff Marlow Arboricultural reports are as follows:

- a. I feel that the trees highlighted for inclusion within the modified TPO do offer a high level of amenity value to the area in that they are highly visible from a number of local properties and from substantial distance of the surrounding area. They are of very good quality with a lengthy expected future life span and add greatly to the character of the area.
 - b. I would agree with the comments made in both the letter and arboricultural reports regarding the unsuitability in use of three group designation areas on this site in a permanent order as this would cover trees of an unsuitable quality and grade to be included within the order. However the group designation areas were included at the provisional stage due to limited access and to respect the privacy of residents at the time of raising the order but ensure valuable trees were protected. It was always the intention to contact landowners and arrange access to survey these group areas in more detail and define the trees to be covered in the final order more accurately, when convenient for them, which has now been done. Therefore I feel that all these issues have been addressed.
 - c. The roots of T4 Red Wood are certainly the cause of the level of disturbance highlighted as being experienced in the hard standing and surfacing of the drive way to number 10 Plymouth Drive, Pathway to Peters Court and two local decorative garden wall sections, one on each property. However this tree is by far the best quality tree within the site and is a major historic feature tree, highly prominent within the area offering an extremely high level of amenity value. Therefore I feel that all possible other solutions must and should be explored to resolve the damage caused before the management of the tree is considered to address them.
2. Email from Dr Azmi: Dated 6th December 2016 from (Appendix 5)

My comments in relation to the points raised within the letter are as follows:

- a. The roots of T4 Red Wood are certainly the cause of the level of disturbance highlighted as being experienced in the hard standing and surfacing of the drive way to number 10 Plymouth Drive, Pathway to Peters Court and two local decorative garden wall section one on each property. However this tree is by far the best quality tree within the site and is major historic feature tree highly prominent within the area

PLANNING COMMITTEE

8th May 2017

offering an extremely high level of amenity value. Therefore I feel that all possible other solutions must and should be explored to resolve these matters before any consideration in the management of the tree to address them is considered. TPO protection does not prevent any future management of a protected tree but would require our consent and need to be fully justified. Therefore I feel due to the quality of this tree is should be included within the order at this time.

Conclusion

- 3.9 The trees covered by this order are all highly prominent trees of very good quality. They offer a high degree of visual amenity value to the site and area while adding greatly to the character of area and Barnt Green in general.
- 3.10 Therefore in my view the trees merit protection and I would recommend to the committee that the order is confirmed with the modifications as shown in appendix (1) of this report.
- 3.11 Policy Implications- None
HR Implications- Officers consider that there is no breach to the landowner's rights to his property as the tree preservation order is in accordance with the law and is proportional to protect the environment and public amenity.
Council Objective 4- Environment, Priority C04 Planning
- 3.12 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO has a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.13 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.14 Equalities and Diversity implications- None

4. RISK MANAGEMENT

There are no significant risks associated with the details included in this report.

5. APPENDICES

List Appendices.

Appendix (1) Plan and Schedule of Modified Order

PLANNING COMMITTEE

8th May 2017

- Appendix (2) Copy of Provisional Order.
- Appendix (3) Letter Of Objection Dated 28th December
- Appendix (4) Jeff Marlow Consulting Limited, Arboricultural Report: Dated 21st December 2016 & BS5837:2012 Report: Dated 28th November 2016
- Appendix (5) Email Of Objection : Dated 6th December 2016
- Appendix (6) Photographs of Trees within the Order
- Appendix (7) TEMPO Assessment

6. BACKGROUND PAPERS

None

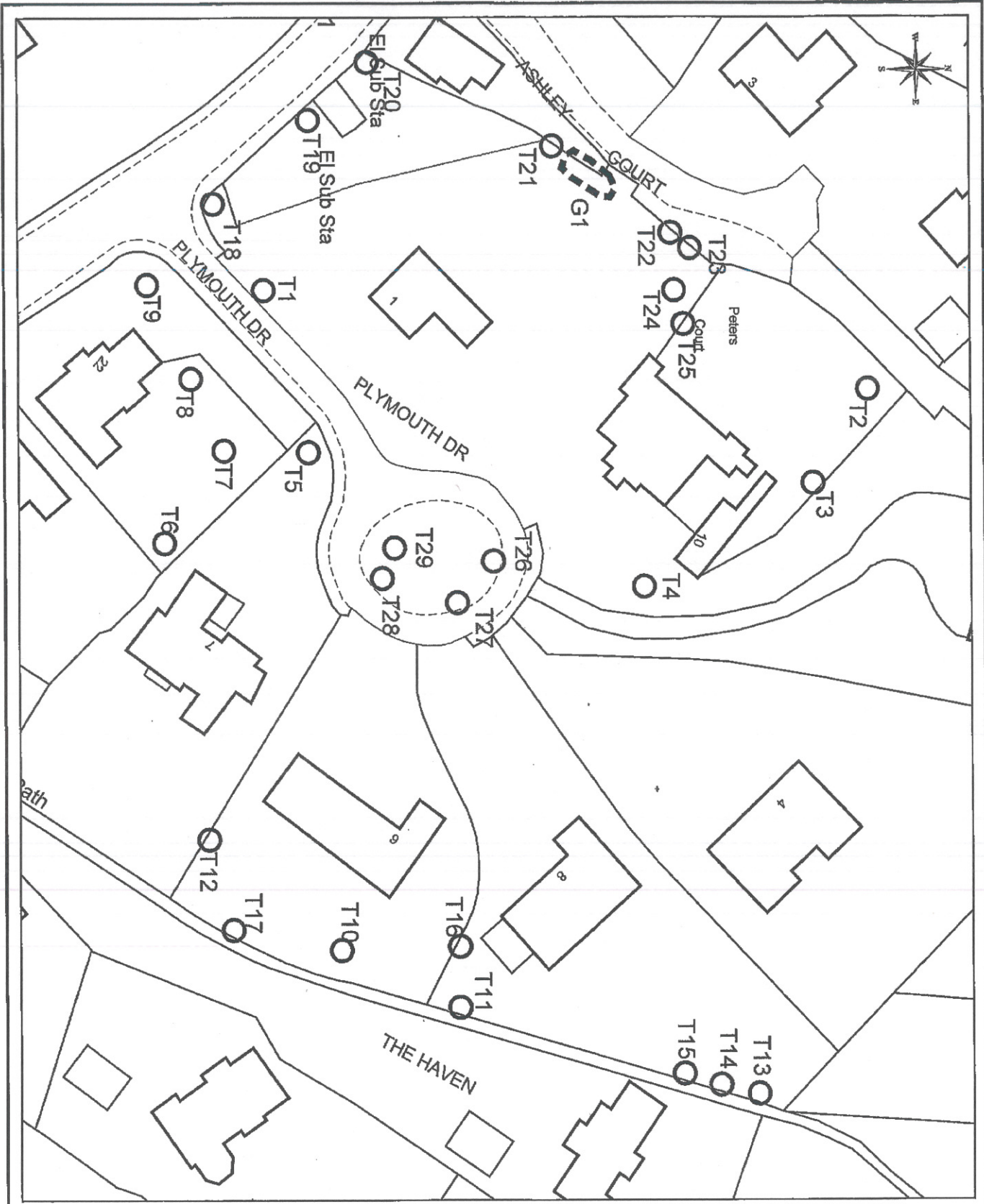
7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Gavin Boyes
Email: gavin.boyes@bromsgroveandredditch.gov.uk
Tel: (01527 64252 Extension 3094)

This page is intentionally left blank



Notes:

Date	By	Details

Project:
Bromsgrove District Council
TPO (19) 2016

Drawing:
Plymouth Drive
Baint Green
Birmingham

Drawn:	G.B.	Scale:	1:850
Surveyed:	AAA	Date:	21.04.2017
Drawing No.:	P00000/0		

Engineering and Design
Town Hall
Water Street Square
Redditch
Worcestershire B97 5AH



Bromsgrove District Council
www.bromsgrove.gov.uk



Redditch Borough Council
www.redditch.gov.uk

© Crown Copyright and database rights 2013
Ordnance Survey 50002423

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Tulip Tree	399387 - 273988	Situated on South Eastern boundary of 1 Plymouth Drive
T2	Horse Chestnut	399402 – 274073	Situated in rear garden 10 Plymouth Drive
T3	Oak	399416 – 274070	Situated in rear garden 10 Plymouth Drive
T4	Redwood	399431 – 274076	Front of 10 Plymouth Drive
T5	Oak	399410 – 273994	Front of 7 Plymouth Drive
T6	Lime	399424 – 273974	Rear garden of 22 Plymouth Road
T7	Cedar	399408 – 273984	Rear garden of 22 Plymouth Road
T8	Cedar	399400 – 273975	Rear garden of 22 Plymouth Road
T9	Cherry	399387 – 273964	Front of 22 Plymouth Road
T10	Oak	399486 – 274000	Rear garden of 6 Plymouth Drive
T11	Pine	399494 – 274015	Side of 8 Plymouth Drive
T12	Oak	399469 – 273978	Rear garden of 6 Plymouth Drive
T13	Pine	399507 – 274060	Rear garden of 8 Plymouth Drive

Agenda Item 5

T14	Lime	399507 – 274058	Rear garden of 8 Plymouth Drive
T15	Beech	399506 – 274056	Rear garden of 8 Plymouth Drive
T16	Oak	399482 – 274017	Side of 8 Plymouth Drive
T17	Oak	399483 – 273985	Rear garden of 6 Plymouth Drive
T18	Oak	399374- 273979	South side of 1 Plymouth Drive
T19	Sycamore	399362-273997	South side of 1 Plymouth Drive
T20	Horse Chestnut	399353-274002	South side of 1 Plymouth Drive
T21	Holly	399365-274030	West side of 1 Plymouth Drive
T22	Sycamore	399378-274047	West side of Peters Court
T23	Holly	399381-274050	West side of Peters Court
T24	Sycamore	399387-274048	West side of Peters Court
T25	Yew	399392-274049	West side of Peters Court
T26	Cedar	399427-274021	Island Feature Centre Plymouth Drive
T27	Cedar	399433-274015	Island Feature Centre Plymouth Drive
T28	Cedar	399429-274004	Island Feature Centre Plymouth Drive
T29	Oak	399425-274006	Island Feature Centre Plymouth Drive

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	4 x Beech	399369-274035	Northwest 1 Plymouth Drive

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Appendix (2)

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Tree Preservation Order (19) 2016

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation order (19) 2016

Interpretation

2.— (1) In this Order “the authority” means Bromsgrove District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

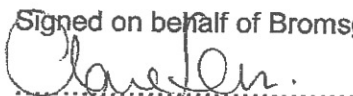
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30th November 2016

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

No. on Map	Description	NGR	Situation
T1	Tulip Tree	399387 - 273988	Situated on South Eastern boundary of 1 Plymouth Drive
T2	Horse Chestnut	399402 - 274073	Situated in rear garden 10 Plymouth Drive
T3	Oak	399416 - 274070	Situated in rear garden 10 Plymouth Drive
T4	Redwood	399431 - 274076	Front of 10 Plymouth Drive
T5	Oak	399410 - 273994	Front of 7 Plymouth Drive
T6	Lime	399424 - 273974	Rear garden of 22 Plymouth Road
T7	Cedar	399408 - 273984	Rear garden of 22 Plymouth Road
T8	Cedar	399400 - 273975	Rear garden of 22 Plymouth Road
T9	Cherry	399387 - 273964	Front of 22 Plymouth Road
T10	Oak	399486 - 274000	Rear garden of 6 Plymouth Drive
T11	Pine	399494 - 274015	Side of 8 Plymouth Drive
T12	Oak	399469 - 273978	Rear garden of 6 Plymouth Drive
T13	Pine	399507 - 274060	Rear garden of 8 Plymouth Drive
T14	Lime	399507 - 274058	Rear garden of 8 Plymouth Drive
T15	Beech	399506 - 274056	Rear garden of 8 Plymouth Drive
T16	Oak	399482 - 274017	Side of 8 Plymouth Drive
T17	Oak	399483 - 273985	Rear garden of 6 Plymouth Drive

Trees specified by reference to an area
(within a dotted black line on the map)

NONE

Groups of trees

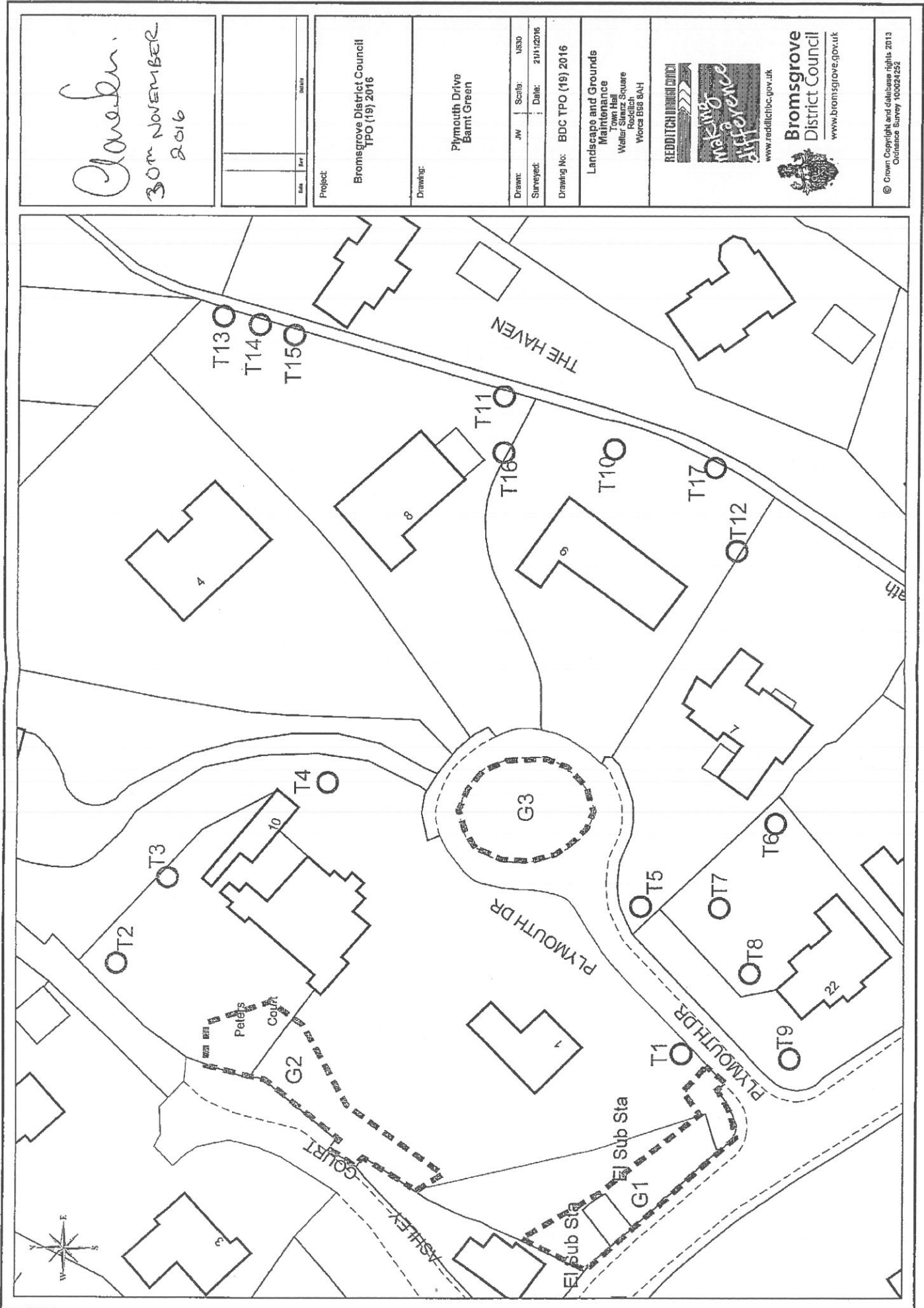
(within a broken black line on the map)

No. on Map	Description	NGR	Situation
G1	1x Sycamore 1x Red Oak 1x Horse Chestnut 1x Oak	399367 - 273994	Situated along South Western boundary of 1 Plymouth Drive
G2	All trees with a stem diameter greater than 100mm at 1.5 metres	399381 - 274047	Situated along rear garden boundary lines of 1 Plymouth Drive and Peters Court
G3	4x Cedar 1x Beech 2x Oak	399427 - 274012	Situated on island within Plymouth Drive

Woodlands

(within a continuous black line on the map)

NONE



Plymouth Drive
Barnt Green
Birmingham
B45 8JB

Head of Legal, Equalities and Democratic Services
Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

28th December 2016

Dear Mrs Sultana,

**Re: Town and Country Planning Act 1990
Bromsgrove District Council Tree Preservation Order (No.19) 2016
Tree/s on land at Plymouth Drive, Barnt Green**

We write as the owners of the private road, Plymouth Drive, Barnt Green and the property of Peterscourt as situated on this private road. Please accept this letter as a formal **OBJECTION** to the Tree Preservation Order (TPO) as detailed above. Notification of this Order was received on 1st December, 2016 and an invite to object or comment in writing given before the deadline of 30th December, 2016.

Having consulted with legal, planning and arboricultural experts we strongly **object** to this TPO on the grounds that the **reason** given for making it and its **purpose**, as defined in the Department for Communities and Local Government guide (April 2012), is not fulfilled. We also consider that the approach used by your authority has been unstructured, ill-prepared, and discriminatory. We elaborate on these points further below.

1.0 Reason for TPO (No.19) 2016

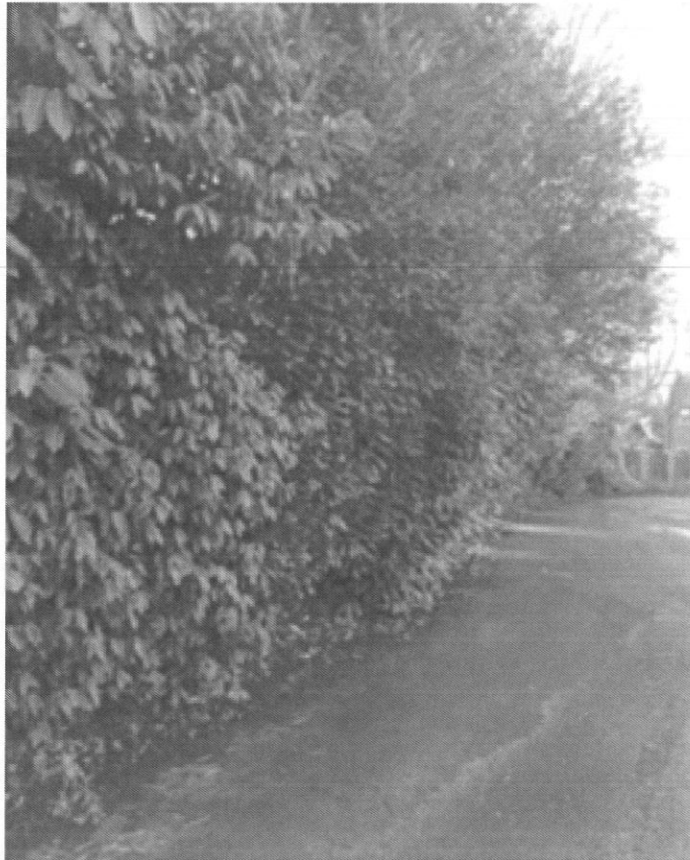
- 1.1 The Council's reason for making this order is that the trees provide special amenity value and the TPO is made in the interests of amenity.

The legislation for the creation of Tree Preservation Orders is within The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and guidance in respect of a TPO is contained within the National Planning Policy Framework, Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas. In this guidance, General, Paragraph 7 states:

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

- 1.2 The trees selected for protection on our land are identified in the schedule as groups of trees G2 and G3.

- 1.3 G2 is situated towards the rear of our property. It is in excess of 30 metres distance from the private road, Plymouth Drive and is not visible to the public at all being secluded behind a line of laurels on the boundary of Ashley Court at the rear. Please see photograph below.



Obstructed View of G2 group of trees from Ashley Court

It is perhaps significant that no specific trees are listed in the description of this area. We can only assume the reason for this is that they are simply not visible!

We fail to see how this area is worthy of protection and brings any, let alone reasonable, degree of public benefit now or indeed in the future. Trees in this area are not visible from outside the property and as such do not meet the criteria that if they were to be removed it would have a significant negative impact on the local environment and its enjoyment by the public.

- 1.4 Government Guidance states when considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account visibility and the extent to which trees or woodlands can be seen by the public to inform the authority's assessment of whether the impact on the local environment is significant.

The area described as G3 is situated on our land and is the island within Plymouth Drive, our private road. As a private road it is not open to the public. Residents of this drive have right of access to and from their properties only. There is no through traffic and there is only limited access to the wider public. Trees identified in this area in the schedule are only visible from a distance more than 75 metres from the public highway, Plymouth Road. Please see photograph below.



View of G3 group of trees from the public highway.

In both areas G2 and G3 there is only very limited views of the trees to the public and therefore the impact of them on the local environment and its enjoyment by the public is not significant.

2.0 Purpose of TPO (NO.19) 2016

2.1 The purpose of a TPO, as defined in the Department for Communities and Local Government guide (April 2012), is:

To protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.

2.2 Government Guidance states when considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account not only visibility but the individual, collective and wider impact. They are advised to assess the importance of trees against the following criteria: size and form of trees, future potential as an amenity, rarity, cultural or historic value and contribution to relationship with the landscape.

2.3 It is clear that a thorough assessment has not been made prior to this TPO being made. Some of the trees that are subject to this TPO are not suitable for retention as they are either in a poor condition, causing significant damage to property, in poor form and shape or of such a small size that they do not add any significant value to the local landscape.

2.4 The photograph below shows how one of the Cedar trees identified in the schedule as being part of G3 group of trees has a split trunk. It is also leaning considerably.



View of a Cedar Tree with split trunk in G3 group of trees.

- 2.5 The Red Oak within G1 has a basal cavity, other defects and is of poor form and shape.
- 2.6 In a recent full arboricultural report, prepared by Marlow Consulting Ltd for us, at the request of your planning department, one of the Sycamores, the Oak and the Lawson Cypress included within the G1 group of trees were all identified as being of low suitability for retention.
A Sycamore and a Beech tree identified within the G2 group of trees were also identified in the Marlow Consulting Ltd arboricultural report as requiring to be felled due to their very poor condition. Please see photos below.



View of the trunk of Sycamore Tree in G2 group of trees.



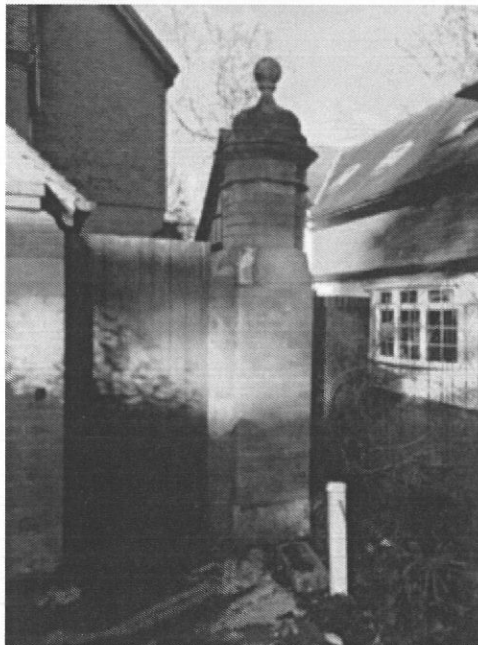
View of the trunk of a Beech tree in G2 group of trees.

It seems ridiculous that these trees are now subject to a TPO without any clear assessment having been made, other than that we had instructed. Surely the authority needs to equally follow guidelines and make an informed decision based on accurate assessment? I am somewhat incensed that we have paid for an expensive, full arboricultural report at the request of your Council but then are subjected to a TPO order when clearly guidelines have not been followed and adhered to.

- 2.7 The Town and Country Planning (Tree Preservation) (England) Regulations 2012, provides details of what should be included in the TPO. For groups of trees identified it clearly states that the number of trees of each species in the group should be listed. Within the schedule of this TPO the description of the G2 group of trees is 'All trees with a stem diameter greater than 100mm at 1.5m'. This does **NOT conform** to the 2012 regulations as it is non-specific, vague and inaccurate.
- 2.8 The Redwood tree identified as T4 on the schedule at the front of 10, Plymouth Drive is causing considerable damage to both ours and our neighbouring property. As it has started to lean over the last few years the roots of the tree are uplifting and damaging the driveway, gate post, garage and possibly the cellar of Peterscourt. Please see the photographs below.



Damage to the driveway of Peterscourt from roots of Redwood tree (T4).



Leaning gate post between Peterscourt and 10, Plymouth Drive from roots of Redwood tree (T4).



Damage to driveway and garage of 10, Plymouth Drive from roots of Redwood tree (T4).

We have been advised that we can seek **compensation** from the local planning authority for loss or damage which results from the authority's conditions.

- 2.9 Indeed there is nothing to demonstrate that the Council has followed Government guidance and has approached the creation of this TPO and identified trees in need of protection in a structured or consistent way.
- 2.10 When assessing the importance of trees, authorities are advised to assess the importance of trees for their future potential as an amenity. The trees in group G2 of the schedule are not currently visible and in G3 are only from a public highway at a distance more than 75 metres. This situation is unlikely to change as we are the owners of Peterscourt and the private road.
- 2.11 Authorities are also advised to assess the rarity, cultural or historic value of the trees subject to a TPO. The trees in question are not rare and have no cultural or historic value.
- 2.12 It is also advised that authorities consider the contribution to, and relationship with, the landscape. Many of the trees identified in this TPO contribute little to the wider landscape and have no special or important relationship to it.
- 2.13 The purpose of a TPO (as defined in the Department for Communities and Local Government Guide (April 2012)) is **particularly important where trees are under threat**. How could the trees on our property be under threat? As owners of Peterscourt for 20 years we have been complete guardians of the trees on our property. We have endeavoured to maintain the trees around our property and only removed any if they had come down due to inclement weather, posed a danger or simply died. Whilst we have witnessed neighbours consistently remove trees, without any intervention from the Council, we have endeavoured to retain the greenery surrounding our property. On more than one occasion we have contacted tree officers concerned that trees are being removed in our vicinity and in one instance without the permission of the owner. On this occasion your officer advised us to contact the police as there is nothing he could do! Your council records will indeed confirm this.
- 2.14 To impose this TPO now when for 20 years we had every opportunity to remove trees but have not chosen to do so, in fact quite the reverse, feels very unfair and quite frankly vindictive. At our own expense, we paid for a full arboricultural survey on our neighbouring property. Why would we do so unless we were keen to protect the trees in our vicinity?
- 2.15 If the Council is of the opinion that trees on our land are under threat perhaps they would enlighten us as to why they consider them to be so?

At the start of this letter I described the approach used by your Council in making this TPO as being unstructured, ill-prepared and discriminatory.

As detailed it would appear legislation has not been adhered to. Before authorities make a TPO they should show that protection would bring a degree of public benefit in the present or the future. This would not appear to have been fulfilled.

As detailed it would appear government guidance has not been followed and no structured and consistent assessment of the amenity value of the trees identified in this TPO has taken place.

Agenda Item 5

It is also quite clear that the focus of this TPO is restricted to the trees located only on the properties adjacent to Plymouth Drive, the private road owned by us. No consideration has been given to the trees on other properties in the local vicinity even though as owners we have endeavoured to keep all the trees on our land when others have not. This TPO would appear to be not only discriminatory but personal and grossly unfair.

Anne Eden

Roger Eden

Head of Legal, Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Ftuo Mrs R Sultana

21st December 2016

Dear Mrs Sultana,

**Re: Bromsgrove District Council Tree Preservation Order (N0.19) 2016 Tree/s
on land at Plymouth Drive, Barnt Green**

On behalf of Mr David Courts of no. 1 Plymouth Drive, Barnt Green, please accept this letter as a formal **OBJECTION** to the above Tree Preservation Order. A copy of the Tree Preservation Order (TPO) has been forwarded to us (see Appendix 1).

Please find as Appendix 2 a brief cv of the author.

Summary of objection

The Tree Preservation Order seeks to protect trees that are not worthy of protection, has been poorly drafted and has been created in a way that appears unfair and cynical.

1.0 BACKGROUND

1.1 Marlow Consulting Ltd was engaged by Mr & Mrs Eden, on behalf of UDC Midlands Ltd to carry out a survey of the trees at no. 1 Plymouth Drive in accordance with BS5837:2012, Trees in Relation to Design, Demolition and Construction – Recommendations. The report was dated 28th November 2016 (copy attached as Appendix 3).

2.0 GUIDANCE IN RESPECT OF CREATING TREE PRESERVATION ORDERS

- 2.1 The legislation for the creation of Tree Preservation Orders is within The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 Guidance in respect of the creation of a Tree Preservation Order is contained within National Planning Policy Framework, Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas.
- 2.3 Please find as Appendix 4 a copy of Planning Practice Guidance – Tree Preservation Order - General, Paragraphs 7 & 8.

3.0 REASONS FOR OBJECTING

3.1 Public Amenity

- 3.1.1 Tree Preservation Orders – General, Paragraph 7 states:

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

- 3.1.2 Of the 13 trees and two groups surveyed as part of the Marlow Consulting Ltd report of the 28th November 2016, against the criteria within BS5837;2012, five were assessed as being of moderate suitability for retention, eight were assessed as being of low suitability for retention and two were identified to be felled.
- 3.1.3 The protection of a number of trees using the group classification (G1 & G2) has resulted in trees which are not worthy of protection, due to their poor condition, or limited visual amenity, being protected and also potential

confusion over which trees are protected. Within G1, the Red Oak has a basal cavity, other defects and is of poor form and shape and was rated as being of low suitability for retention. One of the Sycamores (tree 4), the Oak (tree 5) and the Lawson Cypress G1, were all rated in the Marlow Consulting Ltd tree survey as being of low suitability for retention.

3.1.4 The first schedule identifies trees within Group G1 as 1 x Sycamore, 1 x Red Oak, 1 x Horse Chestnut, 1 x Oak. The area encompassed by G1 includes two Sycamores, so which one is protected? The area on the plan also includes a group of Lawson Cypress (G1 in the Marlow Consulting Ltd tree survey). As the plan typically takes precedence in respect of what is protected, it would suggest the Lawson Cypress and two Sycamores are protected but not listed in the first schedule.

3.1.5 The Town and Country Planning (Tree Preservation) (England) Regulations 2012, provides details of what should be included in the TPO. A template (see Appendix 5) for the first schedule is provided, which specifies how the trees within the different classifications within the TPO are to be specified. For groups, it clearly states that the number of trees of each species in the group should be listed, i.e. 2 Ash, 3 Birch, 3 Oak. Within the first schedule of this TPO the description for G2 is 'All trees with a stem diameter greater than 100mm at 1.5m'. **This doesn't conform to the 2012 regulations, is vague and inaccurate.** Trees within G2 include a tree (Sycamore – tree 7) identified in the Marlow Consulting Ltd tree survey as requiring to be felled due to its poor condition.

3.1.6 Trees on the property side of the groups G1 & G2 are barely visible from outside the site and as such don't meet the criteria, that is, if they were to be removed it would have a significant negative impact on the local environment and its enjoyment by the public.

3.2 Government Guidance states;

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria;

1. Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant

No. 1 Plymouth Drive is within a small, relatively private development with no through traffic and therefore, little access to the wider public. There are therefore, very limited views of the trees to the public and, therefore, the impact of them on the local environment is not significant.

2. Individual, collective and wider impact

Authorities are advised to assess the importance of trees against the following criteria;

Size and form – Within the groups are a number of trees of poor form and shape and relatively small size, which in my opinion, individually or collectively, do not add any significant value to the local landscape.

Future Potential as an amenity – The future visibility of a number of the trees is unlikely to change from its current limited extent.

Rarity, cultural or historic value - The trees are not rare, have no cultural or historic value.

Contribution to, and relationship with, the landscape – In my opinion a number of these trees contribute little to the wider landscape and have no special or important relationship to it.

3.2.1 Marlow Consulting Ltd has seen nothing which demonstrates that the Local Authorities approach to the creation of this Tree Preservation Order has been carried out in a structured and consistent way, despite freely available systems such as Tree Evaluation Method for Preservation Order (TEMPO), being available, which allow this to be done.

3.3 Expediency

3.3.1 Mr David Courts, through his advisors, have been in discussions with the Local Authority for some time in respect of a potential re-development of no. 1 Plymouth Drive. I understand that on at least one previous occasion a Tree Officer from the Local Authority has visited site and viewed the trees. At any time, if Mr Courts had been minded to do so, he could have felled the trees in question, but he chose not to do so.

3.3.2 To impose a Tree Preservation Order when the occupant has had every opportunity to remove the trees, and has consistently chosen not to, and the Local Authority have been aware of proposals that might affect the trees for some time, shows in my opinion, a lack of good judgement, and appears unfair and cynical.

Jeff Marlow
MSc., Dip. Arb. (R.F.S.), F. Arbor. A., RCarborA.
Arboricultural Association Registered Consultant
Director, Marlow Consulting Ltd

21st December 2016

Agenda Item 5

Appendix 1



Bromsgrove
District Council
www.bromsgrove.gov.uk

Owner/Occupier
1 Plymouth Drive
Barnt Green
Worcestershire
B45 8JB

Our Ref RS/ TPO (19) 2016

If telephoning please ask for
Mrs R Sultana (01527) 881745
Email: r.sultana@bromsgroveandredditch.gov.uk

RECORDED DELIVERY

30th November 2016

Dear Sir/Madam,

Town and Country Planning Act 1990
Bromsgrove District Council Tree Preservation Order (No.19) 2016
Tree/s on land at Plymouth Drive, Barnt Green

The Council has made an Order under Section 198 of the Town and Country Planning Act 1990 in respect of a tree / trees on the above-mentioned land, and a copy of the Order is enclosed, together with a Notice to this effect under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Subject to Regulation 4 the Tree Preservation Order shall take effect provisionally today.

Yours faithfully,

Mrs R Sultana
For Principal Solicitor

Enc.

Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, Worcestershire B98 8AH
Switchboard: (01527) 64252
Bromsgrove District Council, Parkside, Market Street, Bromsgrove, Worcestershire B61 8DA
Switchboard: (01527) 881288

NOT-LET1

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Tree Preservation Order (19) 2016

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation order (19) 2016

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

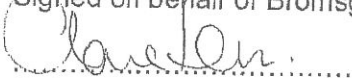
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30th November 2016

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

No. on Map	Description	NGR	Situation
T1	Tulip Tree	399387 - 273988	Situated on South Eastern boundary of 1 Plymouth Drive
T2	Horse Chestnut	399402 - 274073	Situated in rear garden 10 Plymouth Drive
T3	Oak	399416 - 274070	Situated in rear garden 10 Plymouth Drive
T4	Redwood	399431 - 274076	Front of 10 Plymouth Drive
T5	Oak	399410 - 273994	Front of 7 Plymouth Drive
T6	Lime	399424 - 273974	Rear garden of 22 Plymouth Road
T7	Cedar	399408 - 273984	Rear garden of 22 Plymouth Road
T8	Cedar	399400 - 273975	Rear garden of 22 Plymouth Road
T9	Cherry	399387 - 273964	Front of 22 Plymouth Road
T10	Oak	399486 - 274000	Rear garden of 6 Plymouth Drive
T11	Pine	399494 - 274015	Side of 8 Plymouth Drive
T12	Oak	399469 - 273978	Rear garden of 6 Plymouth Drive
T13	Pine	399507 - 274060	Rear garden of 8 Plymouth Drive
T14	Lime	399507 - 274058	Rear garden of 8 Plymouth Drive
T15	Beech	399506 - 274056	Rear garden of 8 Plymouth Drive
T16	Oak	399482 - 274017	Side of 8 Plymouth Drive
T17	Oak	399483 - 273985	Rear garden of 6 Plymouth Drive

Trees specified by reference to an area
(within a dotted black line on the map)

NONE

Groups of trees

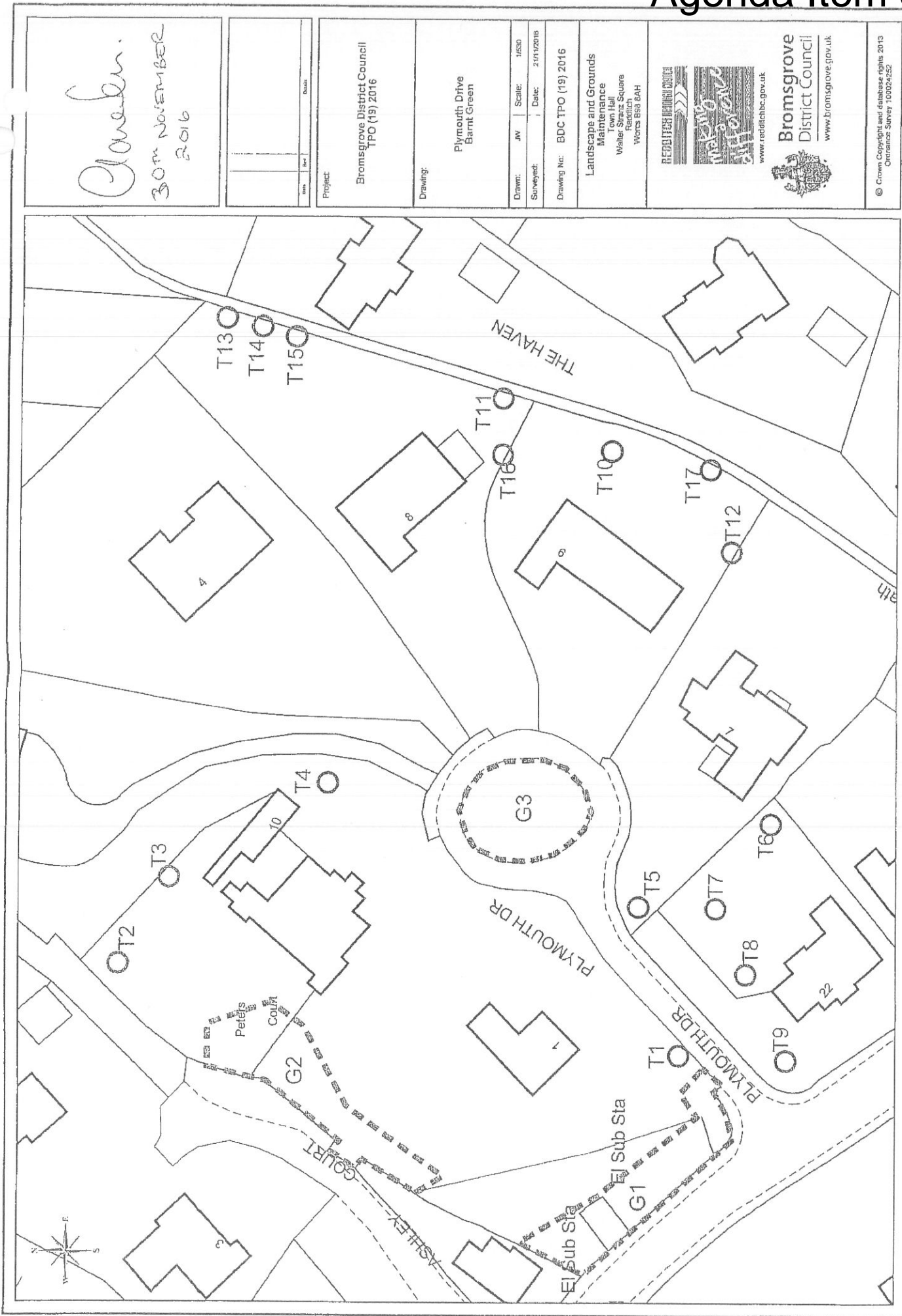
(within a broken black line on the map)

No. on Map	Description	NGR	Situation
G1	1x Sycamore 1x Red Oak 1x Horse Chestnut 1x Oak	399367 - 273994	Situated along South Western boundary of 1 Plymouth Drive
G2	All trees with a stem diameter greater than 100mm at 1.5 metres	399381 - 274047	Situated along rear garden boundary lines of 1 Plymouth Drive and Peters Court
G3	4x Cedar 1x Beech 2x Oak	399427 - 274012	Situated on island within Plymouth Drive

Woodlands

(within a continuous black line on the map)

NONE



Agenda Item 5

Appendix 2

Jeff Marlow
MSc, Dip. Arb. (R.F.S.), F. Arbor. A., RCarborA.
Arboricultural Association Registered Consultant

Qualifications and Professional Memberships

Masters Degree in Environmental Science

Royal Forestry Society Professional Diploma in Arboriculture

National Diploma in Arboriculture

Fellow of the Arboricultural Association

Arboricultural Association Registered Consultant

Experience

Arboricultural Association Registered Consultant	2003 - present
Arboricultural Consultant	1999 - present
Director of Arboriculture Glendale Countryside	May – August 1999
Parks and Countryside Manager Wyre Forest District Council	June 1997 – May 1999
Trees and Countryside Officer Wyre Forest District Council	June 1994 – June 1997
Trees and Woodlands Officer Wyre Forest District Council	Oct 1990 – June 1994
Assistant Arboricultural Officer London Borough of Redbridge	Feb 1988 – Oct 1990

**1 Plymouth Drive
Barnt Green**

Arboricultural Report
in accordance with BS5837:2012

Prepared for:
Mr & Mrs Eden

Prepared by:



Marlow Consulting Ltd

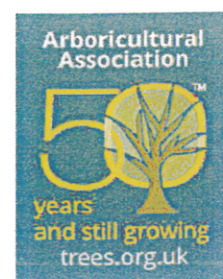
Arboricultural Consultants

27 Roden Avenue
Kidderminster
Worcestershire
DY10 2RF

T: 01562 820907

e:enquiries@marlowconsulting.co.uk

28th November 2016



Contents

1.0	Introduction.....	3
2.0	Tree Survey.....	6
3.0	Tree Constraints.....	9
4.0	Arboricultural Impact Assessment.....	10
5.0	Arboricultural Method Statement.....	11
6.0	Tree Protection.....	19

Appendices

- 1.....Author's CV
- 2.....Tree Survey Methodology
- 3.....BS5837 Tree Survey Assessment – Cascade Chart
- 4.....Common and Botanical Names
- 5.....Tree Survey Schedule
- 6.....Tree Plan
- 7.....'No-dig' method statement

1.0 INTRODUCTION

1.1 Brief

1.1.1 Marlow Consulting Ltd has been instructed by Mr & Mrs Eden to produce an Arboricultural Report in respect of the proposed demolition of an existing dwelling at 1 Plymouth Drive and the construction of two replacements. The report is produced in accordance with BS5837:2012.

1.2 Information provided

1.2.1 Marlow Consulting Ltd has been supplied with the following as a .pdf;

- Feasability Drawing produced by Simon N Hartshorne.

1.3 Scope of the report

1.3.1 The report follows the methodology set out in accordance with British Standard 5837: 2012, Trees in Relation to Design, Demolition and Construction – Recommendations, (**BS 5837**).

1.3.2 The report has been prepared by Jeff Marlow MSc., Dip. Arb. (R.F.S.), F. Arbor. A., Arboricultural Association Registered Consultant. Please find as Appendix 1 a brief CV of the author.

1.4 Limitations

1.4.1 Validity, accuracy and findings of the report will directly relate to the accuracy of information provided at the time of the survey. Without details of proposed

levels, location of services and foundation design any conclusions in respect of the impact of the proposed re-development, tree protection and future health are limited.

1.4.2 The survey is **not** an assessment of the condition of any tree referred to in it and cannot be relied upon as an assessment of the health and safety of any tree within or adjacent to the site. Any observations are visual and only consider obvious and general tree management in respect of the potential future development of the site. Detailed investigations were not carried out and no tree was climbed.

1.4.3 The report is valid for a period of twelve months from the date of the site visit.

1.4.4 No information has been sought or ascertained in respect of the underlying soils, services, ground formations and structures which may affect rooting patterns. Unless specifically informed otherwise, or clearly affected by obvious on-site factors, for the purpose of this report all tree rooting areas are presumed to be symmetrical.

1.4.5 The report does not consider the impact on any existing or proposed structure through direct or indirect root activity.

1.4.6 No part of this report may be reproduced by any means without the written consent of Marlow Consulting Ltd

1.5 **Status of the trees**

1.5.1 Marlow Consulting Ltd has no information in respect of the status of the trees referred to in this report.

1.5.2 Before carrying out any work, please consult the Local Authority and obtain the necessary consents in writing.

1.6 **Protected wildlife and habitats**

1.6.1 The Wildlife and Countryside Act 1981, Part 1, affords protection to a variety of plants, animals and birds. Before carrying out any works recommended in this report please ensure the works do not contravene the Act.

2.0 TREE SURVEY

- 2.1 The tree survey was carried out in accordance with the tree survey methodology within BS5837:2012 and as per sections 4.4.2.5 & 4.4.2.6 (see Appendix 2).
- 2.2 The trees were assessed against the cascade chart for tree quality assessment contained within Table 1 of BS5837:2012 (see Appendix 3). Please find as Appendix 4 a list of common and botanical tree names.
- 2.3 Please find as Appendix 5 the Tree Survey Schedule in the form of two sheets with details of the thirteen individual trees and two groups surveyed.
- 2.4 Please find as Appendix 6 the Tree Plan with the trees numbered. The tree numbers have been coloured according to our assessment of their suitability for retention.
- 2.5 Please find below as figures 1 & 2 views of trees 7 & 10 which were rated to be felled.



Figure 1 View of the trunk of Sycamore, tree 7.



Figure 2 View of the trunk of Beech, tree 10.

3.0 TREE CONSTRAINTS

3.1 Root Protection Areas

3.1.1 BS5837 recommends an area equivalent to a circle with a radius 12 times the trunk diameter(s) at 1.5m is left free from disturbance by construction. The area occupied by the circle is known as the Root Protection Area (RPA). The RPAs are plotted as red circles. The dimensions of the circles are taken from the second to last column of the Tree Survey Schedule.

4.0 ARBORICULTURAL IMPACT ASSESSMENT

- 4.1 If carried out with due regard to the protection of adjacent trees, the demolition of the existing dwelling should not affect the trees.
- 4.2 The proposed dwellings are sited outside the RPAs of the adjacent trees and therefore, subject to suitable protection, their construction should have no impact on them.
- 4.3 The new driveway and parking area to the front of plot 2 will impinge into the RPAs of trees 3 & 6 (moderate suitability for retention) and tree 5 (low suitability for retention). If levels allow, where the driveway impinges into RPAs, it should be constructed using 'no-dig' construction techniques.

5.0 ARBORICULTURAL METHOD STATEMENT

5.1 Tree Works

5.1.1 Prior to any other works commencing on site, including the erection of protective fencing, those trees identified to be felled, should be removed. Any other tree works should also be carried out.

5.1.2 The Tree Surgeon should be able to demonstrate proof of experience and hold the relevant insurance cover.

5.1.3 Any pruning works required to facilitate the development will be carried out. Such works will be kept to a minimum. All pruning works will be carried out in line with best practice and current industry standards.

5.1.4 The statutory protection afforded by the Wildlife and Countryside Act and Countryside and Rights of Way Act will be adhered to. If further advice is required, particularly if bats are discovered during tree work, it will be obtained from Natural England, or other competent persons and recommendations adhered to.

5.1.5 The Project Arboriculturalist will meet with the Tree Work Contractor prior to work commencing, to ensure the scope of work is clarified. Those trees identified to be felled will be clearly marked. The Local Authority Arboriculturalist will be invited to attend the site meeting and will be advised of the date of the works as far in advance as practical.

5.1.6 All work shall be undertaken at the appropriate time and with the consent of the Local Authority.

5.1.7 All operations shall be carefully carried out to avoid damage to the trees being retained or neighbouring trees. No trees shall be used for anchorage or winching purposes.

5.2 Arboricultural Supervision

5.2.1 Arboricultural Supervision involves a site visit and subsequent brief report on tree related issues on site, a copy being sent to the client, contractor and Local Authority Tree Officer.

5.2.2 The purpose of the Arboricultural Supervision is to ensure that the Tree Protection measures are being adhered to, no damage has occurred to retained trees and if any conflicts have arisen, they are promptly and effectively dealt with.

5.2.3 The following phases of Arboricultural Supervision are suggested;

Phase 1 Pre-development Stage.

- A pre-commencement meeting will be held with the Client (or his representative), the Builder and the Project Arboriculturalist.
- The purpose of the meeting will be to develop a relationship between the Arboriculturalist and the Builder and to discuss tree protection measures, including the position and type of protective fencing. The fencing is to be erected prior to any works on site commencing.
- Contact details of all parties will be exchanged to ensure effective communication.

Phase 2 Development Stage

- During the development stage, initially, regular site visits will be carried out by the Project Arboricultural Consultant. The first two site visits will be weekly.
- Once compliance with the tree protection measures is established site visits can be reduced in frequency and any concerns/issues raised on site dealt with by means of phone call or email.

Phase 3 Post-development Stage

- Once all construction related works have been completed the protective fencing will be removed.
- Any landscape operatives employed in respect of hard or soft landscaping will be briefed by the Project Arboriculturalist.

5.3 Construction Exclusion Zones

5.3.1 The line of protective fencing is defined by the extent of the Root Protection Area (RPA) of those trees to be retained within the site. The areas inside the protective fencing are the Construction Exclusion Zones. Within the CEZ, the following will apply;

- No mechanical excavation.
- No excavation by any means without arboricultural site supervision.
- No lowering or raising of levels (except removal of grass sward/surface layer, using hand tools).
- No storage of plant or materials.

- No storage or handling of any chemicals, including cement washings, vehicle oils or fuels.
- No vehicular access.
- No fire lighting.

5.4 Demolition Phase

- 5.4.1 All plant and vehicles engaged in demolition works should either operate outside the RPAs, or operate from existing hard surfaces. Where there is any risk of compaction the ground should be protected.
- 5.4.2 Where trees stand adjacent to structures to be removed, the demolition should be undertaken inwards within the footprint of the existing building.
- 5.4.3 If possible, underground structures within the RPA should be left in-situ. If they have to be removed, this should be done under the supervision of the Project Arboriculturalist.
- 5.4.4 Where an existing hard surface is scheduled for removal, care should be taken not to disturb tree roots that might be present underneath it. Hand held tools or appropriate machinery should be used (under arboricultural supervision) to remove the existing surface, working backwards over the area, so that the machine is not moving over the exposed ground.

5.5 Tree Protective Fencing

5.5.1 The position of the tree protective fencing is defined on the Tree Protection Plan. All protective fencing shall be installed prior to any of the following taking place:

- Plant and material delivery.
- Demolition.
- Soil stripping.
- Construction works.
- Utility installation.
- Landscaping

5.5.2 Once erected, all tree protective fencing will remain in place and will not be altered or moved without consultation and the agreement of the Project Arboriculturalist and the Local Authority.

5.5.3 Once the Construction Exclusion Zones have been protected construction works can commence.

5.6 Avoiding damage to stems and branches

5.6.1 Care shall be taken when planning site operations in proximity to retained trees to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage and might make their safe retention impossible.

5.7 Installation of underground services within the Root Protection Area (RPA)

5.7.1 If, for whatever reason, installation of underground services has to pass within RPAs, the Project Arboriculturalist and the Local Authority must be notified prior to any tree protection barrier removal.

5.7.2 Trenching, for the installation of underground services, severs any roots present and may change the local soil hydrology in a way that adversely affects the health of the tree. For this reason particular care will be taken in the routeing and methods of installing underground services. Wherever possible, they should be kept together and arboriculturally sensitive methods of excavation used. At all times, where services are to pass within the Root Protection Area, detailed plans showing the proposed routeing will be drawn up in conjunction with an Arboriculturalist. Such plans will also show the levels and access space needed for installing the services.

5.7.3 Trenchless technology, such as thrust boring, can be used in some instances and is particularly effective as it can pass under the tree, at a depth which is likely to avoid almost all impact on roots on the subject tree. Access/thrust pits should be located outside the RPAs of the subject trees.

5.7.4 Reference can be made to National Joint Utilities Group publication (NJUG4) for guidance, but any approach must be approved by the Project Arboriculturalist and brought to the attention of the Local Authority Tree Officer.

5.8 Soft landscaping within the Root Protection Area (RPA)

5.8.1 Ground preparation will be carried out sensitively to ensure root damage is mitigated as much as practical. At no time is any heavy plant to be used within the RPA. Removal of existing vegetation will be carried out by hand. Turf may be removed using a mechanical turf stripper or by hand.

5.8.2 At no time shall a rotovator be used within any RPA to prepare the soil. Any levelling will be done by hand with the use of hand tools.

5.8.3 Should the soil be compacted or have a poor structure which may hinder the development of any new planting, soil decompaction techniques may be used upon consultation with the Project Arboriculturalist.

5.8.4 New plants will be planted individually to minimise root disturbance (e.g. no 'trench' planting).

5.8.5 No works will be carried out within any RPAs if the soil moisture is of a level likely to allow compaction to occur.

5.9 Hard landscaping within the Root Protection Area (RPA)

5.9.1 Removal of existing vegetation will be carried out by hand. Turf may be removed using a mechanical turf stripper or by hand.

5.9.2 Any hard surfacing used within the Root Protection Area (RPA) should be permeable and gas porous. Paving slabs and block pavements are available with built in infiltration spaces between the slabs or blocks. These are ideal, though they should be laid dry-jointed on a sharp sand foundation to allow air and moisture to penetrate to the rooting area.

5.9.3 Bitumen paving can consist of porous or impermeable material. As the pores in tarmac paving will become blocked, the use of the material will be limited in extent to no more than 20% of the RPA.

5.10 No- Dig Construction

5.10.1 To avoid damage, we would recommend sections of roads/driveways or footpaths which impinge into the RPAs of trees rated as being of moderate or high suitability for retention are constructed using 'no-dig' construction techniques, if levels allow.

5.10.2 Please find as Appendix 7 information in respect of one such product.

6.0 TREE PROTECTION

- 6.1 The position of protective fencing is shown on the Tree Plan with a dashed line. We would recommend the use of Herras panels.

Jeff Marlow

MSc., Dip. Arb. (R.F.S.), F. Arbor. A., RCarbor.A

Arboricultural Association Registered Consultant

Director, Marlow Consulting Ltd



28th November 2016

Jeff Marlow
MSc, Dip. Arb. (R.F.S.), F. Arbor. A.
Arboricultural Association Registered Consultant

Qualifications and Professional Memberships

Masters Degree in Environmental Science

Royal Forestry Society Professional Diploma in Arboriculture

National Diploma in Arboriculture

Fellow of the Arboricultural Association

Arboricultural Association Registered Consultant

Experience

Arboricultural Association Registered Consultant	2003 - present
Arboricultural Consultant	1999 - present
Director of Arboriculture Glendale Countryside	May – August 1999
Parks and Countryside Manager Wyre Forest District Council	June 1997 – May 1999
Trees and Countryside Officer Wyre Forest District Council	June 1994 – June 1997
Trees and Woodlands Officer Wyre Forest District Council	Oct 1990 – June 1994
Assistant Arboricultural Officer London Borough of Redbridge	Feb 1988 – Oct 1990
Climber Arborist London Borough of Sutton	Aug 1986 – April 1987
Climber Arborist Private Contractor	Sept 1984 – Sept 1985
Woodsman Private Estate	June 1980 - June 1981

4.4.2.5 A schedule to the survey should list all the trees or groups of trees. The following information should be recorded (see 4.4.2.6 for measurement conventions):

- a) sequential reference number (to be recorded on the tree survey plan);
- b) species listed by common name, with a key provided to scientific names;
- c) height;
- d) stem diameter, measured in accordance with Annex C;
- e) branch spread, taken as a minimum at the four cardinal points, to derive an accurate representation of the crown (to be plotted on the tree survey plan);
- f) existing height above ground level of:
 - 1) first significant branch and direction of growth (e.g. 2.4-N);
 - 2) canopy,to inform on ground clearance, crown/stem ratio and shading;
- g) life stage (e.g. young, semi-mature, early mature, mature, over-mature);
- h) general observations, particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations;
- i) estimated remaining contribution, in years (<10, 10+, 20+, 40+);
- j) category U or A to C grading (see 4.5 and Tables 1 and 2), to be recorded on the tree survey plan.

NOTE 1 It is not always practical or necessary to record branch spread for every tree within a group or woodland.

NOTE 2 In some cases, layout design might be aided by the arboriculturist providing data on future tree height and crown spread.




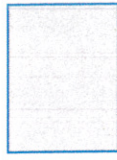
4.4.2.6 The measurement conventions should be as follows.

- a) height, crown spread and crown clearance should be recorded to the nearest half metre (crown spread should be rounded up) for dimensions up to 10 m and the nearest whole metre for dimensions over 10 m;
- b) stem diameter should be recorded in millimetres, rounded to the nearest 10 mm (0.01 m);
- c) estimated dimensions (e.g. for off-site or otherwise inaccessible trees where accurate data cannot be recovered) should be clearly identified as such (e.g. suffixed with a "#").

4.4.2.7 Relevant details of shrub masses, hedges, hedgerows and stumps are expected to have been recorded during the topographical survey (see 4.2), but should be checked by the arboriculturist for inclusion in the tree survey. In the case of regularly maintained domestic hedges and the majority of shrub masses, it will normally be sufficient to record their height and species on the tree survey plan or note these in the schedule.

4.4.2.8 Hedgerows and substantial internal or boundary hedges (including evergreen screens) should be recorded in a similar fashion to groups, with the lateral spread and average (or maximum and minimum) height and stem diameter ranges recorded, to allow the potential constraints associated with the features to be fully assessed. All woody species present should be recorded. Where woody plants are present within a hedgerow that are significantly different in character from the remainder of it, these should be identified and recorded separately, especially where they comprise distinct trees.

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
Trees unsuitable for retention (see Note)		
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	See Table 2 
Trees to be considered for retention		
<p>1 Mainly arboricultural qualities 2 Mainly landscape qualities 3 Mainly cultural values, including conservation</p>		
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features 
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality 
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees with no material conservation or other cultural value 

Tree
Common and Botanical Names

Common Name	Botanical Name	Common Name	Botanical Name
Alder, Common	<i>Alnus glutinosa</i>	Elm, English	<i>Ulmus procera</i>
Alder, Grey	<i>Alnus incana</i>	Elm, Wych	<i>Ulmus glabra</i>
Alder, Italian	<i>Alnus cordata</i>	False Acacia	<i>Robinia pseudoacacia</i>
Apple, Crab	<i>Malus sylvestris</i>	Fir, Common Silver	<i>Abies alba</i>
Ash, Common	<i>Fraxinus excelsior</i>	Fir, Douglas	<i>Pseudotsuga menziesii</i>
Ash, Caucasian	<i>Fraxinus oxycarpa</i>	Fir, Grand	<i>Abies grandis</i>
Aspen	<i>Populus tremula</i>	Gum, Sweet	<i>Liquidambar styraciflua</i>
Beech, Antarctic	<i>Nothofagus antarctica</i>	Gum, Cider	<i>Eucalyptus gunnii</i>
Beech, Common	<i>Fagus sylvatica</i>	Hawthorn	<i>Crataegus monogyna</i>
Beech, Copper	<i>Fagus sylvatica 'Purpurea'</i>	Hazel	<i>Corylus avellana</i>
Beech, Cut Leaf	<i>Fagus sylvatica 'Heterophylla'</i>	Hazel, Turkish	<i>Corylus colurna</i>
Birch, Ornamental	<i>Betula sp.</i>	Hemlock, Western	<i>Tsuga heterophylla</i>
Birch, Silver	<i>Betula Pendula</i>	Holly, Common	<i>Ilex aquifolium</i>
Birch, River	<i>Betula nigra</i>	Honey Locust	<i>Gleditsia triacanthos</i>
Box Elder	<i>Acer negundo</i>	Hornbeam	<i>Carpinus betulus</i>
Cedar, Atlas	<i>Cedrus atlantica</i>	Hornbeam, Fastigiata	<i>Carpinus betulus 'Fastigiata'</i>
Cedar, Doedar	<i>Cedrus deodora</i>	Indian Bean Tree	<i>Juniperus communis</i>
Cedar, Lebanon	<i>Cedrus libani</i>	Juniper, Common	<i>Juniperus chinensis</i>
Cedar, Western Red	<i>Thuja plicata</i>	Juniper, Chinese	<i>Laburnum anagyroides</i>
Cedar, Japanese Red	<i>Cryptomeria japonica</i>	Laburnum	<i>Larix decidua</i>
Cherry, Bird	<i>Prunus padus</i>	Larch, European	<i>Tilia x europaea</i>
Cherry, Ornamental	<i>Prunus sp.</i>	Lime, Common	<i>Acer platanoides</i>
Cherry, Wild	<i>Prunus avium</i>	Maple, Norway	<i>Acer cappadocicum</i>
Chestnut, Sweet	<i>Castanea sativa</i>	Maple, Cappadocian	<i>Acer campestre</i>
Chestnut, Horse	<i>Aesculus hippocastanum</i>	Maple, Field	<i>Acer griseum</i>
Chestnut, Red Horse	<i>Aesculus x carnea</i>	Maple, Paper-Bark	<i>Acer saccharinum</i>
Cypress, Swamp	<i>Taxodium distichum</i>	Maple, Silver	<i>Araucaria araucana</i>
Cypress, Lawson	<i>Chamaecyparis lawsoniana</i>	Monkey Puzzle	<i>Morus nigra</i>
Cypress, Leylandii	<i>X Cupressocyparis leylandii</i>	Mulberry, Common	<i>Quercus robur</i>
Cypress, Nootka	<i>Chamaecyparis nootkansensis</i>	Oak, English	<i>Quercus robur 'Fastigiata'</i>
Cypress, Monterey	<i>Cupressus macrocarpa</i>	Oak, Fastigiata English	

Tree
Common and Botanical Names

Common Name	Botanical Name	Common Name	Botanical Name
Oak, Holm	<i>Quercus ilex</i>	Whitebeam, Swedish	<i>Sorbus intermedia</i>
Oak, Red	<i>Quercus rubra</i>	Willow, Crack	<i>Salix fragilis</i>
Oak, Scarlet	<i>Quercus coccinea</i>	Willow, Goat	<i>Salix caprea</i>
Oak, Sessile	<i>Quercus petraea</i>	Willow, White	<i>Salix alba</i>
Oak, Turkey	<i>Quercus cerris</i>	Yew, Common	<i>Taxus baccata</i>
Pear	<i>Pyrus sp.</i>	Yew, Irish	<i>Taxus baccata 'Fastigiata'</i>
Pear, Willow leafed	<i>Pyrus salicifolia</i>		
Pine, Scots	<i>Pinus sylvestris</i>		
Pine, Corsican	<i>Pinus nigra var. maritima</i>		
Plane, London	<i>Platanus x hispanica</i>		
Plane, Oriental	<i>Platanus orientalis</i>		
Plum	<i>Prunus sp.</i>		
Poplar, Black	<i>Populus nigra</i>		
Poplar, Grey	<i>Populus canescens</i>		
Poplar, Hybrid Black	<i>Populus x euramericana</i>		
Poplar, Lombardy	<i>Populus nigra var. 'Italica'</i>		
Poplar, Western Balsam	<i>Populus trichocarpa</i>		
Poplar, White	<i>Populus alba</i>		
Redwood, Coast	<i>Sequoia sempervirens</i>		
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>		
Rowan	<i>Sorbus aucuparia</i>		
Snowy Mespil	<i>Amelanchier lamarckii</i>		
Spruce, Norway	<i>Picea abies</i>		
Spruce, Sitka	<i>Picea sitchensis</i>		
Sycamore	<i>Acer pseudoplatanus</i>		
Tree of Heaven	<i>Ailanthus altissima</i>		
Thorn, Cockspur	<i>Crataegus crus-galli</i>		
Tulip Tree	<i>Liriodendron tulipifera</i>		
Walnut, Common	<i>Juglans regia</i>		
Wellingtonia	<i>Sequoiadendron giganteum</i>		
Whitebeam	<i>Sorbus aria</i>		

Agenda Item 5

Appendix 5

**Site: 1 Plymouth Drive
Barnt Green**

**BS5837
Tree Survey Schedule**

**Marlow Consulting Ltd
t: 01562 820907**

Date of Site visit: 18th November 2016

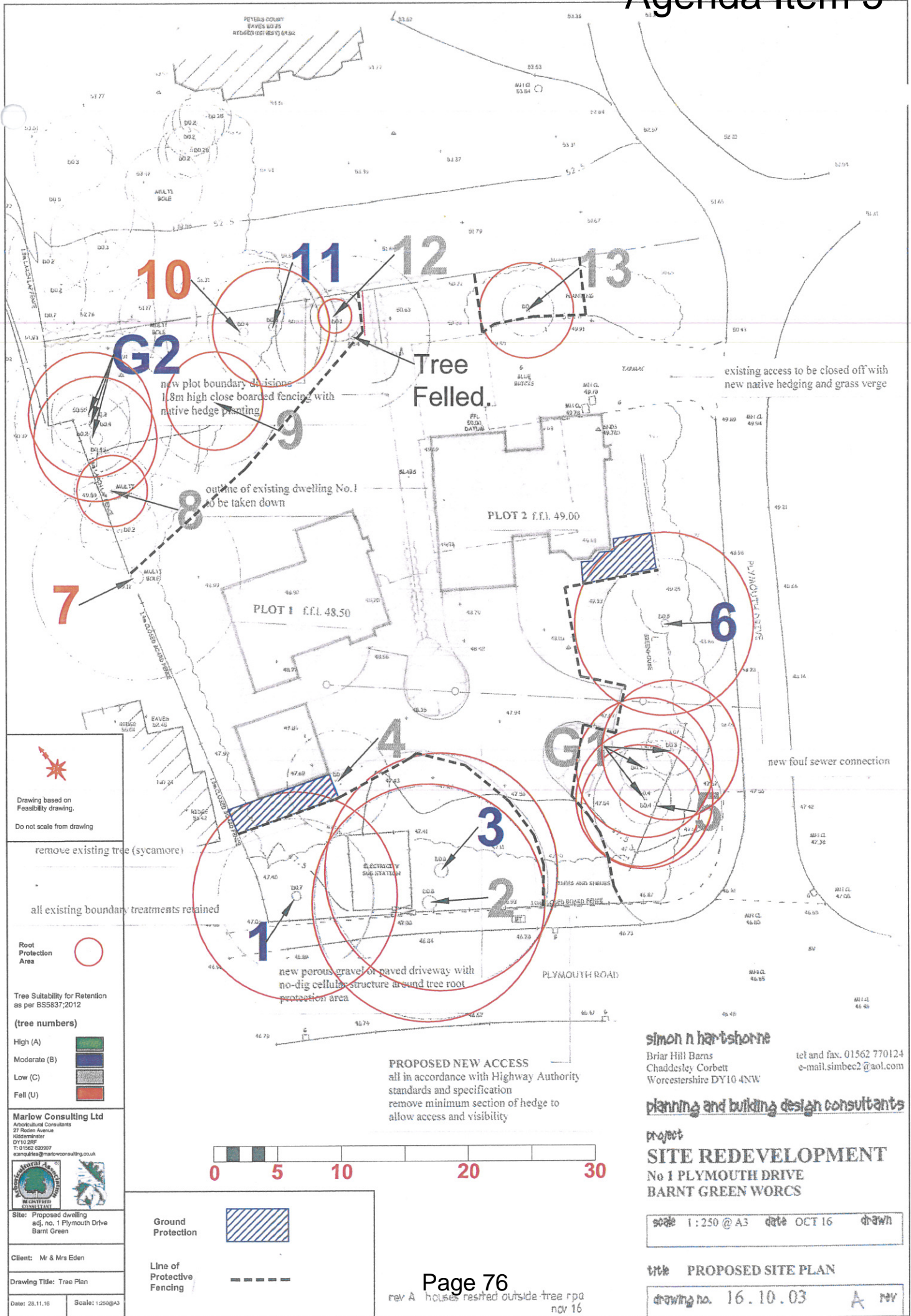
1

Tree No.	Species	Height	Trunk diam. at 1.5 m	Branch Spread			Crown Clear.	Age Class	Physiol. Condition	Structural Condition	Preliminary Work Required	Est. Contrib. (years)	BS5837 Category Grading	Sub Cat	Root Protection Radius	Root Protection Area (m ²)
				N	S	E	W									
1	Horse Chestnut	18	668	7	7	4	3	4	Good	Leans to the west. Crown healthy. Cut back on the west side.	No work required.	20+	Moderate B	1/2	8.02	202
2	Red Oak	16	764	8	6	1	8	9	Fair	Cavity at the base. Large tear out wound on the west side of the trunk. Large deadwood. Poor form and shape.	No work required.	10+	Low C	1/2	9.17	264
3	Sycamore	18	764	9	9	9	9	5	Good	No significant visible defects in the base and trunk. Moderate squirrel damage. Large deadwood.	Remove large deadwood.	20+	Moderate B	1/2	9.17	264
4	Sycamore	15	420	7	3	4	6	9	Good	Slightly upswept tree. Extensive squirrel damage.	No work required.	10+	Low C	1/2	5.04	80
5	English Oak	12	391	0	8	8	6	2	Good	No significant visible defects in the base and trunk. Poor form and shape. Suppressed by adjacent Lawson Cypress.	No work required.	10+	Low C	1/2	4.70	69
6	Tulip Tree	12	589	5	5	5	5	3	Good	Twin stemmed from approx. 4m. Large deadwood. Crown healthy.	No work required.	20+	Moderate B	1/2	7.07	157
7	Sycamore	15	900 #	8	5	8	8	4	Poor	Large decaying trunk. Regrowth at high risk of failure. Extensive squirrel damage.	Fell.	<10	Fell U			
8	Holly	9	229	3	3	3	3	0	Good	Leans into the site. Crown healthy.	No work required.	10+	Low C	1/2	2.75	24

Date of Site visit: 18th November 2016

2

Tree No.	Species	Height	Trunk diam. at 1.5 m	Branch Spread			Crown Clear.	Age Class	Physiol. Condition	Structural Condition	Preliminary Work Required	Est. Contrib. (years)	BS5837 Category Grading	Sub Cat	Root Protection Radius	Root Protection Area (m ²)
				N	S	E	W									
9	English Oak	16	315	1	6	4	4	1	Good	No significant visible defects. Suppressed. Poor form and shape.	No work required.	10+	LOW C	1/2	3.78	45
10	Common Beech	16	519	7	7	7	7	1	Good	Significantly weak fork at 1.6m & weak fork at 2m - high risk of failure. Crown healthy.	Fell.	<10	Fell U		-	-
11	Common Beech	16	382	6	6	6	4	0	Good	No significant visible defects. Inhibited by the adjacent tree. Crown healthy.	No work required.	20+	Moderate B	1/2	4.58	66
12	Tulip Tree	4	110	3	1	3	3	0	Good	No significant visible defects. Crown healthy. Poor form and shape due to proximity of adjacent tree, now felled.	No work required.	10+	LOW C	1/3	1.32	5
13	Lawson Cypress	14	306	2	2	2	2	0	Good	No significant visible defects. Crown healthy.	No work required.	10+	LOW C	1/3	3.67	42
G1	Lawson Cypress	14	450 #	2	2	2	2	2	Good	Minor damage to trunks. Crowns healthy.	No work required.	10+	LOW C	1/3	5.40	92
G2	Beech x 4	20	400 #	10	10	10	10	0	Fair	Line of four stems. Extensive squirrel damage.	No work required.	20+	Moderate B	1/3	4.80	72



Drawing based on Feasibility drawing.
Do not scale from drawing

remove existing tree (sycamore)

all existing boundary treatments retained

Root Protection Area

Tree Suitability for Retention as per BS5837:2012

(tree numbers)

High (A)	
Moderate (B)	
Low (C)	
Fall (U)	

Marlow Consulting Ltd
Arboricultural Consultants
27 Roden Avenue
Kilometer
DY10 2RF
T: 01562 50907
enquiries@marlowconsulting.co.uk

Site: Proposed dwelling adj. no. 1 Plymouth Drive Barnt Green

Client: Mr & Mrs Eden

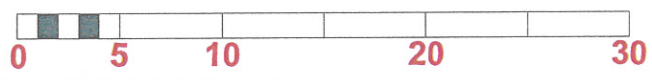
Drawing Title: Tree Plan

Date: 28.11.16 Scale: 1:250@A3

Ground Protection

Line of Protective Fencing

PROPOSED NEW ACCESS
all in accordance with Highway Authority standards and specification
remove minimum section of hedge to allow access and visibility



simon h hartshorne
Briar Hill Barns
Chaddesley Corbett
Worcestershire DY10 4NW
tel and fax. 01562 770124
e-mail. simbec2@aol.com

planning and building design consultants

project
SITE REDEVELOPMENT
No 1 PLYMOUTH DRIVE
BARNT GREEN WORCS

scale 1:250 @ A3 date OCT 16 drawn

title PROPOSED SITE PLAN

drawing no. 16.10.03 A rev



Geosynthetics Ltd
Fleming Road
Harrowbrook Industrial Estate
Hinckley, Leicestershire
LE10 3DU
Tel 01455 617139 Fax 01455 617140
sales@geosyn.co.uk
www.geosyn.co.uk

Method Statement

For The Installation of Cellweb Tree Root Protection System.



When considering damage to tree roots, in applications of vehicular access and parking, the risk of oxygen depletion caused by compaction of subsoil's, site clearance damaging the root source and type of reinforcement are areas which need to be given due consideration.

Other risk factors are:

- Creating an impermeable surface
- Causing a rise in the water table due to construction
- Increasing ground level
- Contamination of subsoil's

1. Compaction

When looking at site conditions and use, the following information should be considered to enable a load bearing structure capable of supporting traffic to be proposed:

- Californian Bearing ratio (CBR) – Standard test method for measuring soil strength
- Soil types
- Water table
- Maximum load (vehicles)
- Acceptable rut depth
- Reinforcement type Cellweb Cellular Confinement
- Type and Depth of engineered infill material Clean, angular. Usually 40mm to 20mm.

2. Dig (site strip)

Site stripping does damage some root structure prior to construction; however, the use of no-dig construction elevates the access road requiring edge protection.

3. No dig

- | | |
|---|--|
| 3.1. Remove surface vegetation | Use a suitable herbicide suitable for the specific vegetation and not harmful to the tree root system |
| 3.2. Place geotextile separation filtration layer | Use a Fibretex F4M non woven Geotextile over the prepared sub-grade. Overlap dry joints by 300mm. |
| 3.3. Cellular Confinement System | The three dimensional cell structure, is formed by ultrasonically welding polyethylene (perforated) strips / panels together to create a three dimensional network of interconnecting cells. A high degree of frictional interaction is developed between infill and the cell wall, increasing the stiffness of the system |
| 3.4. Edge restraint | A treated timber edging is usually acceptable. |

4. Cellular Confinement and Backfill Material.



Expand the Cellweb 2.56m wide panels to the full 8.1 metre length. Pin the Cellweb panels with staking pins to anchor open the cells and staple adjacent panels together to create a continuous mattress. Infill the Cellweb with a no fines angular granular fill (typically 40-20mm) within each open cell. The use of cellular confinement reduces the bearing pressure on the subsoil by stabilising aggregate surfaces against rutting under wheel loads. Comparisons between cellular confinement and traditional aggregate and geogrid-reinforced structures demonstrate a 50% reduction in construction thickness of the granular material.

5. Surfacing Options

Block Paving:

- 5.1. Lay second layer of Fibretex F4M Geotextile separation fabric over the infilled Cellweb sections
- 5.2. Lay sharp sand bedding layer compacted with a vibro compaction plate to recommended depth.
- 5.3. Place block paviors as per manufacturers instructions.

Tarmac:

Place 25mm surcharge of the granular material above the Cellweb system and lay the bitumen base and wearing courses.

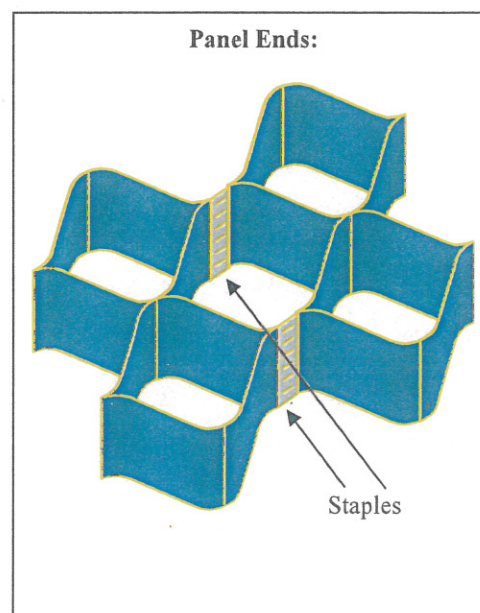
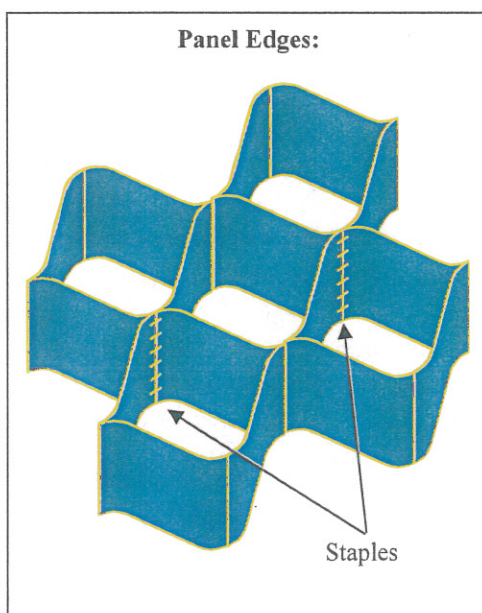
Loose Gravel:

- 5.4. Place second layer of Fibretex F4M Geotextile separation fabric over the infilled Cellweb sections
 - 5.5. Place decorative aggregate to required depth
- NOTE: A treated timber edge should be provided to restrict gravel movement.

Grass Blocks:

- 5.6. Place second layer of Fibretex F4M Geotextile separation fabric over the infilled Cellweb sections
 - 5.7. Place 50/50 rootzone bedding layer to the required depth
 - 5.8. Lay recycled Duo Block 500 Grass Protection System infilled with 50/50 rootzone mix.
 - 5.9. Seed as per architects instructions.
- (Alternatively the Grass Blocks may be infilled with gravel.)

Below are illustrations of the correct stapling procedure for joining both edges and ends of panels together;



Paragraph: 007 Reference ID: 36-007-20140306

What does ‘amenity’ mean in practice?

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Revision date: 06 03 2014

Paragraph: 008 Reference ID: 36-008-20140306

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and

- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

SCHEDULE

Article 3

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	[ash]	[complete if necessary to specify more precisely the position of the trees]

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	[trees (of whatever species) within the area marked A1 on the map]	[complete if necessary to specify more precisely the position of the trees]
[A2]	[the ash, beech, larch and oak trees within the area marked A2 on the map]	[complete if necessary to specify more precisely the position of the trees]

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	[2 ash trees, 3 birch trees and 3 oak trees]	[complete if necessary to specify more precisely the position of the trees]

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[W1]	[mixed hardwoods (mainly oak, ash and alder)]	[complete if necessary to specify more precisely the position of the trees]
[W2]	[mixed conifers and deciduous trees (mainly Scots pine and birch)]	[complete if necessary to specify more precisely the position of the trees]

This page is intentionally left blank

Gavin Boyes

From: Rasma Sultana
Sent: 06 December 2016 16:01
To: Gavin Boyes; James White; Andrew Bucklitch
Subject: FW: Your Ref: RS/TPO (19) 2016

Hi All

Please see below letter received from Mr Azmi of 10 Plymouth Road Barnt Green and my response to him. I am in Redditch and can't remember who instructed on this matter.

Please can someone get back to him with regards to his comments that the tree is dangerous.

Thanks

Rash

Rasma Sultana

Legal Officer

Legal, Equalities and Democratic Services

Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

Tel: 01527 881745

Email: r.sultana@bromsgroveandredditch.gov.uk

Web: www.bromsgrove.gov.uk

Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Tel: 01527 881745

Email: r.sultana@bromsgroveandredditch.gov.uk

Web: www.redditch.whub.org.uk

PLEASE NOTE: MY WORKING DAYS ARE TUESDAY - FRIDAY

From: Rasma Sultana
Sent: 06 December 2016 15:59
To: 'Waqar Azmi'
Subject: RE: Your Ref: RS/TPO (19) 2016

Dear Mr Azmi

Thank you for your e-mail. I have forwarded it to the Tree Officers for comment.

The legal responsibility of the tree lies with the owner of the land that the tree is on. Please seek independent legal advice with regards to any alleged damage that the tree is causing to your property as a result of your neighbours failure to maintain. Unfortunately the Council cannot provide advice on a potential civil matter.

Agenda Item 5

With regards to the Tree Preservation Order I inform you that the Order is in place temporarily for 6 months. In that time the Tree Officers will undertake an assessment of the tree and a decision will be made as to whether the Tree Preservation Order will be made permanent.

Kind regards

Rasma Sultana

Legal Officer

Legal, Equalities and Democratic Services

Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Tel: 01527 881745

Email: r.sultana@bromsgroveandredditch.gov.uk

Web: www.bromsgrove.gov.uk

Tel: 01527 881745

Email: r.sultana@bromsgroveandredditch.gov.uk

Web: www.redditch.whub.org.uk

PLEASE NOTE: MY WORKING DAYS ARE TUESDAY - FRIDAY

From: Waqar Azmi [<mailto:waqar.azmi@redditch.gov.uk>]

Sent: 06 December 2016 14:10

To: Rasma Sultana

Subject: Your Ref: RS/TPO (19) 2016

Dear Mrs Sultana,

Thank you for your letter informing of the Order (No.19) 2016 Trees on land at Plymouth Drive, Barnt Green.

I was a little surprised to have received this Tree Preservation Order. This is because the Tree in front of my home at 10 Plymouth Drive, Barnt Green has caused severe and extreme damage so much so that I am unable to open my front garage door or unable to close the front gates because of the upheaval across my whole drive. My children can't play outside because the grounds are cracked and raised so much so that it is a health and safety hazard.

This tree belongs to my next door neighbor and over the last two years I have been raising this issue with them but they have not taken any action or done anything to stop the damage to my home. I fear the tree roots are now entering my lounge as the carpeted floors are becoming uneven.

With this Tree Preservation Order from you and non co-operation or interest from my next door neighbour I am deeply worried and concerned for my home and welfare of my children. I really do not know what to do? I would welcome a visit from your officers who will be shocked to see the extent and severity of the damage.

Agenda Item 5

I would have expected the Council to have carried out some sort of consultation or impact assessment before issuing this Preservation Order.

I would be most grateful for your advice.

With all good wishes,

Dr Waqar Azmi OBE

E-ma

Web:

Web:

Twit:

Face:

This page is intentionally left blank

T1



T1

T4





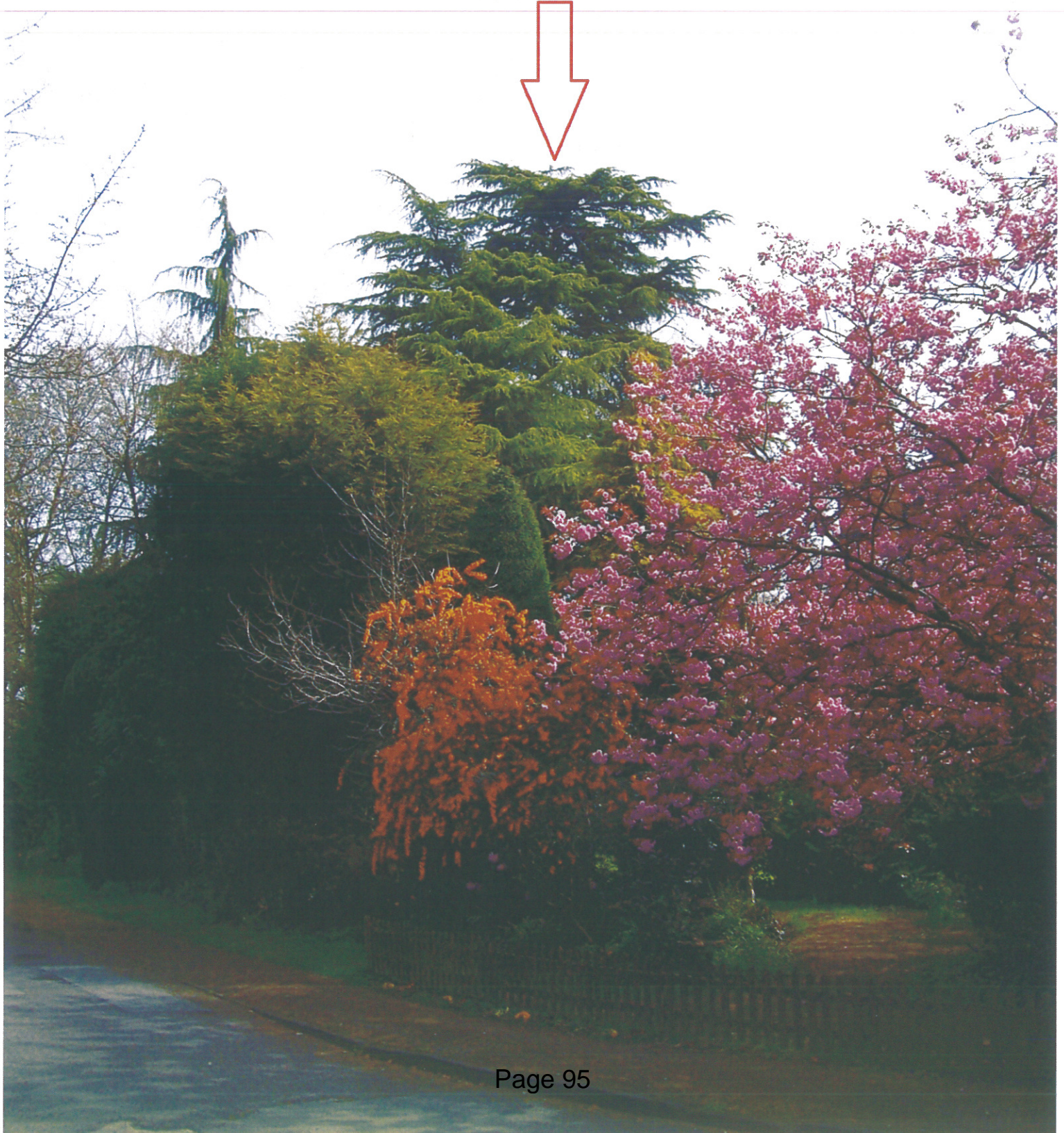


T18

T17

T16

T8





T9



T18





T19

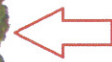


T20





T22



T22

G1



This page is intentionally left blank

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Hybrid application: Outline Planning Permission for up to 150 dwellings with all matters reserved for future consideration (access, appearance, landscaping, layout and scale) Full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1085

This application was deferred at the meeting of Planning Committee on 3 April 2017 at the request of Members in order to address:-

- **the current relevance of the Longbridge Area Action Plan (LAAP);**
- **a lack of Section 106 contributions to directly benefit the local area specifically and Bromsgrove generally in terms of amenities, education and health provision;**
- **the wider impact of the development on the local highway infrastructure;**
- **and the shortfall of housing provision agreed in the LAAP.**

RECOMMENDATION:

- (a) MINDED to APPROVE OUTLINE AND FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) A contribution towards the provision of wheelie bins for the scheme based on £61.40 per unit.
 - (ii) £138,900 as a contribution towards enhancing an existing amenity asset (Lickey Hills) to include refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, and refurbishment of essential features / buildings of the park (details to be finalised).
 - (iii) £37,800 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.

Plan reference

- (iv) £32,554 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery.
- (v) The provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
- (vi) Community centre to be provided on site and transferred to an appropriate body /Trust to maintain.

Consultations

Cofton Hackett Parish Council

No objections to the outline plan for 150 dwellings and to the revised position of the Village Hall on the corner of Groveley Lane and East Works Drive.

Birmingham City Council

Recommend a S106 contribution to open space in Bromsgrove, in particular improvements to footpaths surrounding the area and improvements to Lickey Hills Country Park

Severn Trent Water

No objections to the proposals subject to the inclusion of a drainage condition.

West Mercia Constabulary

No objections to the scheme.

Highways Department- Worcestershire County Council

The application is a phase of the wider East Works redevelopment and access to the village hall is served of the main distributor road via part of a new estate road. This road will serve part of the residential access provisions when the reserved matters application is considered. Conditions suggested relate to the community centre and not for the wider estate road design.

Worcester Regulatory Services- Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to contaminated land. This included a review of the document entitled 'Longbridge East Phase 3 Geo-Environmental Report for St Modwen Developments Ltd', produced by Rodgers Leask Environmental, dated October 2016, report reference P14-399.

Given the findings of the report and conditions on site WRS recommend conditions in order that further site investigation is conducted as required and a detailed remedial strategy developed to address potential risks from contamination.

Worcester Regulatory Services- Noise, Dust, Odour & Burning

Proposed Housing Development (Noise):

The submitted noise assessment appears acceptable; all of the recommendations relating to glazing, ventilation and the installation of boundary fencing should be implemented.

Proposed Community Facility (Noise):

No objection to the application in terms of noise but the recommended noise limits for external plant / equipment / ventilation openings should be adhered to.

Worcester Regulatory Services- Air Quality

WRS have considered the impact on local air quality from the above development and recommend conditions to mitigate the cumulative impact on local air quality from the development.

Leisure Services

No objection to the proposal. Any open space appears to be purely incidental and fronts Groveley Railway edge plantings shall consist of native buffer mix.

Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 3 by Alder should be conditioned to ensure that no net loss of biodiversity and a net gain is achieved on site.

Strategic Housing

Would expect 35% affordable housing on this site with a 60/40 tenure split in favour of social rented. The tenure mix needs to be agreed at this stage but happy to wait until a later stage to identify specifically which properties and where the affordable units are positioned.

Drainage Engineers Internal Planning Consultation

The development site is located in the River Arrow catchment which is a tributary of the Avon. The whole of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping, and it is not considered that there is any significant fluvial flood risk to the site. Specifically the site is drained directly by the upper part of the River Arrow, this section of the river has been disconnected from the main River Arrow channel and its flow discharges directly to the SSSI of Upper Bittell Reservoir. It is important therefore that the water quality of runoff is considered as part of the application. Recommend a drainage condition.

Strategic Planning

The principle of the proposed development has long been established through the production of the Longbridge Area Action Plan (LAAP), the proposal put forward largely accord with the requirements set down in the LAAP. Subject to appropriate planning obligations being secured in line with those identified in the planning statement including 35% affordable housing, have no objection to the scheme.

The proposed uses on this portion of the site are acceptable, and inclusion of the community centre is a key element of the development and is welcomed. The proposed higher densities for this portion of the site are also in line with the LAAP and welcomed, it is important to ensure an efficient use of land on brownfield sites to prevent increased levels of development on Greenfield sites.

Health & Safety Executive

No comments submitted.

Joe Holyoak

Has reservations in respect to the potential layout of the housing in comparison to details submitted under the outline proposal for the whole of the Longbridge East site which was submitted in 2011.

Accepts that the re-positioning of the village hall to the junction of Groveley Lane and East Works Drive is an improvement to that originally submitted where it was adjacent to the railway line.

Network Rail

Recommend conditions / informatives

NHS England

The site of the proposed development lies within the practice areas of two Worcestershire GP surgeries located in Rubery. Both are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area.

Therefore, would request a financial contribution for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery.

Public Consultation

8 letters of objection summarised as follows:-

- Object to the positioning of the community centre. Insufficient car parking for the community centre and potential impact on the neighbours in terms of general noise and disturbance as well as additional car parking.
- Concern in respect to having all the development served off existing means of access.

2 letters of support

- Consider the revised location for the village hall suitable all round - the hall could become a central resource for the entire village (for aforementioned kids clubs and exercise classes etc) and also a very attractive focal point. I cannot foresee parking or traffic problems in this revised location, with the ample parking along Groveley Lane.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP12	Sustainable Communities
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

Others:

Longbridge Area Action Plan

SPG1 Residential Design Guide

SPG11 Outdoor Play Space

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts:
Approved 18.03.09.

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).
Withdrawn.

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012.

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12 Nov 2012.

12/0160 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access
Approved 23 April 2012.

14/0239 Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.
Approved 08.04.2015.

15/0819 Erection of 41 dwellings, landscaping and associated development infrastructure.
Approved 9 Feb 2016

16/1087 Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure.
Land off East Works Drive, Cofton Hackett
To be determined.

Proposal Description

The application is phase 3 of the redevelopment of the East Works site. This application is a hybrid application and includes a detailed scheme for the community centre and

outline proposals for 150 dwellings. The indicative layout plan shows the means of access for the residential scheme off East Works Drive serving 150 dwellings that would be potentially 2+ storeys high. However, all matters (Access, Appearance, Landscaping, Layout and Scale) shall be considered at the Reserved Matters stage.

The community centre is approximately 450 sq m. The building would comprise of ground floor accommodation with a single storey flat roof / double height mono pitched roofline. Materials proposed for the building include grey long format brickwork, timber mullions and vertical cladding, white render and zinc roofing. The community building and associated car parking would be located on the corner of Groveley Lane and East Works Drive.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. The site is located to the east of the phase 1 development.

Assessment of Proposal

Principle

The site is designated for housing in the Longbridge Area Action Plan (LAAP) which is part of the Development Plan for Bromsgrove District and specifically applies to the Longbridge area. Members will be aware that the LAAP is a shared document with Birmingham City Council. It is the starting point for decisions and any development in this area should be determined in accordance with this plan unless material considerations indicate otherwise.

Proposal H2 of the LAAP applies and requires a minimum of 700 dwellings to be provided on the East Works site providing a mix of sizes, types and tenures. Proposal H2 requires an overall density of 40 - 50 dwellings per hectare. There is an aspiration that this particular phase be developed at a higher density compared to phase 2b. The potential density based on the indicative plan would be 52 dwellings per hectare. However, despite the higher density, it is unlikely that the overall minimum requirement will be achieved based on the number of units currently built and proposed:-

East Works site:-

Phase 1 scheme	= 229 dwellings	(built)
Phase 2a scheme	= 41 dwellings	(under construction)
Phase 2b scheme	= 185 dwellings	(Ref: 16/1087 to be determined)
Phase 3 scheme	= 150 dwellings	(Ref: 16/1085 this application)
Total	= 605 dwellings	(shortfall 95 dwellings)

Overall the LAAP requires a minimum target of 1450 dwellings in Longbridge. Officers at Birmingham City Council have confirmed in their SHLAA (2016) that 965 units have been built or have permission. Based on current findings it is anticipated in the LAAP Review (draft) that a total of approximately 1960 dwellings will be provided within the area. Therefore, whilst a shortfall on the East Works site is likely, the overall delivery of housing is expected to be significantly more than the 1450 originally envisaged in the LAAP. Birmingham City Council has not raised concerns / objections in respect to the proposed provision of housing on the East Works site.

Proposal H2 of the LAAP requires a target of 35% of dwellings to be affordable. Comments from Strategic Housing reflect this approach. Affordable housing provision sought under Proposal H2 of the LAAP is more than what would generally be sought under policy BDP8 of the Bromsgrove District Plan (BDP) (30% on a brownfield site). The applicant proposes to provide 35% affordable housing which will form part of the S106 Agreement.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works, therefore redevelopment of this site for housing would comply with policy. Policy BDP1 of the adopted plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. The scheme would comply with this policy, as well as core planning principles set out in the NPPF.

Proposal H2 of the LAAP requires new local facilities and shops. This was a sought after facility at the time of the publication of the LAAP. It is now accepted that there would be very little demand for this type of facility in this area. However, the inclusion of the community centre would be a key element of the development.

Policy BDP12 of the District Plan encourages new facilities and services to meet the needs of the community. The provision of a new community centre in this location would be a benefit to the wider community of Cofton Hackett located in a prominent corner location close to the bus network. An appropriate body/Trust would run the centre for the following activities:-

- Parent and toddler groups
- Play groups
- Fitness groups, slimming, yoga, aerobics etc.
- Coffee mornings
- Some kind of Church activities which are family friendly
- Interest groups e.g. Book clubs, W.I.
- Brownies
- Children's activity clubs
- Birthday parties, there would be age restrictions and curfew times etc.

Any late evening group would have a finish time no later than 10.30pm.

The proposed community centre in terms of its design and location is acceptable and complies with policies BDP.12 and BDP.19 of the District Plan. The principle of residential development would comply with the NPPF, accords with the LAAP, adopted Plan and is considered to be acceptable.

Highways and access

The indicative layout plan shows development being served off East Works Drive. Objections have been made in respect to the number of units being served off this road. Worcestershire Highways consider the number of units served off this road to be acceptable and recommend conditions. The access arrangements for the East Works site

overall have been designed and built with the anticipation that 700 units and communal facilities would be served off East Works Drive. Given that there is likely to be a shortfall of 95 units on site the access arrangements for the scheme would not be at capacity.

Highway improvements have been carried out in the local vicinity as a result of a financial contribution paid under phase 1. Worcestershire Highways are not seeking any further contributions as result of these subsequent phases.

The general redevelopment of the Longbridge area has enabled investment in sustainable travel with contributions going towards Centro Park and Ride and improvements to Longbridge Railway Station. Improved facilities in public transport are giving new occupiers more choice, and less reliance on their own car. In addition, wider strategic highway improvements have also been part of the Longbridge redevelopment works such as traffic lights at the junction of Lowhill Lane and Lickey Road as well as other improvements to the A38.

Noise and contaminated land

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

Neighbour objections

Objections relate to the increase in traffic which has been considered above. Other concerns relate to the potential disturbance as a result of the community centre. Officers consider the community centre to be a very important asset for this redevelopment area as well as the wider community of Cofton Hackett. Two letters have been submitted supporting this application and the provision of the community centre.

The revised location of the community centre means that it is highly visible and accessible via the public transport network. Taking into consideration comments from residents in respect to general disturbance, this would be dealt with under statutory noise nuisance legislation managed by WRS.

Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable housing provision. To ensure 35% affordable housing is provided on site and retained as such in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. Whilst open space facilities are proposed to be provided under phase 2b (16/1087), there would still be a shortfall of open space provision for the number of dwellings in this location. As such a financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) in respect to footpath improvements / refurbishment works etc. to address the shortfall of required open space facilities. A contribution would also go towards community infrastructure in the area such as enhancing the local allotments / refurbishing a play area off Chestnut Drive as well as Improvements to the local car park at Lickey Road and

incidental works such as planters and benches in and around Cofton Hackett. This would be in line with policy BDP.25 of the District Plan, and Proposal H2 of the LAAP.

The site lies within the practice areas of two Worcestershire GP surgeries. The two surgeries are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to enable the extension of one of the surgeries concerned.

Community centre is to be provided on site and will be maintained by an appropriate body/ Trust.

The applicant is agreeable to these heads of terms and a S106 Agreement is in the process of being drafted.

Concern has been raised in respect to the number of dwellings being built that would lead to additional children using the local schools. Members will be aware that under the phase 1 development (11/0750) a financial contribution was paid to the Education Authority to provide improved education facilities at Lickey Hills Primary School. The contribution was to meet the expected requirement for school places from the development as a whole. Since phase 1 the Education Authority has not requested any further monies following the submission of subsequent applications. Therefore, it can be assumed that no further contributions are deemed necessary.

Conclusion

The principle of residential development is considered to be acceptable and whilst there may be an overall shortfall of housing on the East Works site, this shortfall is unlikely to have a detrimental impact on the anticipated housing target set for Longbridge overall. The proposal would not conflict with the Proposals set out in the LAAP, and complies with policies in the adopted Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

The design and location of the proposed community centre is considered to be acceptable and would comply with policies in the LAAP and the adopted Bromsgrove District Plan.

RECOMMENDATION:

- (a) MINDED to APPROVE OUTLINE AND FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) A contribution towards the provision of wheelie bins for the scheme based on £61.40 per unit.
 - (ii) £138,900 as a contribution towards enhancing an existing amenity asset (Lickey Hills) to include refurbishment of paths and improvements to accessibility to key

areas of the park throughout the site, and refurbishment of essential features / buildings of the park (details to be finalised).

- (iii) £37,800 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
- (iv) £32,554 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery.
- (v) The on-site provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
- (vi) Community centre to be provided on site and transferred to an appropriate body.

Conditions / Informatives

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission;
 - or
 - ii. The expiration of two years from the final approval of the reserved matters;
 - or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. With the exception of the proposed Community Centre as shown on approved drawings (to be defined), approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The reserved matters applications for the residential development under this planning permission shall include a total number of dwellings which is no less than 145 dwellings and no more than 150 dwellings.

Reason:- To maximise the efficient use of this brownfield site in accordance with policies BDP1 and BDP2 of the Bromsgrove District Plan and Proposal 2 of the Longbridge Area Action Plan.

5. Details of the form, colour and finish of the materials to be used externally on the community centre approved shall be carried out in accordance with Dwg. No. AAH5345 03 Rev B Floor plans and elevations.

Reason: To protect the visual amenity of the area.

6. Other than the materials as approved for the proposed Community Centre, details of the form, colour and finish of the materials to be used externally on the walls and roofs of the proposed dwellings shall be subject to the approval, in writing, of the local planning authority before the materials are used in the construction of the proposed dwellings.

Reason: To protect the visual amenity of the area.

7. No works or development shall take place on the proposed Community Centre until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

8. No works or development shall take place, other than in respect of the approved Community Centre, until a scheme for foul and surface water drainage for the residential scheme, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

9. Development shall not begin, other than in respect of the approved Community Centre, until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local

Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

10. The residential development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

11. The landscaping scheme for the community centre including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

12. Prior to commencement of development, other than in respect of the approved Community Centre, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include
- (a) areas within the site to be used for loading, unloading and manoeuvring,

- (b) areas within the site to be used for storage of materials and equipment including fuels,
- (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,
- (d) proposals to minimise dust from construction
- (e) construction noise suppression,
- (f) areas within the site to be used for parking for site personnel, operatives and visitors
- (g) construction traffic routes,
- (h) piling techniques,
- (i) programme of works (including measures for traffic management and operating hours),
- (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers

14. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 3 by Alder shall be implemented.

Reason:- In the interests of ecology in the local area and in accordance with BDP 19 of the Bromsgrove District Plan and paras 9 and 109 of the National Planning Policy Framework.

15. Other than in respect of the approved Community Centre, Secure cycle parking facilities should be provided at the development as determined by Worcestershire County Council LTP3 Policy and AQAP Measure 5.3.7. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development.

Reason: In the interests of facilitating sustainable development.

16. Details of appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) shall be submitted to and approved by the Local Planning Authority. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational before occupation. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. The approved scheme shall be implemented before the building(s) hereby permitted are first occupied.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed

where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles." AQAP Measure 5.2.10

17. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the

approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. All of the recommendations relating to glazing, ventilation and the installation of boundary fencing indicated in the noise report shall be implemented as part of the reserved matters application for the residential development.

Informatives

1. In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
 - o access and parking provision,
 - o the impact of the development in the street scene,
 - o impact of the development upon amenity of neighbours,
 - o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction: Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>
4. Network Rail informatives.
5. Environment Agency informatives.

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk

This page is intentionally left blank

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1087

This application was deferred at the meeting of Planning Committee on 3 April 2017 at the request of Members in order to address:-

- **the current relevance of the Longbridge Area Action Plan (LAAP);**
- **a lack of Section 106 contributions to directly benefit the local area generally in terms of amenities,**
- **education and health provision;**
- **the wider impact of the development on the local highway infrastructure;**
- **and the shortfall of housing provision agreed in the LAAP.**

RECOMMENDATION:

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) £11,359.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £171,100 as a contribution towards enhancing an existing amenity asset (Lickey Hills) to include refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, and refurbishment of essential features / buildings of the park (details to be finalised).
 - (iii) £47,200 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
 - (iv) £40,149 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery, and/or Barnt Green Surgery, Hewell Road, Barnt Green.
 - (v) The on-site provision of affordable housing to be maintained as such in perpetuity.

- (vi) The proposed open space provision (informal recreation) included within the application to be provided /implemented on site and managed as such in perpetuity.

Consultations

Highways Department- Worcestershire County Council

Recommend conditions and confirm that a financial contribution towards highway improvements will not be required.

Worcester Regulatory Services- Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the document entitled 'Residential Phase 2 Longbridge East Geo-Environmental Overview', produced by Rodgers Leask Environmental, dated 10th November 2016, report reference P15-497.

This report provides a summary of site conditions based on the findings of previous site investigations and remediation undertaken so far. Given the findings of the report and conditions on site WRS recommend conditions in order that further site investigation is conducted as required and a detailed remedial strategy developed to address potential risks from contamination.

Worcester Regulatory Services- Noise, Dust, Odour & Burning

WRS has reviewed the report Noise Assessment by Hoare Lea Acoustics (Hoare Lea Acoustics Report REP-1006380-PJ-280616 - Longbridge Phase 2B rev 2 31/10/2016) The report appears to be technically sound and WRS has no further comments regarding noise

Worcester Regulatory Services- Air Quality

We have reviewed the submitted technical note for a clean cover thickness and sampling strategy for the above site entitled "Strategy for Clean Cover and Imported Subsoil - Longbridge Phase 2B - 19/01/2017" and the report entitled " Residential Phase 2 - Longbridge East - Geo-environmental Overview - Dated 10/11/16".

Both reports are acceptable and we have no adverse comments to make in respect of the reports and recommendations.

Landscape & Tree Officer

Following a site meeting and negotiations in respect to new tree planting, have no objections to the proposed development subject to conditions.

Leisure Services

No comments submitted.

Strategic Housing

Satisfied with the numbers, tenure split and the distribution of the affordable housing within the scheme.

Waste Management

No comments submitted.

Drainage Engineers Internal Planning Consultation

The development site is located in the River Arrow catchment which is a tributary of the Avon. The whole of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping, and it is not considered that there is any significant fluvial flood risk to the site. Specifically the site is drained directly by the upper part of the River Arrow, this section of the river has been disconnected from the main River Arrow channel and its flow discharges directly to the SSSI of Upper Bittell Reservoir. It is important therefore that the water quality of runoff is considered as part of the application.

Given the size of the development the impact off site is more considerable than on it from a flooding perspective. Further details are required to demonstrate that the sites runoff will be suitably restricted at the typical storm return periods. This detail should be provided to the LPA as part of the condition.

Birmingham City Council

Recommend a S106 contribution to open space in Bromsgrove, in particular improvements to footpaths surrounding the area and improvements to Lickey Hills Country Park

Historic England

Do not object to the principle of the proposed development, but mindful of the potential impact on the cluster of heritage assets that lies to the south. These include the highly-graded Church of St Michael and Cofton Hall, both Grade II* listed, and the Grade II listed barn and stables which line Cofton Church Lane. A new pedestrian and cycle access is proposed from the development through the southern hedge boundary opposite the church and new sightlines are proposed from the development onto this cluster. The new path is proposed to be 3.5 metres wide and seems excessive. Recommend that the Council's expert conservation staff assess this impact to ascertain whether it is harmful to the heritage assets or not, and whether mitigation would reduce the harm.

Conservation Officer

Would consider that the development of this site has the potential to alter the setting of the listed Church, and as a result harm the significance of this heritage asset. Consider that partial views of this housing estate would bring the suburbs of Birmingham into the setting of the Church, and would clearly detract from the rural surroundings.

However, potential views of the site could be reduced by enhancing the planting at this end of the site. Although would not normally advocate planting trees to hide development, given the heavily treed boundary already in existence, it is considered that reinforced planting could screen out views of the housing.

Strategic Planning

The principle of the proposed development has long been established through the production of the Longbridge Area Action Plan (LAAP), the proposals put forward largely accord with the requirements set down in the LAAP. Subject to appropriate planning obligations being secured in line with those identified in the planning statement including 35% affordable housing, the residential use and the density of the proposed dwellings on this element of the site are acceptable. No objection to the scheme.

In respect to the open space areas, the open space to the west of the site is not part of the LAAP boundary. At the time of the LAAP production this area was not considered to be suitable to allocate as open space as it would only perform a limited function. Proposals submitted appear to open the area up to a limited degree, which is welcomed; however, it is very important that an appropriate contribution is made to local open space / leisure facilities such as Cofton Park or the Lickey Hills to address the open space /leisure provision for the scheme.

Cofton Hackett Parish Council

No objections to the scheme but following a spate of burglaries on the phase 1 scheme would request improved levels of security.

Health & Safety Executive

No comments submitted.

West Mercia Constabulary

No objections to the above application.

Joe Holyoak

The proposal acceptably follows similar principles approved for earlier phases of development. The fundamental elements of the proposal are sound and should achieve a good result.

Severn Trent Water

No objections to the proposals subject to the inclusion of a drainage condition.

Network Rail

Recommend informatives.

Parks & Green Space Development Officer Martin Lewis

Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 2b by Alder should be conditioned to ensure that no net loss of biodiversity and a net gain is achieved on site.

Worcestershire Rights of Way

Welcome proposed footpath links from the site to the surrounding footpath network and confirm that a financial contribution is not required to resurface the bridleway, The Stocken.

NHS England

The site of the proposed development lies within the practice areas of three Worcestershire GP surgeries. All three are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, would request a financial contribution for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery, and/or Barnt Green Surgery, Hewell Road, Barnt Green.

Public Consultation

6 objection letters raising concerns summarised as follows:-

- Increased traffic will be off East Works Drive, currently delays leaving junction at present.
- Concern in respect to continued use of existing showhome and associated car parking for the development of phase 2.
- Concern in respect to Shadow Close being used as a visitor access throughout the development of phase 2.
- Concern in respect to Shadow Close being used as an alternative route for construction development throughout the phase 2 developments.
- Do not object to the scheme but concerns in respect to traffic and impact of additional children to the area using local school – oversubscribed.
- Hours of work during construction.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

Others:

Longbridge Area Action Plan	
SPG1	Residential Design Guide
SPG11	Outdoor Play Space
Worcestershire Waste Strategy	
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

Relevant Planning History

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts:
Approved 18.03.09

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).
Undetermined

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12 Nov 2012

12/0160 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access
Approved 23 April 2012

14/0239 Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.
Approved 8 April 2015

15/0819 Erection of 41 dwellings, landscaping and associated development infrastructure
Approved 9 Feb 2016

16/1085 Hybrid application Outline application for up to 150 dwellings and full planning permission for community centre
To be determined

Proposal Description

The application is phase 2b of the overall redevelopment of Longbridge East. The scheme comprises of the following mix of development:-

Open market housing

5 No. 2 bed dwellings
26 No. 3 bed dwellings
77 No. 4 bed dwellings
12 No. 5 bed dwellings

Affordable housing (rent)

4 No. 1 bed maisonettes
20 No. 2 bed dwellings
7 No. 3 bed dwellings
6 No. 4 bed dwellings

Affordable housing (shared ownership)

16 No. 2 bed dwellings
12 No. 3 bed dwellings

The proposed layout shows vehicular access off Groveley Lane through the recently built phase 1 development continuing off East Works Drive to create an access that will form a circular route with culs de sac off it. In curtilage car parking would be provided for most of the units, however, the dwellings backing onto the railway line would have communal car parking at the rear similar to that already approved under phase 1 and 2a.

The designs of the dwellings are varied and are similar to those currently under construction as part of phase 2a. The units are a mix of 2 and 3 storey and would be in a variety of materials / colours to add interest to the streetscene, such as brick, render, and composite timber cladding.

Two informal open space areas are also included within this application. An existing tree planted area to the west of the site would become an informal walking area, some of the trees would be removed in order to open up this area to create an informal grassed circular route, and a formal aggregate footpath would provide a link to The Stocken bridleway which is beyond the application site. A larger open space area would be provided to the south of the site and would have new tree planting as well as some informal play facilities such as boulders for low level climbing and informal seating as well as horizontal timber stepping logs. A wide footpath (suitable for cyclists) would meander through this open space and finish at Cofton Church Lane.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

Assessment of Proposal

Principle

The site is designated for housing in the Longbridge Area Action Plan (LAAP) which is part of the Development Plan for Bromsgrove District and specifically applies to the Longbridge area. Members will be aware that the LAAP is a shared document with Birmingham City Council. It is the starting point for decisions and any development in this area should be determined in accordance with this plan unless material considerations indicate otherwise.

Proposal H2 of the LAAP applies and requires a minimum of 700 dwellings to be provided on the East Works site providing a mix of sizes, types and tenures. This scheme has a good mix of sized dwellings, however, it is unlikely that the minimum requirement of 700 units will be achieved overall in this location based on the numbers currently proposed:-

East Works site

Phase 1 scheme	= 229 dwellings	(already built)
Phase 2a scheme	= 41 dwellings	(under construction)
Phase 2b scheme	= 185 dwellings	(Ref: 16/1087 this application)
Phase 3 scheme	= 150 dwellings	(Ref: 16/1085 to be determined)
Total	= 605 dwellings	(shortfall 95 dwellings)

Overall the LAAP requires a minimum target of 1450 dwellings in Longbridge. Officers at Birmingham City Council have confirmed in their SHLAA (2016) that 965 units have been built or have permission. Based on current findings it is anticipated in the LAAP Review (draft) that a total of approximately 1960 dwellings will be provided within the area. Therefore, whilst a shortfall on the East Works site is likely, the overall delivery of housing is expected to be significantly more than the 1450 originally envisaged in the LAAP. Birmingham City Council has not raised concerns / objections in respect to the proposed provision of housing on the East Works site.

Proposal H2 requires that an overall density of 40 - 50 dwellings per hectare be achieved. There is an aspiration that the northern part of the East Works site be developed at a higher density which in turn allows for the southern part of the site to be developed at a lower density, where the impact of development would be greater adjacent to rural surroundings. The density of this scheme (phase 2b) falls within a range of 30 - 40 dwellings per hectare. This is comparable to that of phase 1 which falls within a range of 30 - 45 dwellings per hectare.

Proposal H2 of the LAAP requires 35% of dwellings to be affordable. The scheme includes this provision with a good mix of bedroom types and tenure (affordable rent 37 units / shared ownership tenure 28 units). The affordable housing is proposed to be located in small clusters interspersed with the open market housing. Strategic Housing is satisfied with the number of units, the positioning of, and mix of units proposed. Affordable housing provision sought under Proposal H2 of the LAAP is more than what would generally be sought under policy BDP8 of the Bromsgrove District Plan (BDP) (30% on a brownfield site). It is considered that the affordable housing element of the scheme is acceptable and would form part of the S106 Agreement.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works; therefore redevelopment of this site for housing would comply with this policy. Policy BDP1 of the adopted plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.

The overall scheme accords with paragraph 50 of the NPPF that encourages a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities. The principle of residential development would comply with the NPPF, the LAAP, adopted District Plan and is considered to be acceptable.

Highways and access

The layout shows a continuation of existing access roads from phase 1 into the application site creating an overall loop with culs-de-sac off the loop. Objections have been made in respect to the continuation of the loop, and the number of units being served off East Works Drive.

Worcestershire Highways consider the number of units served off this road to be acceptable and recommend conditions. The access arrangements for the East Works site overall have been designed and built with the anticipation that 700 units and communal facilities would be served off this access road. Given that there is likely to be a shortfall of 95 units on site means that the access arrangements for the scheme would not be at capacity. Highway improvements have been carried out in the local vicinity as a result of a financial contribution paid under phase 1. Worcestershire Highways are not seeking any further contributions as result of these subsequent phases.

The general redevelopment of the Longbridge area has enabled investment in sustainable travel with contributions going towards Centro Park and Ride and improvements to Longbridge Railway Station. Improved facilities in public transport are giving new occupiers more choice, and less reliance on their own car. In addition, wider strategic highway improvements have also been part of the Longbridge redevelopment works such as traffic lights at the junction of Lowhill Lane and Lickey Road as well as other improvements to the A38.

Layout and Scale

The layout comprises of a combination of 2 and 3 storey dwellings. A number of the house types have dual aspect particularly those located on corner locations in order to enhance the streetscene.

Whilst the layout generally complies with the spacing requirements set out in the Bromsgrove District Council Residential Design Guide SPG, there is a shortfall of some of the units that are at oblique views to each other. The minimum spacing required is 21 m, however, the spacing of some of the units in this phase is 15 m. Whilst this is quite a shortfall, the same distance has been provided for dwellings under phase 1 (Shadow Close) and phase 2a (currently under construction). Having walked the phase 1 area where this shortfall exists, it is considered that the overall spacing does not give rise to uncomfortable / intimidating surroundings. On balance, the spacing provided is acceptable on this occasion and is unlikely to be detrimental to the amenities of the potential occupiers.

Open Space Provision

As mentioned above there are two areas of open space proposed within the scheme. Whilst the provision of on-site open space is welcomed and considered to be acceptable, there would still be a shortfall for the number of houses being built at the East Works site. As such a financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) in respect to footpath improvements / refurbishment works etc. to address the shortfall of required open space facilities, as well as community infrastructure in the area such as enhancing the local allotments and refurbishing a play area off Chestnut Drive that would be accessible to the new residents via the new footpath link. This would be in line with policy BDP.25 of the District Plan, and Proposal H2 of the LAAP. The open space areas to be provided as part of the scheme shall be privately managed and form part of a S106 Agreement.

Comments submitted by the Conservation Advisor express concern in respect to the potential impact the development could have on the listed church off Cofton Church Lane. Other comments submitted refer to the footpath link that would lead from the south of the site to Cofton Church Lane. Although this footpath is wide (to serve cyclists as well as walkers), it does meander through the open space area and as such enables the opportunity for new trees to be planted to increase screening of the development. It is important for the footpath link to be provided to enable occupiers to have easy access to the surrounding countryside and beyond.

Noise and contaminated land

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

Neighbour objections

Objections mainly relate to the number of dwellings being served off East Works Drive. This has been addressed above. Concern has been raised in respect to the number of dwellings being built that would lead to additional children using the local schools. Members will be aware that under the phase 1 development (11/0750) a financial contribution was paid to the Education Authority to provide improved education facilities at Lickey Hills Primary School. The contribution was to meet the expected requirement for school places from the development as a whole. Since phase 1 the Education Authority has not requested any further monies following the submission of subsequent applications. Therefore, it can be assumed that no further contributions are deemed necessary.

Other comments submitted relate to construction and general visitor traffic using alternative routes to the site and causing disturbance to existing residents living in the phase 1 scheme. A construction management condition could be imposed to clarify these matters.

Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable Housing Provision. To ensure that the 37 units for rent and 28 units for shared ownership are provided on site and retained as such in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. A financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) in order to address the shortfall of required open space facilities. The open space areas that form part of the scheme shall be privately managed.

A financial contribution will be sought to provide enhancements to communal facilities in the local area such as improvements to the local allotments and refurbishment of the play area off Chestnut Drive. Improvements to the local car park at Lickey Road as well as incidental works such as planters and benches in and around Cofton Hackett would be included in this contribution.

The site lies within the practice areas of three Worcestershire GP surgeries. All three are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to enable the extension of one of the surgeries concerned.

Conclusion

The principle of residential development is considered to be acceptable and whilst there may be an overall shortfall of housing on the East Works site, this shortfall is unlikely to have a detrimental impact on the anticipated housing target set for Longbridge overall. The proposal would not conflict with the Proposals set out in the LAAP, and complies with

policies the adopted Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

Despite one element of the development not fully complying with the Council's SPG on Residential Design, on balance, the layout of the proposal is considered to be acceptable and would otherwise comply with the Council's Residential Design Guide.

RECOMMENDATION:

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) £11,359.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £171,100 as a contribution towards enhancing an existing amenity asset (Lickey Hills) to include refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, and refurbishment of essential features / buildings of the park (details to be finalised).
 - (iii) £47,200 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
 - (iv) £40,149 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery, and/or Barnt Green Surgery, Hewell Road, Barnt Green.
 - (v) The on-site provision of affordable housing to be maintained as such in perpetuity.
 - (vi) The proposed open space provision (informal recreation) included within the application site to be provided /implemented on site and managed as such in perpetuity.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice: (to be finalised)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings approved shall be carried out in accordance with Dwg. No. - Materials Plan.

Reason: To protect the visual amenity of the area.

4. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

5. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

6. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

7. The landscaping scheme including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

8. All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

9. Any encroachment into the BS5837:2012 Root Protection Areas of any of the retained tree stock within the development is constructed with No Dig Construction in conjunction with a porous surface material to allow air/moisture exchange to the rooting environments of the trees on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

10. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local

Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 11.No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 12.No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include
- (a) areas within the site to be used for loading, unloading and manoeuvring,
 - (b) areas within the site to be used for storage of materials and equipment including fuels,
 - (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,
 - (d) proposals to minimise dust from construction
 - (e) construction noise suppression,
 - (f) areas within the site to be used for parking for site personnel, operatives and visitors
 - (g) construction traffic routes,
 - (h) piling techniques,
 - (i) programme of works (including measures for traffic management and operating hours),
 - (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

- 13.Recommendations and noise mitigation measures (applicable to each plot) set out in the Noise Report shall be implemented prior to the first occupation of that dwelling and retained as such in perpetuity.

Reason:- In the interests of amenities for the potential occupiers.

14. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 2b by Alder shall be implemented.

Reason:- In the interests of ecology in the local area.

15. Details of appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) shall be submitted to and approved by the Local Planning Authority. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. The approved scheme shall be implemented before the building(s) hereby permitted are first occupied.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles." AQAP Measure 5.2.10

Informatives

1. The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction: Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>
4. Network Rail informatives.
5. Environment Agency informatives

Plan reference

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Overton	Demolition of existing garage and erection of proposed new dwelling on land to rear of 173 Fininstall Road. 173 Fininstall Road, Bromsgrove, B60 3DD	23.04.2017	16/1182

RECOMMENDATION: That planning permission be Refused.

The applicant for this application is an employee of the Council. This application cannot therefore be determined under Delegated Powers.

Consultations

Fininstall Parish Council Consulted 17.03.2017 and Expired 07.04.2017

I am responding on behalf of Fininstall Parish Council, who feel that this is an overdevelopment of this site.

Highways - Bromsgrove Consulted 17.03.2017 and Expired 07.04.2017

No objection subject to certain conditions and informatives.

Drainage Engineers Internal Planning Consultation Consulted 17.03.2017 and Expired 07.04.2017

Having looked at this consultation I have the following comments to make.

The site falls entirely within flood zone 1 and is not shown to be susceptible to surface water flooding. We hold no reports of flooding in the vicinity.

I have no adverse comments, and since building regulations will apply to ensure proper drainage of the new building I do not believe any drainage conditions are required should you be minded to grant permission.

Development Plans Consulted 17.03.2017 and Expired 07.04.2017

No Comments Received To Date

Arboricultural Officer Consulted 17.03.2017 and Expired 07.04.2017

No objection to the proposed development in view of any tree related matters under the following conditions.

1. The Crab Apple tree standing to the left side of the exiting driveway is give protection in accordance with BS5837:2012 recommendations throughout any ground or development works on the site.

Western Power Distribution Consulted 04.04.2017 and Expires 25 April 2017

No Comments Received To Date

Public Consultation

A site notice was displayed near to the site on 22.03.2017 and expired on 12.04.2017.

3 letters were sent to the residential dwelling houses that directly adjoin the site. These were sent on 21.03.2017 and expired on 11.04.2017.

Neighbour Responses:

3 responses were received from interested parties.

2 of these were in support of the application and highlighted the following matters in their comments:

- The proposed dormer would improve the look of the piece of redundant and ugly looking old garage.
- A garage being replaced with a dwelling can only be seen as an improvement.

The other response was a representation and highlighted the following matters in their comments:

- On the plans the cables to the rear of 173/ 175 are shown as telephone wires. They are in fact overhead mains electricity cables- which would clearly be an issue when it comes to any work.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP21 Natural environment

BDP23 Water management

Others

NPPF National Planning Policy Framework

NPPG National Planning Policy Guidance

SPG1 Residential Design Guide

Relevant Planning History

15/1014	Formation of new vehicular access to Finstall Road	Approved	06.01.2016
BR/51/1963	The erection of a garage and the construction of a vehicular access.	Approved	12.03.1963
BR/740/1962	New access and construction of garage.	Refused	11.12.1962

Assessment of Proposal

Introduction

The application site currently forms part of the rear garden of No. 173 Finstall Road, Bromsgrove. There is a detached single garage within the rear garden which has its own vehicular access off Alcester Road. The proposal is to demolish the garage and erect a new 1 bedroom dormer bungalow that would face onto and be accessed via Alcester Road.

The site is situated entirely within the Green Belt and the defined settlement of Finstall.

Green Belt

Policies BDP4 of the Bromsgrove District Plan and paragraph 89 of the NPPF set out the exceptions to inappropriate development. One of the exceptions listed is the limited infilling in Green Belt Settlements. Limited infilling is not defined in the NPPF or within the Bromsgrove District Plan, however it is usually accepted that limited infilling normally comprises the development of a modest sized gap in an otherwise substantially built-up frontage which is broadly linear in formation.

The site does face onto Alcester Road and does have built form to the western side that faces onto Alcester Road that is broadly linear in formation. However to the eastern side of the application site there are no dwellings houses only the rear gardens of the houses that face onto Alcester Road. The application site is not therefore considered to be a modest size gap within a substantially built up frontage and as such it cannot be accepted to be a limited infill plot.

The proposed new dwelling therefore does not fall within any of the exceptions set out within BDP4 of the Bromsgrove District Plan or paragraph 89 of the NPPF and is therefore considered to be an inappropriate form of development. As well as this Paragraph 79 of the NPPF highlights the essential characteristics of Green Belts are their openness and their permanence. This is no doubt that a new dwelling will have a substantial impact on openness and undermine the permanence of the Green Belt in this locality.

Very Special Circumstances

The applicant has put forward no very special circumstances case in this instance. No circumstances are apparent from visiting the site that could amount to a very special circumstances case.

In conclusion there are no very special circumstances that would clearly outweigh the substantial and permanent harm that would be caused to the Green Belt. The proposal is therefore contrary to Policy BDP4 of the Bromsgrove District Plan and the NPPF.

Character of locality

The Alcester Road, Finstall is made up of a variety of house types, however all of the properties in the locality of the application site that front on to the Alcester Road are large

dwelling houses situated within wide plots, that are set back from the road following a set building line.

The proposed dwelling house would be a small dormer bungalow situated within a narrow plot that would front onto the Alcester Road. It would be set back from the road, although would be situated forward of the set building line that the other properties to the west of the application site follow.

It is therefore considered that the siting and scale of the proposal would result in an unacceptable form of development that is contrary to the identified character and appearance of the locality, contrary to policy BDP19 of the Bromsgrove District Plan and the NPPF.

Residential Amenity

The proposed dwelling is shown to have a rear garden with a total length of approximately 5 metres, and so it is shown to be within close proximity of the existing dwellings houses at the rear of the application site. The proposed dwelling is however a 1.5 storey dormer bungalow, with 1 window in the rear elevation at first floor level. This window is shown to be a roof light that would be positioned approximately 1.6 metres above the finished floor level. It is also noted that there are no side windows proposed. Because of this it is not considered that the proposal would have an adverse impact on the amenities of the occupiers of the residential properties at the rear of the site.

The site is in a more elevated position than that of the adjacent dwelling house (No. 22 Alcester Road) and would be situated forward of the front elevation of it. However because of the siting and design of the proposed dwelling house it is not considered that it would have an overbearing impact on the occupiers of this dwelling house.

Overall therefore it is not expected that the proposed development would have any undue impact on residential amenity.

Highways

No objection has been raised by Worcestershire Highways subject to certain conditions.

Electricity lines

Western Power has been consulted on the application following comments received from a neighbouring occupier regarding the presence of electricity lines that are situated to the rear of the site. No comments have as yet been received from Western Power regarding this matter.

Conclusion

Overall it is considered that the proposal would amount to an inappropriate form of development in the Green Belt to which no very special circumstances exist. In addition it is considered that the siting and scale of the proposed dwelling would detract rather than enhance the character and distinctiveness of the locality of the site. The proposal is therefore contrary to policies BDP4 and BDP19 of the BDP and the NPPF.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

- 1) The proposed building does not fall within any of the categories of appropriate development specified in Policies BDP4 of the Bromsgrove District Plan 2017 (BDP) or at paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Thus, the building constitutes an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt.
- 2) The siting and scale of the proposal would result in an unacceptable form of development that is contrary to the character and distinctiveness of the locality, contrary to policy BDP19 of the Bromsgrove District Plan 2017, the provisions of SPG1 and the NPPF.

Case Officer: Ruth Lambert

Tel: 01527 881373

Email: Ruth.lambert@bromsgroveandredditch.gov.uk

This page is intentionally left blank

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs Alex Dentith	Front, rear and side extensions 43 Westfields, Catshill, Bromsgrove, Worcestershire, B61 9HJ	01.05.2017	17/0186

RECOMMENDATION: That planning permission be **Refused**

Consultations

Catshill and North Marlbrook Parish Council

The Parish Council neither objected nor supported the application.

Public Consultation Response

A representation has been received raising concerns which are summarised as follows:

- Over-development of the property
- Front extension is inappropriate
- The rear extension is very large and would cause overshadowing

Relevant Policies

Bromsgrove District Plan

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework
SPG1 – Residential Design Guide

Relevant Planning History

B/18110/19	Porch and bedroom extensions.	Approved	10.07.1989
------------	-------------------------------	----------	------------

Site Description

43 Westfields is set within a residential cul-de-sac accessed off Stourbridge Road, Catshill. The dwelling is situated in an elevated position with the whole of Westfields sloping steeply up from its junction with Stourbridge Road. The majority of the dwellings that comprise Westfields are of a similar age and whilst there is a variety of style of dwellings, largely designed to account for the prevailing topography throughout the cul-de-sac, there are clear groups of similar style dwellings. In the case of number 43, the property appears from the highway to be a two-storey property, however, the accommodation is arranged across four floors to account for the slope upwards from front

to back. The land to the rear of the property is extensively elevated and in essence the property is set in a 'hillside' position.

Assessment of Proposal

The application site is situated within a residential area of Bromsgrove where there is a general presumption in favour of domestic extensions where the proposals contribute positively to the local character of the area and where the development proposed does not impinge upon the amenities enjoyed by the occupiers of nearby residents.

While all development proposals still have to be assessed on their own merits, the 45 degree rule complements the guidance on the scale extensions and aims to avoid the problem of overshadowing and loss of outlook. I am satisfied that the proposed rear and side extensions would comply with the 45 degree rule having regard to the rear windows at no. 45 Westfields and would not cause an unacceptable loss of light to the neighbouring occupiers.

With regards to the proposed front extension, which would create three larger bedrooms, I consider that the proposed extension forward of the dominant building line which this part of Westfields is characterised by would disturb the harmony to the run of the seven similar styled houses. I consider that this would not contribute positively to the local character of this section of Westfields and the design does not reflect or complement the local surroundings, which is largely devoid of such extensions. The extension would have a detrimental impact harming the visual amenity of the of the area contrary to BDP 19 of the Bromsgrove Local Plan together with the guidance contained with Paragraph 64 of the National Planning Policy Framework which states that permission should be refused for developments of poor design that fail to take the opportunities available for improving the character and quality of the area and the way it functions.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The proposed lower ground floor single storey front extension would project forward of the dominant building line which forms the character of this part of Westfields. The proposal would therefore appear prominent within the street scene and would not enhance the character and distinctiveness of the local area of Westfields. As such, the development would be contrary to BDP19 of the adopted Bromsgrove District Plan.

The guidance contained in Paragraph 64 of the National Planning Policy Framework states that permission should be refused for developments of poor design that fail to take the opportunities available for improving the character and quality of the area and the way it functions

Case Officer: Sue Lattimer Tel: 01527 881336
Email: s.lattimer@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Wythall Park Association	Formation of linear pathways within the boundary of the park and placing of equipment to facilitate outdoor gym. Wythall Park, Silver Street, Wythall, Bromsgrove, Worcestershire B47 6LZ	12.06.2017	17/0207

The agent acting on behalf of Wythall Park Association is a member of staff at Bromsgrove District Council; therefore the application is to be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be Granted.

Consultations

Wythall Parish Council Consulted 16.03.2017

Wythall Parish Council has no objection to this planning application.

Ramblers Association Consulted 16.03.2017

The new footpaths which are now proposed will further add to the value of the network of paths available for leisure walkers and Ramblers is therefore very supportive of this application.

Public Right of Way Officer Consulted 16.03.2017

The proposals should have no detrimental effect on the public rights of way.

Drainage Engineers Internal Planning Consultation Consulted 16.03.2017

I have no adverse comments subject to condition.

Health and Safety Executive Consulted 07.04.2017

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Publicity

19 neighbour letters were sent on 16.03.2017 and expired on 06.04.2017. One letter of objection has been received following the neighbour notification. The contents of which is summarised as follows;

- No objection to the principle of the development.
- No specific constructions details given (NB: The material proposed is tarmac as confirmed in Q10 of the application form)

Plan reference

- Sighting of exercise equipment directly at the back of Gorse Cottage
- The copse is a regular place for teenagers and anti-social behaviour

A site notice was placed on site on 17.03.2017 and expired on 07.04.2017 and an advert was placed in the Bromsgrove Standard on 24.03.2017 expiring on 07.04.2017. No letters have been received as a result of this consultation.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP12 Sustainable Communities
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

08/0645	Installation of one multi user games arena and teen shelter.	Approved	13.08.2008
08/0653	Installation of Risky Play equipment on mounded area of Wythall Park	Approved	18.08.2008
08/0924	Redevelopment of existing 1st Tidbury Green (Wythall) Scout group headquarters including single storey extensions to the side and rear of the existing premises	Refused	18.12.2008

Assessment of Proposal

This application relates to an established public park located on the northern side of Silver Street. The majority of the site is open in character, with a cluster of brick buildings relating to Wythall House and Park Hall to the south-east corner. Residential dwellings are located to the perimeter of the site. The site is located within the Green Belt.

The development of new buildings in the Green Belt is considered to be inappropriate. BDP4 of the Bromsgrove District Local Plan 2011-2030 and paragraph 89 of the NPPF set out the exceptions to inappropriate development. One of the exceptions listed is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries,

as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Given the nature of the proposal in an established park the exercise machines and footpath is not considered to have a harmful impact upon the openness of the Green Belt in this location and therefore the proposal can be classified as an appropriate form of development in the Green Belt.

BDP25 states that the Council will support proposals and activities that protect, retain or enhance existing sport, recreational and amenity assets. This will include greater access to and enjoyment of the countryside. Furthermore BDP25 states that the Council will support opportunities for healthy and active lifestyles through providing access to sport, leisure and recreation facilities.

The objection raised by the neighbouring property Gorse Cottage is noted. However given the established uses of the park, the relationship of the new facilities and their distance from the residential properties, I do not consider the proposals will lead to a detrimental loss of residential amenity to this property or any other property adjacent to the park. It is noted the concerns raised in regards to anti-social behaviour on the site, however these issues should be dealt with through other legislation.

Following the DEFRA ministerial statement made in 2015, there is an expectation for sustainable drainage systems to be considered and implemented wherever possible in major applications. The drainage engineer has suggested a condition to be placed on this application requiring details of the drainage scheme proposed on this site. However, although on site area the scheme is a major, it is considered the scale of development taking place in this location would not justify the use of a drainage condition in this instance.

For the reasons stated above the proposal is considered to be in accordance with the Development Plan. No objections have been received from the consultees in respect of this application.

RECOMMENDATION: That planning permission be GRANTED.

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: - In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

P2232.24E Site Layout Plan
6210-070 Cycle
5104-020 Chest Press

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives

- 1) This application has been assessed in accordance with the relevant local and national planning policies and is considered an acceptable form of development given the location and design.
- 2) The developer should be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

Case Officer: Emily Farmer Tel: 01527 881657
Email: emily.farmer@bromsgroveandredditch.gov.uk